

Epoch: Going Beyond a Racial Reckoning

THE DEANS' ROUNDTABLE

Majidah Cochran: Hello, everyone. Thank you for joining in on this very important and timely discussion. Thank you, Ray, for that warm introduction. As Ray mentioned, my name is Majidah, and I have the honor of introducing this session's distinguished speakers. Before I do that, I wanted to highlight two major anniversaries that we're celebrating today.

First, on this day in 1869, the 15th Amendment, which guaranteed the right to vote was sent out to the States for ratification. Second, in 1926, Carter G. Woodson started Negro History Week, which we are celebrating right now—Black History Month. Let me take this opportunity to celebrate the history that makes us and wish you all a very happy Black History Month.

At this time, I will be doing an introduction of our speakers, and I will begin with Dean Angela Onwuachi-Willig of Boston University School of Law. She's the author of *According to Our Hearts: Rhinelander v. Rhinelander and the Law of the Multiracial Family* and many articles from leading law journals from across the country.

Aside from her work as an author and a scholar, she has been awarded numerous teaching awards and as a former Iowa Supreme Court finalist, a recipient of the Law and Society's John Hope Franklin Award, and an elected member of the American Law Institute.

Recently in January 2021, she was selected along with four other Black woman law deans to be an inaugural recipient of the AALS Impact Award in recognition of her collaborative work on the Law Deans Anti-Racist Clearinghouse Project.

Angela, thank you so much for being very pivotal in providing us with the speakers that we have today. If you have any words, please feel free to let us know at this time, but thank you so much.

Alrighty. Hearing none, I will move on to Dean Mario Barnes of the University of Washington. He is a nationally recognized scholar for his research on the legal and social implications of race and gender in the areas of employment, education, criminal, and military law. Prior to joining the faculty at UW, he served as a professor and Senior Associate Dean for

Academic Affairs at UC Irvine School of Law and as a faculty member at the University of Miami School of Law, where he taught courses in criminal justice, con law, critical theories, and national security law.

Before turning to a career in academics, Dean Barnes spent time working as a prosecutor, defense counsel, and special assistant US attorney on behalf of the US Navy. Thank you, again, for joining us.

Next, we have Dean L. Song Richardson. She is the chancellor, professor, and Dean at the University of California Irvine School of Law. Her scholarship has been published by top law journals across the country, focusing on using cognitive and social psychology to study decision-making and judgment in a variety of contexts.

Currently, she is working on a book under contract with Yale University Press, examining the current reckoning with race and implications for law and policy. She has been awarded numerous recognitions, including AALS's Derrick Bell Award and the National Asian Pacific American Bar Associations Daniel K. Inouye Trailblazer Award. She is frequently invited to speak and consult to judges, lawyers, educators in private industry on the topic of diversity, equity, and inclusion. Welcome, and thank you for joining us today.

L. Song Richardson: Thank you so much for inviting me to participate in this important discussion.

Majidah Cochran: Of course. Next, we have Dean Danielle M. Conway. She is the Dean and Donald J. Farage Professor of Law at Penn State Dickinson Law. She is a leading expert in procurement law, entrepreneurship, and intellectual property law. Dean Conway joined Dickinson Law after serving four years as a dean at the University of Maine School of Law and fourteen years on the faculty at the University of Hawai'i at Mānoa, William S. Richardson School of Law. Dean Conway was a Fulbright Senior Scholar in Australia and a Chair in Law of LaTrobe University, Faculty of Law and Management.

Dean Conway is the author of six books and numerous other works. Her scholarship and advocacy are focused on public education and actualizing the rights of marginalized groups, including indigenous peoples, minoritized people, and members of rural communities. She is Co-Chair of the Penn State Presidential Commission on Racism, Bias, and Community Safety. She serves on the AALS Executive Committee and on the Board of Directors at AccessLex.

In 2016, Dean Conway retired from the US Army in the rank of lieutenant colonel. Dean Conway is a co-recipient of the 2020 AALS Impact Award. Welcome. Thank you for joining us today.

Alrighty. Now, we have Dean Tamara Lawson of St. Thomas University School of Law. She is the Chair of the Law Professors Division

of the National Bar Association, a board member of the Society of American Law Teachers, and a board of trustees member for the Law School Admissions Council. At St. Thomas, where she has been awarded Professor of the Year multiple times, she also teaches crim law, crim procedure, evidence and a seminar on race and the law.

