

The Infinity Project

www.theinfinityproject.org

The Infinity Project's mission is to increase the gender diversity of the federal bench to ensure the quality of justice in the Eighth Circuit.

Organization Accomplishments

The Infinity project has accomplished much since its founding two years ago with the significant in-kind contributions of the founders, operating support from the Open Society Institute, and a small staff.

Infrastructure development

What started out as a conversation between four Minnesota women concerned about the Eighth Circuit Court of Appeals has grown in to a successful multi-state organization in a few short years. Over that time the organization has moved through a pattern of growth and developmental stages from flat informal collaboration of individuals towards greater formalization and hierarchy. The success of the project over time has made its initial informal structure inefficient and led project leaders to develop a more traditional organizational structure that is governed by a board and run by a part time executive director. A more developed governing structure will meet short-term goals and ensure long-term success. With this new structure in place, the project is poised to take the organization to the next level and capitalize on the momentum generated by the project's compelling mission and messengers and replicate the wide spread support and visibility of the project in Minnesota in other circuit states. As part of these efforts, Minnesota organizers have constituted a board and developed bylaws. The board includes prominent male and female judges, attorneys, tenured faculty and opinion leaders. Please see the attached board roster for our 2010 Infinity Project board. Deb Fitzpatrick continues to serve as the Executive Director. Also, a growing number of law student research assistants from around the circuit contribute to the work of the Infinity Project.

Circuit organizing

Project founders spent a large part of the first year identifying point people in the other six circuit states to help advance the project mission. Since most appointments to the appeals court are assigned to a specific state, it is unclear which state and its senators will control the next opening to the Eighth Circuit bench. Preparing in all seven states is critical.

On October 17-18, 2008, the Infinity Project met in Minneapolis to hold a seven-state organizing conference. OSI funded the conference. Nearly 170 people heard University of Maryland School of Law Professor Sherrilyn Ifill argue for the importance of a diverse bench. Eighth Circuit Judges Diana Murphy and Michael Melloy spoke about the work of the court, the kinds of cases it hears, and how the current judges came to be there. More than 30 identified organizers from across the circuit then met in closed session to organize and construct their campaign for change. Women, who had been interviewed for appointments in the past, as well as leading law professors and attorneys in private practice, participated in these discussions. One or two representatives from each of the states present agreed to be part of an all-state steering committee to exchange information and continue cross-circuit relationships.

In conjunction with a media training held in June 2009, the project invited former Idaho Supreme Court Judge Cathy Silak to talk about her path to the bench, her experiences as a judge, and the importance of women on the bench. Law school students and faculty, attorneys, and Minnesota judges participated in the talk. Following the talk, the project organized a dinner for representatives from the circuit states. Circuit state representatives updated each other on progress and challenges, deepened relationships, and discussed strategy.

Throughout 2009, the project held periodic conference calls for the all-state steering committee. Each call included information sharing, problem solving and celebrating by state representatives. These calls provided an opportunity for participants to brainstorm, to re-energize, to receive positive reinforcement for their efforts, and to be held accountable for commitments made to the project. The all-state steering committee also contributed to the growth and development of a circuit-wide community and culture within the Infinity Project governing model.

Supporter growth and diversification

Within Minnesota, as the best example of our work, the project supporter base has increased dramatically over the past two years, from four to several hundred. Infinity Project acknowledges that many supporters are also members and leaders of MWL and the two organizations have tremendous mutual support. In 2007-08, project leaders formed a committee to work on garnering support of additional organizations both inside and outside the legal community.

Within the legal community, the project placed emphasis on creating stronger connections to and support from minority bar associations. By 2009, the Minnesota American Indian Bar Association, the Minnesota Lavender Bar Association, and the Minnesota Association of Black Lawyers had all signed on as supporters. In August 2009, the Infinity Project also teamed up with the Hispanic Bar Association to co-sponsor a celebration of the Sotomayor confirmation. More than 700 people attended the Sotomayor event and the Infinity Project presented its mission and efforts to the group, with an invitation to become involved. We also worked on generational diversity, expanding our connections in the law schools, reaching out to women law student groups, and securing the endorsement from groups such as the University of Minnesota Law School Student Diversity Committee.

