

## **Proposal to Change Name of the Board of Bar Overseers**

### **Amending Rule 4:01 Section 5 to change the name Board of Bar Overseers to Board of Bar Oversight**

#### **Explanation for Proposed Amendment**

In 2020, following the murder of George Floyd, the Board of Bar Overseers (“board”) issued a statement that acknowledged the “centuries of racism in our country against African-Americans.” The board proclaimed that, “We want our African American colleagues, as well as lawyers of all backgrounds, to know they are a valuable part of our legal community. We stand in solidarity with them.” Recognizing that “words are not enough,” the board committed to take concrete steps toward racial justice. Since then, the board has formed a Diversity, Equity and Inclusion (DEI) Task Force and hired its first-ever Director of DEI. We have worked to educate ourselves about the history of racism in the United States and to enhance racial justice in the legal profession.

As part of our effort, the board has considered its name. The word “overseer” has a pernicious history in our country, tied inextricably to chattel slavery. On southern plantations, an overseer was the slaveowner’s delegate in day-to-day governance, trusted to enforce order and obedience. Overseers were the most visible representatives of white supremacy. As defined in the Online Etymology Dictionary, an overseer was “one who has charge, under the owner or manager, of the work done on a plantation.” In autobiographies by slaves such as Frederick Douglass and Solomon Northup (“Twelve Years a Slave”), overseers were described as heartless, brutal and cruel. They were an inevitable and indispensable product of an economy built on human chattel. As noted by University of Louisville president Neeli Bendapudi, “The term overseer is a racialized term. It harkens back to American slavery and reminds us of the brutality of the conditions and treatment of black people during this time.” We agree with this statement.

Accordingly, the board proposes that the Supreme Judicial Court change the name of the organization from Board of Bar Overseers to Board of Bar Oversight. While “oversight” has a similar meaning and purpose to “overseer,” it elides the negative historical connotations. Changing the name to Board of Bar Oversight allows the board to continue to use the abbreviation “BBO,” which is a well-known acronym in the Massachusetts bar. We aim for minimal disruption. To be effective, the change must originate with the SJC, which established the board in 1974. Section 5(1) of SJC Rule 4:01, establishes and names the Board of Bar Overseers. Section 5(3) sets forth the authority and role of the board. Both rules refer specifically to the “Board of Bar Overseers” and both would have to be amended to refer to the “Board of Bar Oversight.” In addition, we propose that all references in the rules of the SJC be amended accordingly to Board of Bar Oversight.<sup>1</sup>

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<sup>1</sup> There are approximately 69 references to “Board of Bar Overseers” in the rules and standing orders of the various courts of the commonwealth, including the Supreme Judicial Court and the Board of Bar Overseers. These are listed on the attached Exhibit “A.”