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Legacy of the Law:

The Educational Diversity Project into the Future
Centering Historically Black Colleges and Universities

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Education

by

Chantal Jones

2021

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ABSTRACT OF THE DISSERTATION

Legacy of the Law:
The Educational Diversity Project into the Future
Centering Historically Black Colleges and Universities

by

Chantal Jones

Doctor of Philosophy in Education

University of California, Los Angeles, 2021

Professor Walter R. Allen, Co-Chair

Professor Kimberley Gomez, Co-Chair

Amidst the surge of national conversations about race and racism, law schools, which educate decision makers in U.S. society, must be focal. Further, what can we learn by centering Historically Black Colleges and Universities (HBCUs), which prioritize social transformation in law school missions?

This study continues the Educational Diversity Project (EDP), a longitudinal study of U.S. law schools launched immediately following *Grutter v. Bollinger* (2003), in which the Supreme Court upheld race conscious admissions at the University of Michigan Law School. EDP-1, conducted between 2004 and 2007, engages how law school shape students' experiences; academic, professional, and personal choices and attitudes; as well as students' overall views of law school. In EDP-2, over a decade into the future, we have the opportunity to follow up with

participants, now law school graduates, and place findings from across time in conversation.

Guided by the insights shared during their time in law school, I ask how EDP-2 focal participants make sense of their law school journeys, the legal system, and their roles within it. Focusing on East University Law School, results include a) descriptive findings from first-year law student survey responses; b) themes from focus group interviews conducted during students' first, second, and third years in law school; and c) themes from follow-up interviews with EDP-2 participants. EDP-1 themes include: 1) (Un)Supportive Environment, 2) Rejecting Racelessness and Deficit Perspectives On HBCUs, and 3) Higher Education Debt. EDP-2 themes include: 1) The Importance of a Name: Early and Ongoing Interests in Law, 2) The Cost of a Legal Education and Career: Financial and to Self, and 3) Power and Hierarchy.

Among key findings, participants reflect on the complexities of their law school environment, call to abolish slavery within the U.S. Constitution, experience "*debt nightmares*," and choose to exit from the misogynoir at a law firm. This work concludes with a discussion of the sustained attack on Critical Race Theory, the guiding framework of this dissertation, and engages key recommendations from law school students and leaders on centering racial justice in legal education.

The dissertation of Chantal Jones is approved.

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2021

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Chapter 1: Introduction

In the headline: “To Build an Inclusive Legal Profession, We Must Deconstruct Systemic Racial Bias,” Jones (2020) reflects on the failure of meritocracy to protect Black people and draws connections between the lack of racial diversity in the legal profession and the perpetuation of an unjust legal system. This lack of racial diversity presents tangible effects for legal professionals. Flowing from the headline “Why Women and People of Color in Law Still Hear ‘You Don’t Look like a lawyer,’” Melaku (2019a) outlines the numerous ways Black women are excluded and taxed in the legal profession - emotionally, mentally, physically, financially and more. Amidst the surge of national conversations about race and racism, law schools, which educate the decision makers in U.S. society, must be a focal point. Further, what can we learn by focusing on Historically Black Colleges and Universities (HBCUs), which prioritize social transformation in law school missions?

In this chapter, I provide a landscape view of Black student enrollment across law schools in the United States, discuss HBCUs as a model for institutional commitment to equity, and introduce the Educational Diversity Project (EDP), from which findings flow. In this dissertation, I explore the lifespan of EDP focusing on East University Law School, in which graduates continue to leverage their legal education for racial justice. I present findings including a) descriptive findings from East University first-year law students; b) themes from focus groups conducted during students’ first, second, and third years in law school; and c) follow-up interviews with focal participants over a decade since law school. I conclude this work with a discussion of the sustained attack on Critical Race Theory, the guiding framework of this dissertation, and engage key recommendations from law school students and leaders on rejecting colorblindness and anti-Blackness in legal education. This work approaches the study of law, law

schools, and higher education from a position that anti-Blackness in the U.S. is foundational and enduring.

The drastic underrepresentation of People of Color and/or women and/or gender non-conforming people across the legal profession links to law schools. Law schools are key spaces of power in U.S. society, responsible for training lawyers, judges, policymakers, educators, government leaders and elected officials. In turn, these decision makers impact life and society. Patton (2016) highlights the education of these societal leaders such as the U.S. Supreme Court Justices at elite, private institutions. On the ways whiteness is normalized and ordinary, Patton (2016) also underscores the largely white composition of the U.S. Congress, the Supreme Court, and the presidency. The 117th Congress, for example, is widely celebrated as the most racially and ethnically diverse to date. However, Congress remains predominately white at 77% (Schaeffer, 2021) and the attacks on Women of Color in Congress continue. Of the many places where power is concentrated in U.S. society, the government, legal system and elite higher educational institutions which educate these decision makers rank highly (as do the higher education institutions themselves).

The example of the U.S. Supreme Court reflects the Court's status as one of the principal systems of influence in higher education. The U.S. Supreme Court has been tasked in several cases including *University of California Regents v. Bakke* (1978), *Grutter v. Bollinger* (2003) and *Fisher v. University of Texas at Austin* (2013, 2016) to decide the legality of race conscious admissions. Patton (2016) identifies a deep, unsettling contradiction in how decision makers largely completed their higher education careers institutionally unprompted on race and racism. We can connect this contradiction to the Court's expectation in *Grutter* (2003) that race conscious admissions policies will eventually sunset. To anticipate a time when race-conscious

admissions policies are no longer necessary, and to set the time at 25 years in the future, or 2028 (*Grutter*, 2003), is to fail to understand that racism is both foundational and enduring in U.S. society.

The Educational Diversity Project

This study marks the continuation of the Educational Diversity Project, a study of U.S. law schools, law students, and law faculty. A partnership between the University of California Los Angeles (UCLA) and the University of North Carolina (UNC) Chapel Hill and Greensboro campuses, EDP launched immediately following *Grutter v. Bollinger* (2003), in which the Supreme Court upheld the University of Michigan Law School's practice of considering race in admissions decisions. *Grutter* (2003) solidified the language of diversity across higher education, as well as its educational benefits. EDP utilizes the language employed by the Court to engage questions about the relationship between race and ethnicity and educational diversity in U.S. law schools.

EDP-1 refers to the original data collection between 2004 and 2007, and EDP-2 is the present follow-up study. EDP-1 examines whether educational benefits flow from a diverse student body, and: (a) What is the nature of these educational benefits? and (b) In what ways do race and other key factors impact how these educational benefits manifest? Additional questions ask do law graduates who attend educationally diverse law programs:

1. Have greater educational achievement and more positive experiences and outcomes?
2. Gain greater cultural competencies and work success post degree completion?
3. Experience greater equity within and after law school across racial/ethnic lines?
4. Have more diverse neighbors, friends and community relationships?
5. Better understand the causes and solutions for inequality in the U.S.?

EDP furthers empirical understandings of the longitudinal impact of educational diversity on law school graduates' lives.

EDP-2 research questions though stated differently, continue these lines of inquiry by focusing on participants' life trajectories. Guided by the insights and perspectives of EDP-1 focus group participants shared during their time in law school, I ask how two EDP-2 focal participants, now law school graduates, make sense of their law school journeys, the legal system, and their roles within it:

- A. What was the impact of attending law school on EDP participants' life trajectories?
- B. What meaning do EDP participants make of the law, their work, and its impact?
 - a. How (if at all) are they centering social justice in their lives?

Question one frames the study for an in-depth interview focused on EDP-2 participants' journeys, to understand their dynamic and evolving experiences and perspectives. The second question asks participants to consider their role as legal actors.

To be discussed in greater detail in Chapter Three: Methodology, EDP-1 surveyed over 8,000 incoming law students at 68 American Bar Association (ABA) accredited law schools in 2004 and again in 2007, during their final year in law school. These 68 institutions represent 36.6% of ABA accredited law schools (U.S. News & World Report, 2004). EDP-1 also conducted focus groups across 11 law schools with over 200 law students in their first, second, and third years during 2005, 2006, and 2007. In EDP-2, over a decade into the future, we have the opportunity to follow up with EDP participants, now law school graduates, and place findings from across time in conversation.