Prominent supporters also include male and female law school deans, sitting and retired judges, partners and practicing attorneys in prestigious law firms, mainstream women-centered nonprofits such as the Minnesota Women's Consortium and League of Women Voters, and political scientists and legal scholars from across the circuit.

Increased awareness and knowledge

Several mutually reinforcing efforts to educate opinion leaders and raise awareness about the project and its mission were intertwined with efforts to build support in Minnesota and across the circuit. Project supporters spoke about the lack of gender diversity on the Eighth Circuit within their circles of influence (which were significant) and raised awareness about the issue and the project's efforts to address it. These informal conversations, in addition to traditional information dissemination venues such as networking events, conference panels and speaking opportunities, created a lot of talk about the issue and the project that has continued to spread within the circuit and beyond to national audiences. For example, when Sherrilyn Ifill prepared to speak at the circuit-wide organizing meeting, she became more deeply aware and more deeply

committed to gender diversity on the bench, and went on to write national pieces referencing gender inequity within the federal appeals courts, and started efforts in her own circuit to organize.

The project shined a bright light on the historical “behind closed doors” nature of the appointment process that has resulted in only one female appointment out of 61 over the span of 119 years. Prior applicants shared their experiences and questionnaires with potential applicants and the project made it clear to political leaders that someone would be looking out for equitable processes and equitable outcomes where federal judicial appointments are concerned. In Minnesota, for example, Infinity Project sent letters to Senator Klobuchar’s nomination committee co-chairs to highlight the reasons why diversity is important to the bench, our communities and the administration of justice. In addition, the project educated supporters about how to engage in the process and hold key players in the system accountable.

The project created a listserv and website for the project to feed information (media on the project, media on women judges, developments within the circuit) to supporters on a continuous basis. Through these mechanisms, the project educated supporters about the importance of diversity on the bench and reminded them about the importance of the work and their need to contribute to a solution on a regular basis. Media coverage also reinforced continuous discussions among legal elites about the project as discussed next.

Media training and earned media

The Open Society Institute arranged for the Communications Consortium Media Center to improve the media and communication skills of organizers from throughout the circuit. On June 17, 2009, almost 30 participants from five circuit states gathered at the Humphrey Institute to hone and practice the Infinity Project message, using the latest polling data and best practices in message development. Participants tried out messages on camera followed by a group critique. The project preserved the most effective answers and presentation styles and will be made available in a secure area of the web site.

The training built on successful efforts in Minnesota and Missouri to obtain project coverage in legal publications and newsletters, as well as on public radio. Missouri organizers were able to use articles in *Minnesota Lawyer* as models when successfully pitching a much more extensive article to the *Missouri Lawyers Weekly*. The project has built a solid set of examples for organizers to use and modify for their own publications. Minnesota organizers were able to take the techniques learned in the training and turn them in to a supportive editorial in the *Minneapolis Star Tribune*. This editorial and other sample pieces are available on the web site to provide models for state organizers. Minnesota Women Lawyers remains collaborative in exploring opportunities to advance common goals in our respective missions and to that end, they have published several articles about the efforts of the Infinity Project.

Please visit our web site to view the publications generated to date (over 20 communications as of January 28, 2010, with a law journal article accepted for publication).

National prominence

The Infinity Project has become a national model for action on judicial diversity. OSI has also played an instrumental role in connecting the project to national groups committed to diversity on the bench and a strong and independent judiciary and advancing the Infinity approach.

Representatives of the project have presented at a variety of national meetings, including Justice at Stake, the ABA, the National Women's Law Center, and the Gender and Judging Conference (Washington, D.C.). Through these meetings, the project has gained stature and learned from researchers and those undertaking similar efforts across the country. Through these meetings, the project has also been able to identify overlapping interests and possible collaborators.