Prior to joining the faculty at St. Thomas, Dean Lawson served as a Deputy District Attorney in Las Vegas where she worked in the Special Victims Unit for Domestic Violence and argued multiple cases before the Nevada Supreme Court. Welcome. Let's give a warm, warm welcome to all of our panelists today. Thank you for joining us.

Alright, I will go ahead and start us off with the questions that will be discussed. We envisioned that this round table was going to be a critical discussion about the legal education space as it pertains to Black law students and, of course, what that implies for our non-Black colleagues.

To begin, what was your law school experience like and how do those experiences informed the work you are involved with today?

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L. Song Richardson: Okay. I will begin. What was my law school experience like and how did those experiences inform the work I'm involved in today? I would say that the work that I'm involved in today is not only the result of my experiences in law school but the experiences of my entire life.

Throughout much of my life, I've always felt like the other, the outsider. In law school, I felt the same way. I often wondered whether others were experiencing the same disorientation in-class or when reading cases or when participating in class discussions as I was. Are other people seeing what I'm seeing in these cases? The disorientation and outsider status I felt in law school are what informed the civil rights work I did after I graduated from law school and for almost a decade before entering the academy.

The experiences that our Black students in law school are having are unfortunately very similar to the experiences that I had. My experiences inform everything that I've done both as a lawyer and now, as an academic and dean. It infuses everything. It impacts how I view things. It also has an influence on where I would like to see our institution go individually and where I'd like to see the legal profession go as a whole. I'll leave it at that since I know we have plenty of time for discussion.

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Mario Barnes: I'll go next. I should let people know I have to leave early for an event. I'm sorry I'll have to do that. I'll just say my experience in law school existed in three registers. Register one is I was clearly not like most of the other people who I went to law school with. For one, I was

on active duty in the US Navy when I went to law school, and thank God for that because that's the only way I would have been able to afford it. They paid for it.

Two, I was from an inner-city community and no one in my family had gone to college or law school. I was pretty sure that I was the only person in law school who had a brother who was serving time in federal prison for drug charges that I thought were the product of an inequitable and racist system of policing. I was certainly the only law student in my class who had a 16-year-old brother living with him because that was the better alternative than having him be in juvenile hall.

My real-life challenges were very different. I was okay with that because I always felt like for folks of color, our challenges were different, and I didn't need the world to understand it. It just meant that I didn't have the same concern that my other colleagues had about, "Oh, I wonder if I'll be able to go to the bar review this week and have a drink." No. I need to go get in that boy's face and make him do his math homework. That's what I'm doing tonight. It was a different experience, so that's register one.

Register two was it was a completely amazing social experience in law school because I went to Berkeley in the last year before affirmative action was cut off. I had twenty-two African-American students in my class. It was a real community. As much as it can be alienating to be in law school and it can be a difficult to be a token in a law school, having twenty-two other folks in our BLSA, in our class, was one of the most rewarding experiences of my life. I'm still completely close to those folks because it was a struggle for us, but it was a struggle that we went through together. We lifted each other up.

Then, the third thing and probably the most important to what informs how I dean now is it was just also a time where formally, structurally, and legally, identity was under attack. So, people were challenging affirmative action programs. People were pushing back against the nascent creation of critical race theory, which was just blossoming in the late '80s and early '90s, and asking why we had to talk about that in law school. I went to a law school that had one Black male, one Black female professor, one Latina, and one Latino and they thought, "Oh, we've done it." The Noah's Ark approach to diversity is wonderful and we've made it over.

So, my sense is I'm still fighting against all of that. I'm still fighting against people who don't understand why diversity and inclusion are important in large numbers. I'm still fighting against diversifying all of our spaces, student, faculty, staff, and senior staff. My sense is and I said this to my colleagues before we started, "If you had told me in the early-

'90s that we would still be doing this work in the 2020s, I would have been shocked because I would have thought that the proof of the value of diversity would have by now won over a greater group of people." The work is the work, and I will continue to do it as long as I'm in the position, but I will say this: I am hopeful that the community dynamics of law school, the belonging we create for ourselves, I'm hopeful that that is still there.

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Majidah Cochran: . . . My next question would be since you all sit in a very unique position, you're able to see at a very high level what different students' experiences are like. In your opinion, do you think that your overall experience as law students back then is similar or different than what it is now?