In Chapter Four: EDP-1 Findings, I present findings from an analysis of EDP-1 survey responses, focusing on descriptive findings such as students' higher education debt. I also

explore focus group transcripts collected during students' consecutive first, second, and third years at East University Law School. These rich focus groups explore students' perspectives and experiences on topics including the law school curriculum, diversity, extracurricular activities, interactions with faculty and peers, and career plans.

In Chapter Five: EDP-2 Findings, I present findings from interviews with two EDP-2 focal participants and graduates of East University Law School, who reflected on the anti-Black origins of the U.S. and shared plans for leveraging their legal education to create structural change. Implications and recommendations for higher education and law schools are presented in Chapter Six: Discussion, Recommendations and Future Research, with particular focus on the ongoing legal challenges to Critical Race Theory.

Guiding Positions

Several positions guide this study. First, law and higher education does not exist separately from, rather they are connected to every part of society, and as expressed by Patton (2016) deeply entrenched in racism/white supremacy. I approach this work grounded in the study of higher education, in which legal education is unquestionably a part, as law schools advance curriculum, hire faculty, admit students, charge tuition and more. I also approach this work from the position that the connections between social systems including law, politics, and higher education are endless. Enduring anti-affirmative action challenges, presidential administrations, compositional changes to the Supreme Court, and the #BlackLivesMatter movement for example all evolve in the present and yet connect through time. Engaging the perspective of societal leaders who attended a law school actively rooted in mission within the history of resisting anti-Black oppression is thus, important.

Second, I approach this work firm in the belief that race and racism, and anti-Black racism specifically, is a central part of U.S. society, and that this knowledge must be foundational in law school curriculum. Critical race scholars Solórzano and Yosso (2002) identify the contraction in higher education institutions, with their “potential to oppress and marginalize coexisting with their potential to emancipate and empower” (p. 26). Law is a similar contradiction, a tool rooted in racism, yet also one of the primary means through which people have sought to document, challenge, and change injustice.

A third position, it is necessary to recognize law school graduates as powerful actors and decision makers particularly as law touches nearly every, if not all, aspects of our lives. Law school graduates are highly represented among government leaders and the relationship between law, politics and higher education is especially illuminated during election cycles. For example, many democratic candidates in the 2020 presidential election cycle proposed plans for higher education and prioritized issues including lowering costs. These candidates are also law school graduates: President Joe Biden (J.D. from Syracuse University Law School), Senator Cory Booker (J.D. from Yale Law School), Vice President Kamala Harris (J.D. from University of California, Hastings Law School), Senator Amy Klobuchar (J.D. from University of Chicago Law School), and Senator Elizabeth Warren (J.D. from Rutgers School of Law-Newark, and Harvard University Law School Professor).

A fourth position, HBCUs are critical in the production of Black graduates and must be prioritized in research and policymaking (Allen et al., 2018). HBCUs demonstrate an institutional commitment to prepare law school graduates to utilize their legal education to challenge dominant narratives in law including objectivity and neutrality, provide space to

realize social change within society, and honor their historical mission of Black-life making (Mustaffa, 2017).

Positionality

My interest in this work grows from my first job with the Clark County Office of Diversity (OOD), which works with federal and state employment laws such as Title VII of the Civil Rights Act of 1964 and the Americans With Disabilities Act of 1990 (OOD, 2021). Here I began to observe where power is concentrated in our society, among the people who create and work with laws. I understood the legal system to be among the primary ways people sought to document and remedy the harm they experienced.

At the OOD I was the first to meet people. Here I began to understand that people who experienced discrimination often did not experience it along singular lines. How could one's race be distinct from their gender in the context of documenting discrimination and seeking an institutional change? How could such a separation be possible in response to the broader societal messages, depictions, and stereotypes which specifically position race and gender? As someone once painfully stated: "It's both and more." Though I would not learn about Critical Race Theory and intersectionality, or read the work of Kimberlé Crenshaw until later, I recognized the impossibility of this separation and the way power worked to affect people's daily lives (Jones, 2019). I observed this pattern in the stories from my own family.

My scholarship centers Black people in higher education. I am interested in the broader work of disrupting the racelessness described by Patton (2016), a foundational concept throughout this work. I am also informed by conversations with colleagues during the co-creation of works examining Black student enrollment and degree completion and Black faculty tenure status across flagships, Black-serving institutions, and HBCUs in states with the largest

Black populations. These works are grounded in contexts including the 50th anniversary of the Kerner Report, ongoing legal challenges to affirmative action, and enduring anti-Blackness across institutions. Unsurprisingly, our findings confirm challenges to Black people’s access and movement through higher education, which connects to my own experiences as a Black woman attending historically white higher education institutions. These co-created works also affirm the unique contributions of HBCUs. These works, coupled with my experiences working at the Clark County Office of Diversity and interest in the power block of higher education, law schools, and history of race and racism in the U.S., lead me to this work.

A Different Model: Historically Black Colleges and Universities

In centering race in higher education and creating new spaces, HBCUs are the model. Dr. Walter Allen in an interview with Fox Soul Black Report (2021) describes HBCUs as committed to equity, diversity and inclusion in mission and practice, in their very DNA. This is evidenced through their diverse student and faculty populations, commitment to Black education, and ongoing contributions to the world. HBCUs are institutional examples of Black life-making, coined by Mustaffa (2017) to “to describe the creative spaces of possibility and freedom Black people produce when practicing self-definition, self-care, and resistance” (p. 712).

HBCU graduates are at the forefront of national politics, history, art, literature, media, law, education, and more: Vice President Kamala Harris, a graduate of Howard University; Reverend Dr. Martin Luther King, Jr., a graduate of Morehouse College; media extraordinaire Oprah Winfrey, a graduate of Tennessee State University; Nobel Prize Laureate and author Toni Morrison, a graduate of Howard University; Supreme Court Justice Thurgood Marshall, a graduate of Howard University; and Dr. W. E. B. Du Bois, a graduate of Fisk University (Allen

et al., 2020). HBCU are the direct result of Black peoples' efforts to self-determine and create new institutions (Mustaffa, 2017).

In this process of creation, HBCU's origins are deeply complex. Previously denied education through the violence of enslavement, Black people began to organize and operate universal public education in the time post-civil war, a transformation of social life in the South (Allen et al., 2020; Allen & Jewell, 2002). Yet, the lack of state funding for HBCUs enabled white philanthropist and missionary involvement, an enactment of the belief in the "God-given task to both 'civilize and educate' the freedmen, in so doing ensuring the survival of American society" (Allen & Jewell, 2002, p. 243). White control in the form of white presidents and governing boards worked to implement deficit curriculums within HBCUs, including vocational training for the purpose of benefitting white business owners, as well as moral codes of restriction (Allen et al., 2020, Allen & Jewell, 2002; Allen et al., 2007; Harper et al., 2009). Attempts by the white power structure to control Black educational institutions stems from anti-Black beliefs in Black inferiority, and desires to control Black peoples' participation in society. However, no control attempts would be fully complete, evidenced by the rich tradition continuing today (Mustaffa, 2017).

HBCU Law School Mission Statements

Charles Hamilton Houston, the Vice Dean of Howard University School of Law famously defined two paths for lawyers, to be within society social engineers or parasites (Howard University School of Law, 2017a). The mission statements from across the six law schools located at HBCUs reflect this commitment and educate cohorts of graduates to leverage the law as a tool for social justice.

The mission statement of Florida Agricultural and Mechanical (A&M) University College of Law (2019) describes a legal education focused on social transformation, the public good, hope, and a commitment to equity. The Howard University School of Law (2017b) mission statement underscores a solution-oriented legal education in which graduates will especially focus on the defense of rights for People of Color and Black people specifically. Similarly, North Carolina Central University School of Law (2020a) prioritizes a sense of responsibility among graduates: professional, personal, and social.