Political connections

Historically, deference to home state senators (particularly of the President's party) has been common in federal judicial appointments. Thus, the project is focused on cultivating connections and professional relationships with sitting senators across the circuit. Organizers in each of the states have mined supporters for pre-existing connections and long-standing relationships that have been used to reach senators with the Infinity Project message and make senators and their staff aware that a constituency in favor of gender diversity in federal court appointments exists in their state. The project has paid particular attention to states where there have been federal district court openings. Strong direct relationships have been built with Senators Klobuchar, Franken (both members of the Senate Judiciary committee), McCaskill, and Lincoln, as well as their staff members working on judicial appointments and women's issues. The project employed a similar strategy for connecting with the Obama administration. The project sent letters to key decision-makers on judicial appointments within the administration and followed up with contacts from project supporters who had a prior relationship with these individuals.

District court organizing

Since many federal appeals court judges have had prior experience as a federal district court judge and gender parity is far from a reality at this level either, these appointments grown in interest to the Infinity Project. While there have not been any openings at the Eighth Circuit level since the project's inception, district court openings in South Dakota, Arkansas and Minnesota have provided important organizing opportunities. Openings in Missouri and anticipated openings in Nebraska and North Dakota will be critical opportunities for the project. Project supporters in Arkansas implemented a robust and successful effort to recruit highly qualified women candidates in collaborations with their women lawyers group, apply pressure on their senators, and raise awareness, resulting in half of the candidates on the short list for two district court openings being women (2 out of 4). While South Dakota efforts to organize around a district court opening were not as successful (no women were recommended), the opportunity energized project supporters and gave them important opportunities to share the message. In Minnesota, the Project engaged supporters in recruitment efforts for a recent district court opening and activated connections to the senior senator and a committee she has appointed to help her make recommendations to the President. The Infinity Project has also shared information on the application process with potential applicants. Ultimately, that committee recommended a woman magistrate judge for the opening.

Recent efforts

The project is working with expanded sets of organizers in all of the circuit states to create more states with Minnesota level awareness, participation and organization. As part of these targeted efforts, the project will host and fund an event or training session appropriate to the state. Potential events are currently being organized for spring and summer in Iowa, Nebraska, Missouri, and Arkansas. The event may involve sitting judges in the state or other speakers that will raise public awareness about the lack of women on the federal bench or training for women

aspiring to the bench. In all of these states active partnerships with the women's section and minority sections of the bar association and/or women lawyers associations are an important element.

The project is working to achieve greater integration with the Eighth Circuit Judicial Conference. The conference provides an opportunity to organize across the circuit, expand awareness and integrate diversity issues into pre-existing regional convening. Infinity Project has been in contact with Chief Judge Michael Davis (Chair of the 2010 8th Circuit Judicial Conference) and is currently evaluating several options for collaboration at its August, 2010 Judicial Conference in Minnesota.

Infinity Project continues to expand its relationship with other organizations as well. Infinity Project has been in contact with Diane Bratvold, President of the Association of the Bar of the United States Court of Appeals for the Eighth Circuit, to discuss other innovative ways to collaborate. Infinity Project has also been invited to collaborate on an elimination of bias CLE with the Minnesota Association for Justice and the Minnesota Defense Lawyers Association in June, 2010. Infinity Project has also been invited to participate in the MSBA's Minority Bar Summit convened by MSBA President Leo Brisbois.

The Infinity Project is working through national channels to make diversity an important part of the fair courts movement. Most recently, the project participated in Justice at Stake's five year strategic planning meeting in New York. At that meeting, the project successfully made the case for bringing the work of this umbrella organization and its member organizations committed to fair courts on board with a diversity message. In order to have legitimacy and provide equal justice under the law our courts need to look more like America.

The project continues to disseminate information about the project. A major overhaul of our web site is underway, including member only sections that include sample messaging and strategic information for candidates. Our Facebook and Twittering capabilities are being upgraded and integrated in to a broader dissemination plan and other social media tools are being evaluated as part of a developing communications plan.

In sum, the Infinity Project looks forward to expanding its growing sphere of impact and credibility to advance its important mission and to ensure the quality of justice in the Eighth Circuit.