

**NAWJ RESOLUTION REGARDING EXEMPTING INDIANA FROM
THE OCTOBER 9, 2021, LIST OF STATES COVERED BY
THE NAWJ RESOLUTION**

WHEREAS, since its formation in 1979, the National Association of Women Judges, Inc. (NAWJ) has been a leader in the efforts to achieve fairness and equality for vulnerable populations;

WHEREAS, the National Association of Women Judges prioritizes its mission to advance diversity and inclusion at all levels regardless of race, ethnicity, age, gender, religion, sexual orientation, gender identity, gender expression, disability, economic status, and other diverse backgrounds;

WHEREAS, NAWJ's goal is to eliminate bias and enhance diversity and inclusion of traditionally excluded groups not only within NAWJ, but in the legal profession in the United States and internationally;

WHEREAS, NAWJ also is committed to ensuring inclusion and protection against discrimination of its members during NAWJ conferences held in venues around the country;

WHEREAS, because of the passage or repeal of laws which result in discrimination on the basis of sexual orientation, gender identity or gender expression, our members and the populations we serve in such locales may be subjected to discrimination, arrest, or maltreatment;

WHEREAS, on October 6, 2021, the NAWJ Site Selection Committee recommended and the Board of Directors approved Indianapolis as the venue for the 2023 Annual Conference;

WHEREAS, on October 9, 2021, the NAWJ members passed a Resolution (the "2021 Resolution"), which provides that "NAWJ will not sponsor or hold any mid-year or annual meetings or conferences in states that have voided or repealed state or local protections against discrimination on the basis of sexual orientation, gender identity or gender expression, or have enacted laws that authorize or mandate discrimination on the basis of sexual orientation, gender identity or gender expression.";

WHEREAS, On October 9, 2021, the then current list of states did not include Indiana;

WHEREAS, On November 23, 2021, NAWJ executed a contract with the Westin Indianapolis Hotel ("the Westin") to reserve the venue for the October 2023 Conference.

WHEREAS, On July 1, 2022, eight months after entering into the contract with the Westin, Indiana was added to the list of States which the California Attorney General has deemed to have enacted laws that authorize or mandate discrimination on the basis of sexual orientation, gender identity or gender expression, or have enacted laws that authorize or mandate discrimination on the basis of sexual orientation, gender identity or gender expression;

WHEREAS, the 2021 Resolution provides that the list “shall be updated as necessary and shall conform to the lists maintained by those states which track the enactment of such legislation, including, but not limited to, the State of California’s Attorney General’s office.”;

WHEREAS, the 2021 Resolution requires NAWJ to add, retroactively, Indiana to that list of states;

WHEREAS, the legislation, Indiana Assembly Bill 1041, which caused Indiana to be placed on the California Attorney General’s list, and does not impact the stated reasons espoused by the proponents of the 2021 Resolution, reads as follows:

“Participation in school sports. Requires, for purposes of interscholastic athletic events, school corporations, public schools, nonpublic schools, and certain athletic associations to expressly designate an athletic team or sport as one of the following: (1) A male, men's, or boys' team or sport. (2) A female, women's, or girls' team or sport. (3) A coeducational or mixed team or sport. Prohibits a male, based on the student's biological sex at birth in accordance with the student's genetics and reproductive biology, from participating on an athletic team or sport designated as being a female, women's, or girls' athletic team or sport.”;

WHEREAS, Marion County, in which Indianapolis is located, has enacted an Ordinance, Chapter 581 which provides as follows:

“Discriminatory practice means and includes the following:

The exclusion from or failure or refusal to extend to any person equal opportunities or any difference in the treatment of any person by reason of race, sex, sexual orientation, gender identity, religion, color, national origin or ancestry, disability, age, or United States military service veteran status”;

WHEREAS, in the months following the approval of Indianapolis as the 2023 site, NAWJ has expended a significant amount time, money and resources, including the time expended by staff in preparing for the 2023 Conference;

WHEREAS, NAWJ members from District 8 which comprises Indiana have likewise expended time and effort in planning the conference, to wit: organizing the Planning and the Friends Committees, spending NAWJ funds on a Friends Committee launch party, creation of a logo, travel and time for site visits;

WHEREAS the Friends Committee and staff have begun to secure sponsorship commitments to assist in funding the 2023 Conference;

WHEREAS, NAWJ Board Members have a fiduciary duty to ensure the continued sustainability of the organization and have determined that canceling the current contract with the Westin will: 1) come at a significant expense to NAWJ, 2) expose NAWJ to potential legal action for breach of contract, 3) require a return of sponsorship funds that have been

collected and committed, and 4) result in a significantly greater expense to find a new venue on short notice;

WHEREAS, NAWJ members serve in all jurisdictions, including all states and administrative and military tribunals, making the NAWJ a truly national and inclusive organization with a goal of ensuring all its members are able to participate fully in all programs and initiatives of the organization, including the hosting of its annual conference;

WHEREAS, in furtherance of NAWJ's mission, the 2019-20 Executive Committee of NAWJ formulated a committee to develop a Diversity/Inclusion Action Plan ("the Plan") which was approved by the 2020-21 Executive Committee at its July meeting and adopted by the members at the Annual Board Meeting in Nashville. The Plan provides for a Standing Committee on Diversity & Inclusion committee to coordinate and monitor NAWJ's operations and programs to make sure all diverse members, including LGBTQ+ members have opportunities for leadership positions, on committees and on panels during our programs;

WHEREAS, the NAWJ Executive Committee passed an Annual Conference Site Selection Anti-Discrimination Policy on October 9, 2021, requiring that the Annual Site Selection Committee's process shall include, as one of its criteria, that the potential conference chair affirms the ability of that location to deliver and maintain an environment that is safe, healthy, free from the effects of discrimination sanctioned by state or local laws, and respects the dignity of all persons;

WHEREAS, NAWJ's site selection committee, even without a mandate from the Executive Committee or Board, has done its own due diligence to research and confirm that proposed locations for our Annual Meeting would in fact be safe, healthy, and nondiscriminatory sites before submitting the site for approval first by the Executive Committee and finally by the Board at the Annual Meeting.

THEREFORE, be it Resolved that NAWJ shall exempt Indiana from the list of states affected by the 2021 Resolution for purposes of allowing the 2023 Conference to go forward in Indiana as scheduled.



Hon. Elizabeth White, (Ret.)
President, NAWJ
October 22, 2022