The Southern University Law Center (n.d. b) mission statement challenges patterns of racial, ethnic, and socioeconomic exclusion within legal education, and importantly broadens conceptualizations of law to mean law-related fields and leadership across society. The Texas Southern University Thurgood Marshall School of Law (n.d.) is named after the famous Associate Justice of the Supreme Court Thurgood Marshall, a Howard University School of Law graduate who argued key cases including *Brown v. Board of Education* (1954) and *Sweatt v. Painter* (1950). Its mission also advances connections across fields including law, business and government, and maintains special emphasis on the legal education of Black and Latinx lawyers. The final law school is named after David A. Clark, a renowned civil rights and humanitarian leader, D.C. Council Chair, and Howard University Law School graduate. The University of the District of Columbia David A. Clark School of Law (n.d.) also underscores patterns of underrepresentation in law and a focus serving low-income residents.

The goals of these six law schools, while distinct, are united by their focus on social transformation through law, honoring their tradition as HBCUs, and the call to serve groups of people traditionally underserved. The underrepresentation of Black people in the legal

profession, across higher education institutions, and within law schools specifically is evident in the forthcoming section: *A Landscape Zoom: Black Law Students and Professionals*.

Social Change in Action.

HBCUs provide a model of social change in action. This model is exemplified by the rich history of institutional leaders working to end legalized segregation. Introduced previously, Charles Hamilton Houston is the architect behind the legal battle to overturn the doctrine of separate but equal codified in *Plessy v. Ferguson* (1896) (Jamar, 2004). Another architect, Thurgood Marshall, is the first Black Supreme Court Justice, Founder and first Director-Counsel of the NAACP Legal Defense Fund (LDF), and mentee of Charles Hamilton Houston (Allen & Jewel, 1995; Jamar, 2004; NAACP LDF, 2021). Allen and Jewel (1995) outline the NAACP's strategy as through a series of court cases upon which the state failed to equitably resource Black institutions, "integration into existing white institutions would be an unavoidable consequence" (p. 89). The NAACP LDF continues to work toward school desegregation into the present.

The tradition embedded within HBCUs continues into the present. Leaders across these six law schools issued statements deeply pained and angered by the ongoing loss of Black life to police violence and affirmed their continued commitment to racial justice. The 2020 letter by Joan R. M. Bullock, Dean and Professor of Law at Texas Southern University's Thurgood Marshall School of Law drew a line from the past to present, with requirements during the era of slavery for Black people to maintain papers of their status to the present subjugation, harassment and death when *deemed* out of place. Dean Bullock (2020) also announced plans for the legal clinic to provide pro bono referral services to arrested protestors for nearby attorneys.

The letter by Danielle Holley-Walker (2020), Dean and Professor of Law at Howard University School of Law, describes the deep pain which necessitates institutional action. Dean

Holley-Walker (2020) also outlines actions at the law school including legal observer trainings; “Know Your Rights” trainings; a meeting across Howard University schools to set an institutional agenda; a specific agenda for police reform at the law school informed by clinical faculty, alumni and experts; faculty panels to engage ongoing police violence and the resulting protests; and moves to lift the Washington, D.C. curfew. These actions connect the law school to the broader institution and even greater community, as the effect of police violence reverberates. These actions affirm the power of collectively rejecting anti-Blackness in alignment with HBCUs’ historical purpose and mission.

Highlighting the example of clinics within the deans’ discussions, clinics provide law students with experiential learning opportunities, and each of the six law schools offers a series of clinics to provide legal services to the surrounding community. For example, Southern University Law Center (SULC) (n.d. a) operates clinics including bankruptcy, civil and administrative law, criminal, disaster law, divorce and domestic violence, elder and successions law, juvenile law, low-income taxpayer, mediation, real estate and housing, technology and entrepreneurship, and workers compensation.

The clinic experience can be critical in maintaining students’ commitment to public interest work, as Desmond-Harris (2007) describes how clinical placements during her third year in law school demonstrated real time address of social issues through law. This example of clinics illustrates that lawyers are powerful actors who can enact social change, particularly when guided by the institutional model of HBCUs. Additionally, SULC’s (n.d. a) discussion of clinical education and public interest work also includes language inviting students to reflect not only on the legal system but their roles within that system. This aligns with the framing of the research questions in this dissertation: What meaning do EDP participants make of the law, their work,

and its impact? This critical reflection process further illuminates the necessity of rejecting objectivity in law.

If legal education is to be leveraged as a tool for transformative social change, legal actors must consistently interrogate the framing of law as a neutral body held in the abstract. By departing from the position of preparing law school graduates to be “gentlemen” characterized as “detached, dispassionate advocates” as Guinier, Fine and Balin (1994) evoke, these six law schools operate in direct challenge to enduring racism and anti-Blackness (p. 5). This is exemplified by actions outlined in the letters by Dean Bollock and Dean Holley-Walker.

These letters and the mission statements across HBCUs actively reject this process of detachment (Guinier et al., 1994), racelessness (Patton, 2016), and perspectivelessness, a frame in legal education which reinforces objectivity and stifles the conflict of one’s values, beliefs, and experiences within their legal education (Crenshaw, 1988). Rather than perspectivelessness, to be discussed in greater detail in Chapter Two: Literature Review, Crenshaw (1988) calls for a race-conscious pedagogy in legal education.

It is clear through their mission statements and contributions that HBCUs continue to honor their historical purpose as spaces for Black life-making (Mustaffa, 2017). HBCUs are firmly grounded in civil rights activism and position graduates to enact social change globally.

Enrollment and Degrees Conferred at HBCUs

Among the strongest indicators of HBCUs’ commitment to their historical mission, at approximately 2% of the higher landscape, HBCUs profoundly enroll and graduate Black students (Allen et al., 2018; de Brey et al., 2021b, c). As of 2018, there were 101 HBCUs across 19 states, the District of Columbia, and the U.S. Virgin Islands, with 51 public and 50 private nonprofit institutions (de Brey et al., 2021b). In 2018, HBCUs conferred a total of 48,319

degrees, of which 5,465 or 11.3% are associates degrees; the vast majority at 32,639 or 67.5% are bachelor's degrees; 7,697 or 15.9% are master's degrees; and 2,518 or 5.2% are doctoral degrees (de Brey et al., 2021b).

Beginning farther back in time, changes in enrollment at HBCUs become clear. In 1990, the total enrollment numbered 257,152 students; in 2000, enrollment increased to 275,680 students; and in 2010, enrollment reached heights of 326,614 students (de Brey et al., 2021d). A notable decline in the total enrollment occurred between 2010 and 2018, in which 291,767 students enrolled in 2018 (de Brey et al., 2021d).

Black student enrollment across HBCUs follows this same pattern of increased enrollment numbers between 1990 and 2010, followed by a decline in 2018. In Fall 1990, 208,682 Black students enrolled at HBCUs accounting for 81.2% of the total enrollment, in which 48.9% were Black women and 32.2% were Black men (de Brey et al., 2021d). In Fall 2000, 227,239 Black students enrolled at HBCUs, or 82.4% of the total enrollment, in which 50.8% were Black women and 31.7% were Black men. In Fall 2010, 265,908 Black students enrolled at HBCUs, or 81.4% of the total enrollment, in which 50.3% were Black women and 31.1% Black men. In Fall 2018, 223,163 Black students enrolled at HBCUs, less than in the year 2000, accounting for 76.5% of the total enrollment, in which 48.7% were Black women and 27.8% Black men (de Brey et al., 2021d). This change in enrollment over time also aligns with findings by Allen et al. (2018) that HBCUs are becoming increasingly racially and ethnically diverse. In considering the change between 2000 and 2018, it is notable that the U.S. experienced an economic recession which formally concluded in 2009, though likely not in effect as U.S. society continues to be characterized by extreme financial stress.

A Zoom Over the Landscape: Black Law Student Enrollment

A scan of the legal landscape further illuminates Melaku's (2019a, b) insights about the lack of racial and gender diversity in the legal profession contributing to the broader climate of hostility. In 2020, the Bureau of Labor Statistics identified 1,882,000 people employed in legal occupations. A note, the definition of legal occupations includes lawyers, the vast majority at 62.9% of people; judicial law clerks at 1.1%; judges, magistrates, and other judicial workers at 4.1%; paralegals and legal assistants, 22.1%; title examiners, abstractors, and searchers at 5.4%; and all other legal support workers at 4.4% of people (Bureau of Labor Statistics, 2020). The Bureau of Labor Statistics (2020) reports that women make up over half the population at 51.9%. Further, the racial and ethnic breakdown among legal professionals as follows: Asian people represent 5.6%; Black people, 8.6%; Latinx people, 8.3%; and overwhelmingly, white people are 83.5% (Bureau of Labor Statistics, 2020). This reporting confirms the drastic underrepresentation of People of Color in the legal profession. However, this report by a government agency also reproduces limited racial and ethnic categories (Allen et al., 2019), reinforces gender binary, and dismisses the importance of looking to the nexus of both race and gender.