Mario Barnes: It is my great sadness that students today deal with as much or more challenges, certainly students of color. BIPOC students deal with as much or more challenges than we had. I think it's tough as a dean because you're deeply committed to the values of change, but you work within an institutional framework. Change is slow-moving. You have to get buy-in for change. You cannot unilaterally by fiat declare how to make that better.

So, it's a hard thing to have lived your life always committed to wanting this experience of a legal education to be better than it was for you. It's like parenting. Everybody wants their kids to have it easier than they did and to get there and realize, you can be the lead administrative person in charge of an institution, and you can set values, and you can place resources behind things, but you cannot singularly change an institution.

I have been doing some things this year where I felt more emboldened and more empowered just to make some things happen, mostly because waiting on others to come around means you lose another class of students. I'm certainly afraid of losing another generation of students.

Like I said, there are clearly individual instances of faculty and staff who are helpful and supportive. I think the community of students is very supportive. I actually think they are really great advocates for themselves, but I am saddened by the fact that they're dealing with as much or more as we did. I think one of the great disappointments of deaning is that you'll learn that your ability to make institutional change is not as liberal as you might've imagined when you took the job, at least that's my experience.

L. Song Richardson: I completely agree with everything that Dean Barnes just said. I, too, am so envious about Dean Conway's experience

in law school. It made me tear up, actually, while she was speaking because to have an experience like that would have been incredible.

To be a Black leader of a law school, it can be frustrating and difficult. You sometimes do feel powerless in the way that Dean Barnes mentioned because you can't do things by fiat. I don't know how much better the experiences of Black students are now than they were when I went to law school. One of the dreams that I have every single day, which I know is shared by all of us here, because we remember what our experiences were like, is to create systems and structures within our schools to try to make things better for the students who are coming in now. But it is a challenge.

I think COVID and the racial reckoning taking place across the country give me some leeway that I wouldn't have had prior to this current moment. Both give me an opportunity to voice in stronger ways, in the way Dean Barnes mentioned, some of the issues that still remain with us because everyone is now paying attention to the challenges that they're suffering because of COVID.

More people now have to figure out how to live, deal, and work within the constraints that COVID is causing them to experience. Now I'm able to point out that all of the issues people are raising—having to care for family members while you're trying to go to school or having insufficient resources, suffering from burnout, having to deal with so much—this is what our Black students, many of our Black students, if not most of them, deal with every single day even prior to this moment.

Now that we can all understand some of these challenges, there is a runway to make some structural and institutional changes that would have been close to impossible just a year ago. There is more empathy and awareness, which makes it easier to push change. The final thing I'll say is that one of the things I appreciate so much is just how vocal our Black students have been. It's that vocalization and that refusal to have things remain the same, to be vocal to our faculty, and to be vocal to the community, those things help galvanize and help us make the changes that we personally would want to make tomorrow if everything were up to us.

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Majidah Cochran: . . . I suppose one thing that we want to ask is what type of opportunities has this awareness created at your institutions for addressing different systemic inequities?

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L. Song Richardson I'll just jump in very briefly to say I agree with everything that my colleagues have already said. I'm not going to repeat that. I just want to add one or two other things to it, which is while these pandemics are occurring and that might create opportunities within our

institutions, which I believe it does. The other side of it is, as it creates these opportunities, these opportunities are not distributed equally. What I mean by that is all the invisible work that people like us do and those on our faculty are asked to do because when these issues come up, who do people turn to? They turn to us or the faculty who look like us or all of you students. You want to do something.

On top of everything else that you're doing, you add this piece because it's important to you. What we need to think about is how we bring others into this work, too, so that we are not the ones burnt out, always exhausted, having to do everything that everyone else is doing, and this because we care so much about it.

I just wanted to add that piece because that's difficult, because you want more people to join and yet, at the same time, sometimes, you don't because the education that you have to do for it to happen. It's a tightrope that we're engaged in.

The final piece I'll say about this is then, you have the inevitable, "Okay. Well, now, we're all focused on anti-Blackness. What about everyone else?" The conversation always gets pushed off because now, there's a concern about, "Well, what about me," and how you navigate that. I just wanted to add those two points.

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Majidah Cochran: Thank you so much for your responses. I definitely resonate with what all of you have said about basically putting a person from a marginalized community on the spot to speak up for a racial or ethnic group. There's something fundamentally wrong with that, especially because there's already so much pressure to participate in class, but then to be called on to answer a question like that is just really unfair.

Thank you so much for your responses and for joining us today. It looks like we're out of time. . . . Thank you all for joining us today.

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