

Statement for the Record
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U.S. House Committee on Oversight and Government Reform
Task Force on Defending Constitutional Rights and Exposing Institutional Abuse
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Chairman Gill, Ranking Member Simon, and distinguished Members of the Task Force: Thank you for the opportunity to appear here today.

My name is Michelle Behnke, and I serve as the President of the American Bar Association, a nonpartisan membership organization open to all American lawyers. I practice law in Madison, Wisconsin, where my husband and I raised our two adult children. I have been a lawyer for almost 40 years, focusing on real estate law, business law, and estate planning.

I began my one-year term as President of the ABA last August. Each and every day, I'm proud to represent our 250,000 members from every state across the country and all walks of life. Our members come from red states and blue states, they range from solo practitioners to lawyers in big firms, and their practices include everything from family law, to criminal defense, to commercial contracts or litigation. When the ABA, as an organization, takes a position, it reflects the considered judgment of this diverse membership.

The ABA has been carrying out our mission to serve and strengthen the American legal system for nearly 150 years. As the national representative and voice of the legal profession, we are dedicated to serving the legal community and the public by defending liberty and pursuing justice.

The rule of law does not defend itself, lawyers do. That is why I chose to serve in this role. It's also why I want to directly address the subject of today's hearing.

The ABA is deeply committed to fostering a justice system that everyone in America can have access to and confidence in. When our practice is open, inclusive, and unbiased, we attract a wider range of talent and perspectives.

Diversity and excellence are not mutually exclusive. In fact, the opposite is true: Diversity, equity, and inclusion initiatives enhance merit within the legal profession. When we have diverse teams, our profession is stronger. It enhances our ability to solve our clients' problems when we can tap into the varied experiences and perspectives of people from every background and every community.

When someone asks me whether we have arrived at a truly open profession, I think back to my parents. When *Brown v. Board of Education* was decided in 1954 — the decision that dismantled the legal framework of “separate but equal” — my mother and father were only 12 years old, living in Mississippi. Segregation and legalized racial discrimination shaped the world they grew up in. Their daughter later became the first Black woman to serve as President of the State Bar of Wisconsin — and now I sit before you as the President of the American Bar Association.

Our story is proof that there has been progress. But there is still more work to do. The data shows women, lawyers of color, and other groups remain drastically underrepresented in the American legal community.

As of 2025, men make up two thirds of law firm partners and over three quarters of equity partners. 78.5% of U.S. lawyers are white, compared to just over 55% of the U.S. population. Black Americans make up about 13.5% of the U.S. population, but only 4.9% of U.S. lawyers — a number that is unchanged over the past decade. And Black lawyers make up just 2.5% of law firm partners. Only about 19% of general counsels in the Fortune 1000 are non-white, and only 34.2% are women.

Those numbers show progress from the world my parents grew up in, but they also demonstrate that barriers still remain — barriers that prevent talented individuals from pursuing legal careers and from rising within the profession once they enter it. Working to identify and reduce those barriers enhances merit within the legal profession itself by ensuring everyone has an opportunity to bring their capabilities to the practice of law. That is what a true meritocracy looks like — and that is what the ABA is striving toward.

Next, I'd like to speak to the importance of national law school accreditation to the American legal system. The Council of the ABA's Section of Legal Education and Admissions to the Bar has been recognized by the Department of Education as the national accrediting agency for J.D. programs for more than 70 years.

The Council is separate and independent from the ABA. This separation is legally required by the Department of Education. While I can't speak for the Council, I can tell you what the Council's work means for the American public and for potential law students: When someone walks into a lawyer's office facing a divorce, a criminal charge, or a business dispute — they are not in a position to audit that lawyer's legal education. They have to trust that the lawyer received a quality education. The accreditation system is what makes that trust possible. The Council's accreditation system is also a promise to every law student that their degree will be portable, not just in the state where they went to school, but anywhere in the country they choose to build their life and career.

Finally, I'd like to tell you about the ABA's role evaluating judicial nominees. The ABA believes it has a public service responsibility to help ensure a qualified federal judiciary, and it has carried out that responsibility under both Democratic and Republican administrations alike for generations. The ABA Standing Committee on the Federal Judiciary, which conducts the evaluations, is operationally insulated from the ABA and is made up of volunteer lawyers who donate hundreds of hours of their time annually — at no cost to the taxpayer. They evaluate the professional qualifications of judicial nominees using publicly available criteria.

Over the past two decades — including the first Trump administration — the Standing Committee has issued Well Qualified or Qualified ratings to nearly 97% of nominees. Senators from both sides of the political spectrum have valued the Standing Committee's evaluations as an independent, nonpartisan tool to help inform their review of judicial nominees for lifetime appointments.

In closing, I want to underscore: At the ABA, we believe in a legal profession that is open to anyone with the talent and the drive to serve. And we believe in the rule of law that guarantees the fundamental rights of every American.

Thank you, again, for this opportunity to be with you today. I look forward to your questions.