This pattern of racial stratification in the legal profession originates partly within law schools, as landscape data reveals barriers to Black people's access to law schools. In 2009, just a few years after the original EDP data collection, the 199 ABA approved law schools enrolled 43,296 full-time first-year students. Among these students, 6.8% or 2,928 are Black law students, of which 4.3% are women and 2.5% are men (American Bar Association [ABA], 2013a). 8,170 part-time students enrolled, of which 858 or 10.5% are Black students, including 6.7% Black women and 3.8% Black men (ABA, 2013a).

Also in 2009, among the six law schools located at HBCUs, 1,159 total full-time first-year students enrolled, or 2.7% of the total full-time law school landscape (ABA, 2013a). Among these students, 22.7% or 263 are Black law students, of which 6.5% are women and 16.2% are men. 172 part-time total students enrolled or 2.1% of the total part-time law school landscape. Among part-time students, 26 are Black students, including 9.9% Black women and 5.2% Black men (ABA, 2013a).

In 2018, the 203 U.S. law schools enrolled 38,390 first-year law students, less than in 2009. Of this total, 3,035 or 7.9 % are Black students (ABA, 2018). 5.0% of Black first-year law students are women, 2.9% men, and 0.01% indicated another gender identity (originally labeled “other”) (ABA, 2018).

In Fall 2018, among the six law schools located at HBCUs, a total of 971 first-year students enrolled, accounting for 2.5% of the law school enrollment landscape. Among first-year enrollees at HBCUs, Black students are the majority at 522 or 53.8%, with 35.1% Black women and 18.6% Black men (ABA, 2018).

Black Faculty Across the Higher Education Landscape and Within Law Schools

The underrepresentation of Black law students, graduates, and legal professionals reflects broader patterns across the higher education landscape. As of Fall 2018, Black faculty represent 6.8% of the higher education landscape, of which Black women are 4.1% and Black men are 2.7% (de Brey et al., 2021a). Of the 105,380 Black faculty, the majority at 59,632 are employed in part-time positions and 45,748 are full-time (de Brey et al., 2021a). Centering Critical Race Theory and how anti-Blackness functions within higher education, McLewis, Jones, Regassa, and Allen (2021) illustrate the extreme underrepresentation of Black faculty, especially Black

women, in academia and among tenure-track and tenured positions specifically. A key finding: HBCUs lead in the hiring and promotion of Black faculty (McLewis et al., 2021).

The ABA hosts 2013 data for law school faculty and staff. Following Deo's (2019) breakdown, the total of all full-time teaching faculty, Deans and Associate or Vice Deans is 9,759 people (ABA, 2013b). Black law school faculty are 9.3%, or 908 members of this total (ABA, 2013b). Black women are 5.2% and Black men 4.1% of this total. Across law schools, 5,398 faculty members are tenured. Among tenured faculty, Black women are 4.4% and Black men are 4.2%. Within the larger context of all law school faculty, 2.4% of Black women are tenured and 2.3% of Black men (ABA, 2013b).

Among the 1,509 total tenure-track faculty, Black women are 8.2% and Black men are 5% (ABA, 2013b). In the context of all full-time faculty, Black women on the tenure-track are 1.3% and Black men 0.8% of the landscape (ABA, 2013b).

Data is also available on 405c full-time faculty and visiting faculty, totaling 1,669 and 273 law faculty members respectively (ABA, 2013b). Black women are 3.7% of 405c faculty and Black men 2.0%, or 0.6% and 0.3% of the total full-time faculty landscape, respectively. Among visiting law faculty, Black women are 5.9% and Black men 1.8%, or 0.2% and 0.1% of the full-time faculty landscape, respectively (ABA, 2013b).

Among law faculty, the total number of Deans is 202, of which Black women are 5.4% and Black men 7.4% (ABA, 2013b). Among the 709 Associate or Vice Deans, Black women total 8.5% and Black men 5.8%. In the administrator category, while Assistant Deans and Directors are not included in the original calculations by Deo (2019), it is notable that Black women are especially concentrated here at 259, or 8.1% of all members of this group (ABA,

2013b). This is the single greatest numerical category for Black women. Black men are 2.5% of Assistant Deans and Directors (ABA, 2013b).

An Example in the Media

Media provides an example of these landscape trends especially captured by the Bureau of Labor Statistics (2020). The legal profession was spotlighted in media by a photo of recently elected partners at Paul, Weiss. This photo received widespread critique for the overwhelming representation of white people (Scheiber & Eligon, 2019). However, Scheiber and Eligon (2019) highlight that the law firm, with 144 partners, is actually more diverse among partners than top peer institutions, with six Black partners with ownership and nearly a quarter of partners are women.

It is extremely revealing that these figures are celebrated as above-average across the nation's largest and most prestigious law firms. The celebration of Paul, Weiss as having more Black partners and more women partners than competitors is a marked failure to center Black women and acknowledge the role of systemic racism which celebrates the "few" as satisfactory. The National Association for Law Placement (NALP) (2021) Report on Diversity shows that across law firms, Black partners represent only 2.10%, of which 0.80% are Black women. Similar patterns are reflected among associates, with Black associates totaling 5.10%, among which Black women are 3.04%. The report indicates 2020 as the first year since NALP data collection began that Black partners passed 2% and Black associates passed 5% (National Association for Law Placement [NALP], 2021). These single digit percentages reverberate over time and fields. In a study of the Black faculty tenure landscape, McLewis, Jones, Regassa, and Allen (2021) call for greater action and a movement away from the celebration of tokenism. We can extend this call to the legal profession, which cannot be disconnected from higher education.

Though wise advice cautions against reading the comments in the Paul, Weiss story, it is worth noting the quickness and readiness of commenters to uphold this exclusionary trend in law firms, a reflection of the ubiquity of colorblindness. Comments reveal a belief in working with the most “skilled” lawyer, regardless of their race or gender, demonstrative of a stark commitment to color and gender blindness. Yet, if the vast majority of lawyers are white, then “skill” and “merit” is largely embodied and depicted through whiteness.

You Don't Look Like A Lawyer is both the title of Melaku's (2019b) work and reflective of the pattern of questioning Black women's place within law firms and elite spaces broadly, an enactment of the systemic gendered racism resulting in disregard for Black women. The pattern of skill and professionalism linked to whiteness is not exclusive to law. For example, Black women have chronicled the shock and disbelief in reactions to the fact that they are doctors (Adaeze Okwerekwu, 2016), as well as the ways Black women faculty are also disbelieved and deemed out of place, or a disturbance across campus spaces (Corbin et al., 2018). The racial stratification of Black law students and professionals in connection with mirrored patterns across higher education for both Black students (Allen et al., 2018) and faculty (McLewis et al., 2021) illustrate structural anti-Blackness in higher education and society.

Summary

This chapter outlines the underrepresentation of Black people within legal education and the legal profession, introduced the Educational Diversity Project, and focused attention on the history and ongoing contributions of HBCUs and graduates. This work is grounded in a call for the U.S. higher educational system to reject racelessness (Patton, 2016), perspectivelessness (Crenshaw, 1988), anti-Blackness, and enduring myths of colorblindness and neutrality in legal education.

The U.S. higher education system must invest in the model for racial justice established by HBCUs including Florida Agricultural and Mechanical (A&M) University College of Law, Howard University School of Law, North Carolina Central University School of Law, Southern University Law Center, Texas Southern University Thurgood Marshall School of Law, and District of Columbia David A. Clark School of Law. HBCUs lead in the production of Black graduates (Allen et al., 2018) and the promotion of Black faculty (McLewis et al., 2021) and are guided by the mission to position the teaching and learning of the law as a tool for social justice. A preview of key findings, EDP-2 participants actively center justice for Black people in their professional activities and understandings of the world.

Chapter 2: Literature Review and Theoretical Framework

In this chapter I discuss the predominate method of legal training, law school campus climate, and frames such as “think like a lawyer.” Given the continuation of challenges to affirmative action, this chapter also explores key concepts including strict scrutiny. I conclude with a discussion of Critical Race Theory, the theoretical framework grounding this work.

The Law School as White Institutional Space

Moore (2008) explores the historical exclusion of People of Color from elite law schools. Through examination of two elite, historically white law schools, Moore (2008) rejects legal neutrality and squarely positions law and law schools as racialized structures, visually exemplified by the many paintings of white men which line the walls at both law schools. In addition, a single, smaller portrait of Justice Thurgood Marshall, a graduate of Howard University School of Law, also hangs, the only portrait at both institutions of a Lawyer of Color and Black lawyer specifically (Moore, 2008). These portraits act as communications from the white, legal power structure about who is important, who has always been lawyer, who continues to be a lawyer, and who can be a lawyer - all of which EDP participants disrupt.

Moore (2008) offers several visual interpretations of how law schools reproduce and are integral to the maintenance of this power structure. The first figure, “the political location of law schools,” displays law schools as part of the legal structure, law schools teach and therefore institutionalize and legitimize the legal structure (p. 18). The legal structure is the system which constructs and justifies oppressive practices (Moore, 2008). In Moore’s (2008) conceptualization, both law schools and the legal structure are mutually reinforcing, the school is nested within the structure. Both are then nested in a larger structure of white supremacy through economic violence and exploitation, the processes of enslavement and land theft (Moore, 2008).

A preview of EDP-2 findings, I understand this nested system in the example of Abolitionist Esquire's discussion of the *Dred Scott v. Sandford* (1857) case, in which the Supreme Court held that Black people could not be considered citizens. Thus, the Court's ruling, the action of the legal structure, protected enslavement and ensured continued benefits to the white economic power structure.

Moore (2008) also explores the creation of white institutional space, visually communicated through the paintings she encountered at the law schools. First, white institutional space excludes People of Color from opportunities to secure legal power, such as exclusion from elite law schools and institutions. This is demonstrated through the under-representation of People of Color in the U.S. Congress, Senate, and the Supreme Court (Patton, 2016) and in Melaku's (2019b) findings on the systemic gendered racism Women of Color and Black women specifically experience in law firms. The second component, white institutional space requires the "development of [a] white frame that organizes the logic of the institution" (Moore, 2008, p. 27). The third component centers knowledge construction through "a curricular model based upon the thinking of white elites" (Moore, 2008, p. 27). Lastly, white institutional space requires maintenance of the position that law is neutral (Moore, 2008).

A critical means to disrupt this reproduction of white institutional space, Crenshaw (1988) models a race-conscious pedagogy in law schools, problematizing both the enduring underrepresentation of Students of Color in law schools and the dominant narrative of objectivity and legal neutrality. Perspectivelessness as a commitment to objectivity stifles conflicts arising when one's value system, belief system, and experiential knowledge is suppressed in the classroom space (Crenshaw, 1988). Perspectivelessness in legal education demands one forget themselves in order to adopt the belief in legal colorblindness (Guinier, et al., 1995). Here also,

the law schools across Historically Black Colleges and Universities, which center Black people in their historical purpose and ongoing mission, operate in a complete disruption to this dominant system of white institutional space.

Socratic Method

On the phrase “think like a lawyer” Henderson (2003) positions this as the principal purpose of law schools. The author explores how thinking like a lawyer is achieved through numerous considerations including to train students in the areas of lawyers’ duties and to imbue key functional capacities including judgment, legal reasoning, and communication. Further, thinking like a lawyer includes normative elements such as professional responsibility and duties to uphold the law and apply it justly (Henderson, 2003). Henderson (2003) recognizes the power and political nature of law as “every application of the law involves an interpretation of what the rules and norms of our society should be” (p. 62). This processes of deciding what society can and should be through law must not occur in a perspectiveless environment (Crenshaw, 1988).

To think like a lawyer also refers to the specific method of legal training continuing today, a combination of the case method and the Socratic method (Moore, 2008). The dean of Harvard Law, Christopher Columbus Langdell, is credited with establishing the three-year model and standardizing curriculum (Moore, 2008). Case method emphasizes the analysis of legal decisions, important when considering the nested spaces of law schools and the legal structure depicted in the model of “the political location of law schools” (Moore, 2008, p.18). On the second component, Moore (2008) describes the Socratic method as a random call, often hostile, which reproduces and exacerbates already hierarchical power dynamics between students and faculty. The broader EDP-1 dataset also captured this notion of thinking like a lawyer, with participants discussing a lengthy, distressing, individually targeted interrogation and debate

process built on case readings. Legitimacy of the method is maintained as all are expected to be impartial and accept the material and process (Moore, 2008).

Reflecting on “think like a lawyer,” Herden (1994) unpacks “lawyer” to be coded language for man. Guinier, Fine, Balin, Bartow, and Stachel (1994) identified a targeted and detrimental effect of the Socratic method on women law students. Their seminal work utilizes the phrase becoming gentlemen to “evoke the traditional values of legal education, including its mission to train the legal minds of detached, dispassionate advocates” (p. 5). Guinier et al. (1994) speak of a “neutral, unemotional, but courteous advocate for a client’s interest”, particularly gentlemen of “good breeding” (p. 5). Henderson (2003) discusses how law offices merged into the larger university, success dependent on establishing the supremacy of law as a science. Acceptable students included “upper middle class white Protestant males of approximately the same age, educated in philosophy, classical studies, and political science, and planning to be personal lawyers, appellate judges, judges, and statesmen” (p. 50). This particular image of a lawyer normalizes white men and sets a precedent for the statement: “You don’t look like a lawyer” examined by Melaku (2019b).

The hierarchy between students and faculty is exacerbated by the Socratic method. Guinier, Fine, Balin, Bartow, Stachel (1994) describe the patriarchal gender hierarchy which mandates that women law students engage with the Socratic method, a source of hazing, or be alienated. The authors alarmingly report participants feeling as if their “voices were stolen” and that they “no longer recognize their former selves” (Guinier, et al., 1995, p. 4).

The characteristic legitimacy of law schools and the law must be unpacked as law schools are political spaces. Synonyms for legitimacy, as provided by the Merriam-Webster (2021a), strikingly include lawfulness and legality. Legitimacy could also evoke an understanding and/or

determination of value and is linked inextricably to social institutions. I am informed by Cottom's (2017) positioning of for-profit institutions in the debate about their "realness." The entire higher education enterprise benefits from and structures the narrative that higher education is a necessary investment, personally beneficial, key to the path of happiness and related to concepts of the public good and democratic participation. Cottom (2017) offers that "all institutions require our collective faith in them for them to work. We call that legitimacy" (p. 10).

Narrowing this window of legitimacy to law schools, they exist at a unique intersection point of two overarching structures: higher education and the law. Both create and benefit from narratives of their unquestionable importance to society, of which they are at the epicenter, both suns in a solar system. The legitimacy of law schools is effectively solidified through an adoption of the rhetoric of the "liberty and justice frame" (Feagin, 2008). Yet, law schools continue to participate in violations including an ongoing, uncritical examination and acceptance of the legal system. A prime example through which we may understand this process is the law school curriculum, critiqued for presenting the law as neutral, unproblematic, its actors an authority (Moore, 2008).

Campus Climate

It also is necessary to look to the law school environment. Campus climate is a cornerstone of higher education research. In a macro view of campus climate studies between 1992 and 2007, Harper and Hurtado (2007) identified various themes across research at predominantly white institutions (PWIs) including institutional negligence, legacies of racism, and race as a taboo topic.

In an examination of the climate of the University of California (UC) Berkeley

commissioned by the plaintiffs in *Castañeda v. The Regents of the University of California* (2003), Solórzano, Allen, and Carroll (2002) name social hierarchy and racial inequity as a combination of interpersonal relationships, structural patterns, and ideological perspectives. Indeed, there is a relationship between anti-affirmative action legislation, the ideologies resulting in its passage, and the daily barrage of racial microaggressions experienced by students (Solórzano et al., 2002). The authors further define a positive racial climate as one where students, faculty, and Administrators of Color are: a critical mass, reflected in the curriculum, supported from recruitment to graduation, and free from such micro and macro aggressions. Additionally, faculty and administrators must be responsive to concerns and the overall institution committed to these goals. The opposite circumstances create a hostile racial climate.

Law schools have also been found to suffer from hostile campus climates. In a study of the University of Michigan (UM) Law School, notably the site for *Grutter* (2003), Students of Color and/or women reported rampant white male patriarchy as an overarching feature of the campus racial and gender climate (Allen & Solórzano, 2001). Students reported exclusion of their perspectives in curriculum, widespread incidents of overt and “covert” racism throughout the campus and surrounding city as well as discussed the psychological and behavioral weight of campus hostility (Allen & Solórzano, 2001). Despite this, the law school and by extension higher education, maintains its position of power and legitimacy.

Affirmative Action

U.S. higher education is challenged by several recent anti-affirmative action cases at highly elite institutions. For example, as of November 2018, a case filed by UCLA law professor Richard Sander, the proponent of mismatch theory, argues the University of California maintains the consideration of race in admissions decisions, in violation of Proposition 209 (Hartocollis,

2018; Jaschik, 2018). Additional lawsuits include Students for Fair Admissions (*SFFA*) v. *President and Fellows of Harvard College* (2019) and *SFFA v. University of North Carolina* (2021). A note on language, I follow the example of Garces and Poon (2018) who highlight their interchangeable use of both race-conscious admissions and affirmative action and highlight Justice Sotomayor's discussion of the history of terms in *Schuette v. Coalition to Defend Affirmative Action* (2014).

Focusing on the example of Harvard University, the institution is widely recognized as among the most elite higher education institutions, undoubtedly a factor in the lawsuit. As well, Harvard's admission process was highlighted in *Bakke* (1978), thus the case likely represents a strategic undo attempt. While anti-affirmative action cases traditionally center white students, this lawsuit notably attacks race-conscious policies from the position that Harvard discriminates against Asian Americans. Garces and Poon (2018) show how this strategy by white opponents of affirmative action attempt to "split interracial coalitions that support the policy, and use Asian Americans as a racial cover for their anti-affirmative action efforts" (p. 2).

Though, this effort would not be wholly successful. In *SFFA v. President and Fellows of Harvard College* (2019), U.S. District Judge Allison D. Burroughs affirmed the Supreme Court's decision in *Grutter* (2003) and determined Harvard's race-conscious admissions practices to be constitutional and important toward achieving diverse educational spaces. Another update, U.S. District Judge Loretta Biggs also re-affirmed *Grutter* (2003) (*SFFA v. UNC*, 2021). The conclusion by U.S. District Judge Biggs can be read in distinct contrast to the idea of eventual sunseting of race conscious admissions practices as the university's goals of diversity, and by extension the stated goals of higher education institutions broadly, are far from realized (*SFFA v. UNC*, 2021). Judge Biggs also reminds readers that the first Black students were admitted to

UNC in 1951, and Black students continue to experience racism, tokenism, and isolation (SFFA v. UNC, 2021). Key historical context, the first Black students - Harvey Beech, James Lassiter, J. Kenneth Lee, Floyd McKissick, and James Robert Walker – were admitted via court order to the UNC School of Law in 1951 (Nixon, 2019). In *McKissick v. Carmichael* (1951), the plaintiffs were represented by Thurgood Marshall and Conrad Pearson of the NAACP, a history reaching back to the previous introduction of the strategic plan to break down segregation (Nixon, 2019).

Grutter and Higher Education Diversity

Affirmative action challenges invoke a set of procedures including strict scrutiny, which determines constitutionality of a race-conscious admissions policy. This is based on a set of criteria in which the court assess if the policy advances an institution’s compelling interest, such as in educational diversity, then determines if the policy is narrowly tailored (Garces & Jayakumar, 2014). The language of diversity seen in *Grutter* (2003) is part of the collective U.S. higher education ethos. In *Grutter* (2003), the Court determined the University of Michigan Law School to have a compelling interest in attaining a diverse student population, and this interest is critical to its institutional mission. Further, “the Law School’s concept of critical mass is defined by reference to the educational benefits that diversity is designed to produce” (*Grutter*, 2003, p. 17). These benefits include cross-racial interaction, breaking down of stereotypes, enhanced classroom discussion, and workplace enhancement (*Grutter*, 2003). These concepts and the specific language of diversity continues to be dominant themes in higher education scholarship. Contrastingly, the Court in *Gratz v. Bollinger* (2003) found that the University of Michigan Office of Undergraduate Admissions policies did not meet this standard of strict scrutiny.

Garces and Jayakumar (2014) show the application of narrow-tailoring in *Bakke* (1978), *Grutter* (2003), and *Fisher* (2013), in which an admissions policy must meet several criteria, the

first of which is that it must not be a quota system. The authors further that an institutional admissions policy must be set in motion only after engaging various race-neutral options and it must provide each applicant an individualized review in which race is but one among many key factors considered. Further, such an admissions policy must not be a barrier to “disfavored groups,” and operate for either a limited period of time or undergo review to determine its necessity (Garces & Jayakumar, 2014, p. 117).

The importance of race in U.S. society and institutions must not be minimized nor dismissed, especially through the proposition that race-neutrality is possible and desirable. The latter property of narrow-tailoring is encapsulated in *Grutter* (2003) by Justice O’Connor’s expectation to end race-conscious admissions in 25-years, or seven years into the future from the present time. Referencing the *Bakke* (1978) decision, O’Connor reflects on the increase of Applicants of Color with high grade point averages (GPAs) and standardized exam scores as rational for this eventual sunset (*Grutter*, 2003). This comment elevates the importance of falsely neutral measures of merit and may be an advanced showing of a future change in the Court’s position (Caminker & Amar, 2003). This 25-year proposed end point reflects the position that race-neutrality is desirable/best and fails to understand the centrality of structural racism. Garces (2014) problematizes the Court’s movement away from racial justice toward diversity, particularly evident in *Bakke*, and the process by which strict scrutiny in the case equated racial justice for People of Color to discrimination for white people.

The Challenge of Diversity

Derrick Bell famously advanced “Diversity’s Distractions,” a critical interpretation of the *Grutter* case. Bell (2003) offers that the Court’s decision in *Grutter* is not motivated by a commitment to racial justice - rather, it is a product of interest convergence. To be discussed in

greater detail, especially as it relates to the *Brown v. Board of Education of Topeka* (1954), the interest convergence principal advances that Black people's goals of racial equity will be met only at the point of convergence with white interests (Bell, 1980). Though *Grutter* upheld the consideration of race in admissions decisions, *Grutter* prioritizes diversity in the workplace and society over remedies for discrimination, past and present. Bell (2003) illuminates how Justice O'Connor traditionally voted against affirmative action but supported in *Grutter* (2003) as white people would benefit. Amici briefs submitted by corporations and the military on the workplace benefits of diversity in a global marketplace, upheld diversity as a commitment to diverse ideas, perspectives, and cultures.

Further, describing O'Connor's support of the UM Law School policies in *Grutter* (2003) and the rejection of the UM Undergraduate Office of Admissions policies in *Gratz* (2003), Bell (2003) shows how race is minimized and merit elevated by exploring how Justice O'Connor focused on the law school's prioritization of factors other than race, such test scores and grades across groups, thus the law school "seriously weighs many other diversity factors besides race that can make a real and dispositive difference for nonminority applicants as well" (p. 1623). Bell's (2003) point that race and racial inequity is minimized connects to insights by Patton (2016) that the language of diversity, especially as understood by the Court, "becomes so broad that racism and other issues that deal specifically with dismantling oppression get neutralized" (p. 321). Jayakumar, Garces, and Park (2018) describe how legal decision making since *Bakke* have resulted in "palatable interventions for improving campus racial dynamics that are not threatening to White interests" (p. 13).

Critical Mass

In addition to diversity, critical mass is a central concept in the Court's decision making and continues to be a point of debate. Garces and Jayakumar (2014) describe opposition to critical mass absent a quantitatively defined number as a "Catch-22", as it cannot be a defined number, therefore a quota with connection to the *Bakke* (1978) decision, nor can critical mass be overly abstract and defy review (p. 117).

In relationship to critical mass, dynamic diversity expands ideas of structural diversity and requires consideration of the entirety of the institution including its history, people, policies, events and more. Structural diversity is a key part within the model for campus climate calling for higher education institutions to also address histories of inclusion and/or exclusion, behavioral dimensions, and psychological dimensions (Hurtado et al., 1998; Deo, Allen et al., 2009). Garces and Jayakumar (2014) advance dynamic diversity, which responds to critiques of the critical mass as amorphous. They caution that critical mass is "contextual and requires an understanding of the conditions that are needed for meaningful interactions and participation among students, given the particular institutional and state/local environment" (p. 115). Dynamic diversity thus heavily engages with campus climate scholarship, in which law schools have received special attention (Allen & Solórzano, 2000). Dynamic diversity, the campus racial and ethnic climate, and related concepts such as racial battle fatigue (Smith et al., 2016) affirm CRT's insights that racism is structurally embedded within U.S. society - especially higher education - and profoundly harms People of Color and Black people. The necessary focus on campus climate, particularly in discussions of race-conscious admissions, cannot be overstated and must not be overlooked.

Unpacking Merit

In the previously introduced media coverage of the overwhelming white male majority in partnership positions at law firms, commentators locked racial and gender diversity and merit into parallel, incompatible lines. This reflects a pattern of masking exclusionary practices under the colorblind guise of prizing skill. Skill and merit, or deservingness, are thus abstracted into ideas about who is successful, and the steps along the way to their success. This includes degrees from elite higher educational institutions and by extension, markers of educational success including high GPA and exam scores.

Challenges to race-conscious admissions policies often claim a violation in the form of rejected admission. In the monumental work, *Whiteness as Property*, Harris (1993) unpacks this claim, highlighting how in cases including *Bakke* (1978), *Croson* (1989), and *Wygant* (1986), “the underlying, although unstated, premise in each of these cases is that the expectation of white privilege is valid, and that the legal protection of that expectation is warranted” (p. 1769). Harris (1993) explains that *Bakke* claimed reverse discrimination and deservingness based on higher test scores than Students of Color in a special admissions program which reserved 16 seats out of 100. The Court ultimately invalidated this plan and race deemed a “plus” in admissions (Allen et al., 2018). Harris (1993) further unpacks *Bakke*’s flawed claim as better qualified due to high Medical College Admission Test (MCAT) scores and GPA as it does not consider the full admissions criteria and holds test scores and GPA as unquestionably valid.

Anti-affirmative action challenges position standardized tests as measures of merit, including MCAT scores and GPA in *Bakke* (1978), Law School Admissions Test (LSAT) scores in *Grutter* (2003), and Scholastic Assessment Test (SAT) scores in *Fisher* (2016). Problematizing standardized testing rejects the possibility of neutral measures of merit, the

concept of individual worthiness, and the process of ranking and distributing individual and institutional benefits along supposedly just lines (Delgado & Stefancic, 2017). Delgado (2001) calls for LSAT abandonment (and by extension tests such as the SAT) on several grounds including that such standardized tests are racist in origin, test only limited skills critical for lawyers, and are not accurate predictors of future success.

Engaging the Public on Race-Conscious Admissions

It is deeply troubling that surveys of public opinion show a continuous commitment to colorblindness. A 2016 sampling of the public show that 65 percent of Americans disagree with the Supreme Court's decision on race in admissions (Newport, 2016). Those surveyed strongly disagreed with considering factors including socioeconomic status, first-generations status, and gender. High school coursework, grades, and standardized test scores were unsurprisingly, deemed appropriate considerations (Newport, 2016).

A 2019 survey by the Pew Research Center again confirms this trend, with three-quarters of people surveyed of the position that race or ethnicity should not be considered in admissions decisions as either a major or minor factor - a majority across all racial and ethnic groups represented and also among both Democrats and Republicans. Seven percent of respondents say race or ethnicity should be a major factor and 19 percent, a minor factor (Graf, 2019). These data leave little surprise that California's Proposition 16 failed in November 2020, and Proposition 209 remains in effect.

Though the Supreme Court upheld the constitutionality of race-conscious admissions, states are another area of attack, such as California's Proposition 209 and Michigan's Proposal 2. Proposition 209 is a stark retelling of the Civil Rights Movement to suit dominant narratives, both the language of the text and the surrounding discussions by politicians. The language of the

text in favor of Proposition 209 states that the civil rights movement, once successful in the prohibition of discrimination, has been seized by people who would implement quotas and preferences (Wilson et al., 1996). In capitalized letters, reverse racism appears prior to a call for decisions to be both color and gender blind (Wilson et al., 1996). This dangerous cooptation of the Civil Rights Movement falsely fuels colorblindness as “common sense” decision-making.

In a twisting of terms, the 1996 presidential candidate Bob Dole, in support of Proposition 209, utilized the language of justice, yet expressed the often heard rationale that discrimination cannot be the solution to additional discrimination (La Ganga, 1996). On *Gratz v. Bollinger* (2003), George W. Bush, despite acknowledging racism and the underrepresentation of Students of Color across the U.S. higher education landscape, affirms the same position and equates race-conscious admissions with discrimination. This logic advances colorblindness as simply the common-sense, right thing to do and presents inaction as action. Both Dole and Bush advanced the racial status quo while seemingly informed about the history of U.S. racism.

Fast forward to the current surge of anti-affirmative action cases, the particular impact of the Trump administration (whether in office or not) to future challenges on a variety of issues including affirmative action, cannot be dismissed or downplayed given the enduring, structural nature of racism. Key actions during the Trump administration include the removal of guidelines from the Obama administration on race-conscious admissions (Garces & Poon, 2018) and the leveraging of the Department of Justice to launch a suit against Yale University, stated to be unfairly rejecting Asian American and white applicants (Department of Justice Office of Public Affairs, 2020).

Although Trump is no longer in office, his impact expands far beyond him as an individual and will especially endure given the compositional changes to the Supreme Court,

including the appointments of Justices Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett. Indeed, “the Trump administration seems poised to entrench conservative ideological control in the Court for years to come, making it more favorable for considering future legal challenges to affirmative action” (Garces & Poon, 2018, p. 5). In this example, Trumpism endures.

The examples of widespread public rejection and the ongoing legal challenges to race conscious admissions demonstrate, as described by Patton (2016), a deep commitment to racelessness. Patton (2016) identifies the importance of CRT in challenging this widespread narrative and calls for increased application of CRT in higher education scholarship, teaching, and practice. Through CRT we can begin to understand, and importantly change, the belief systems, messages and practices which minimize race and racism and permeate U.S. social systems, particularly higher education.

In the following section, I present the frameworks which guide this work, including definitions of racism, anti-Blackness, and misogynoir. I explore the key tenets of Critical Race Theory and provide examples of how racism manifests in higher education settings (e.g. CRT’s position that racism is normal is exemplified by inequitable funding practices between HBCUs and HWIs). I conclude this section with an exploration of how CRT informs my data analysis procedures, including a practice of asking questions of the data informed by CRT’s central positions.

Defining Racism and Anti-Blackness

I write in a time dominated by the coronavirus, which is exacerbated by systemic racism. I also write during attacks on Black lives, an enduring history of violence as old as the U.S. and which continues into the present. Media is increasingly covering topics including race, racism, and police violence following these losses. However, the global pandemic and police violence did

not make racism and anti-Blackness more identifiable, as this has always been felt by people without the option to ignore it. In 2020, this extreme violence resulted in the loss of 248 Black lives – the severity of which defies words (Mapping Police Violence, 2021).

While blatant, outward displays of racism are widely rejected, and the perpetrator shunned (especially when captured on video), systemic racism endures and is foundational to the U.S. Bonilla-Silva (2018) terms the “new racism,” offering that white supremacy evolved to capitalize on more subtle forms, yet maintains systems of racial domination all the same (p. 17). CRT, which rejects racism in all forms, guides us in recognizing the commonness of racism in society.

Harper (2012) advised higher education researchers to not study race without centering racism, particularly the racist practices of institutions. Harper’s (2012) study of select higher education research journals also found a dearth in application of CRT to education research, indicative of the overall racelessness and aversion to naming racism/white supremacy in higher education research described by Patton (2016). Harper (2012) provides a multi-faceted definition of racism focusing on intentional or unintentional individual actions which harm, structures which reproduce racial inequity, and institutional norms which maintain white privilege and create conditions for racial subordination.

Racism is pervasive, and as advanced by CRT, endemic to U.S. society. Bonilla-Silva’s (2018) definition of racism holds racism to be a structure and the dismantling of such a structure must remove all the pieces including institutions which maintain white supremacy. Bonilla-Silva (2018) also identifies colorblindness as the dominant mechanism through which this structure is accomplished. At the individual level, this reproduces through proclamations like “I don’t see color” or “I don’t see race,” and at the structural level, through institutionalized practices such as

California's Proposition 209 which bans affirmative action in public settings including public higher education institutions (UCOP, n.d.). Individual and structural colorblindness are mutually reinforcing of one other.

Colorblind Racism

Bonilla-Silva (2018) advances four frames of colorblind racism, including abstract liberalism which “involves using ideas associated with political liberalism (e.g. “equal opportunity,” the idea that force should not be used to achieve social policy) and economic liberalism (e.g. choice, individualism) in an abstract manner to explain racial matters” (p. 56). Revisiting the comments section in the news story about Paul, Weiss shared in Chapter One, several commentors claim they would seek the most skilled lawyer regardless of race and gender. This is an example of the abstract liberalism frame of colorblind racism as *of course* a client would hope to work with a knowledgeable lawyer, while dismissing critiques of Black people's token representation across elite law firm leadership. This “*of course* claim” is so simple that it appears just, without issue. However, the “you don't look like a lawyer” phenomena for example, reveal this claim false (Melaku, 2019b).

Another frame of colorblind racism, naturalization, “allows whites to explain away racial phenomena by suggesting they are natural occurrences,” such as an attempt to justify segregation (Bonilla-Silva, 2018, p. 56). Framing an event as “natural” effectively removes it from questioning and the event is positioned as an almost in-arguable fact. The third frame, cultural racism “relies on culturally based arguments such as ‘Mexicans do not put much emphasis on education’ or ‘blacks have too many babies’ to explain the standing of minorities in society” (Bonilla-Silva, 2018, p. 56). Cultural racism relies upon racist, deficit beliefs that otherize and marginalize People of Color. The final frame, minimization of racism dismisses discrimination

and racism as without importance for People of Color, such as “‘It’s better now than in the past’ or ‘There is discrimination, but there are plenty of jobs out there’” (Bonilla-Silva, 2018, p. 57). Bonilla-Silva (2018) also indicates this frame strategically boxes racism into extreme, overt behavior, thus limiting the responsibility of individuals and removing structural racism as a possibility.

These four frames of colorblind racism create and organize meaning about racialized events. In the example of affirmative action critiques, opponents may offer that Black students would fare better elsewhere due to academic unpreparedness (cultural racism), and uphold tokenism as progress (minimization of racism). These examples convey how colorblind racism is so deeply entrenched in U.S. society that its application appears automatic or subconscious.

Recognizing Anti-Blackness

In addition to ensuring race is not discussed absent racism, we must be specific about anti-Blackness. Dumas (2016) defines anti-Blackness as central to Afro-pessimism, which examines the denial of Black humanity. Anti-Blackness is not able to be resolved through political and legal struggle, rather “antiblackness marks an irreconcilability between the Black and any sense of social or cultural regard” (Dumas, 2016, p. 13). Anti-Blackness results in Black subjugation through two processes, the first of which, *enslavement*, reduces Black bodies to property, the object to conduct work (Dancy et al., 2018; Harris, 1993). Anti-Blackness also functions expansively through *mechanisms* which create narratives to exploit, police, and harm Black people (Dancy et al., 2018). An example of the former, Wilder (2013) describes how elite colleges were built by enslaved people. Harvard University is a particularly visible example with a history of slave-owning institutional leaders and graduates, as well as the inhumane practice of

enslaving Black people to the institution to perform grueling labor, ensuring its total success in perpetuity (Wilder, 2013).

Harvard continues to benefit from slavery, as the legal determination of Black bodies as property functions into the present in a case involving images of enslaved people. In 2019, Tamara Lanier filed a lawsuit against Harvard to reclaim the daguerreotype images of her ancestors, father Renty and daughter Delia, who were enslaved (Hartocollis, 2019). These photos attempted, and failed, to make the anti-Black argument that Black people are subhuman, a commission by Dr. Louis Agassiz in 1850 (Murray, 2013). In March 2021, Justice Camille F. Sarrouf dismissed the lawsuit, deeming Harvard, not Lanier, the rightful owner of photographs (Hartocollis, 2021).

The judge's decision that commercial rights of control expired at Renty and Delia's passing disregards completely the anti-Black violence inherent in Renty's and Delia's enslavement, their claim to the photographs would have been legally impossible (Hartocollis, 2021). The decision also reinforces Harvard's potential for economic gain from the publishing of the photographs. In response to the judgement that the photos are the property of the institution, Harvard responded with the hopes to make them available and thus share Renty's and Delia's stories (Hartocollis, 2021). While seemingly framed as a move to hold themselves accountable for the institution of slavery, this act disregards the humanity of the people photographed and the clear wishes of descendants to separate their ancestors from the desires and economic benefit of Harvard. Anti-Blackness, such as in the *Dred Scott* (1857) case which denies Black people's humanity, and in the Court's denial of Renty and Delia a home with their descendants, reduces Black people to perpetual objects of property.

Notably, this case is not the first question of ownership of these daguerreotypes. Murray (2013) chronicles how artist Carrie Mae Weems, despite signing a contract to not utilize images without Harvard's permission, photographed the daguerreotypes of Renty and Delia, as well as of Jack and Drana, and included them in her 1995-1996 work titled "From Here I saw What Happened and I Cried." These images are enlarged, arranged in a circular portrait and tinted red, are available on Weems's website (Murray, 2013; Weems, n.d.). Murray describes (2013) Weems's composition of the artwork, including twenty-nine additional appropriated images and a duplicated image of a Nubian woman in blue at each bookend. Each image depicts a line of text that combine into a tearful reflection on the U.S. history of enslavement and the wrongful identities ascribed onto Black people, in total creating a poem to each person (Murray, 2013; Weems, n.d.).

Murray (2013) outlines a series of events including a threat from Harvard to sue Weems and Weems's invitation of this action on the grounds of a moral versus legal case. In a strange turn of events, Harvard instead sought payment upon Weems's selling of these images, another layer of complexity, and also purchased the collection for its own art museum (Murray, 2013). Murray (2013) asks of this situation if Harvard truly owns the daguerreotypes and if so, is it right to do so? Ultimately, Murray (2013) concludes, opposite the decision in the most recent case, that "the violent past should be recognized in modern property law, at the very least providing that relics made and left by enslaved people should be returned to their descendants" (Murray, 2013, p. 78).

Revisiting the text across each of the 33 toned prints, Weems (n.d.) painfully confronts viewers with labels ascribed to Black people, focusing on how white supremacy constructs Black labor and utilizes and disposes of Black bodies for its benefit. An example of the second process

through which Black subjugation occurs, mechanisms, like Weems shows, include narratives which endanger Black people (Dancy et al., 2018). Again, considering the positioning of higher education as indispensable to society, and the history of higher education as built upon Black bodies, Mustaffa (2017) shows how Black people without educational credentials are too disposed, and insidiously, ascribed as such.

Black people's humanity and deservingness of life must be separate from credentials, particularly as higher education settings are increasingly recognized as sites of exclusion for Black students (Allen et al., 2018) and Black faculty (McLewis et al., 2021). Both processes of enslavement and mechanisms function historically and into the present within higher education to create and reinforce Black subjugation.

Misogynoir

As we must be specific about the distinctions of anti-Blackness, we must also recognize how misogynoir, or anti-Black racist misogyny, endangers the lives and livelihood of Black women (Bailey & Trudy, 2018). Bailey (2010) created the term misogynoir to describe the expansive hatred toward Black women, culturally and socially reproduced. In the "Crunk Feminist Collection," Bailey (2010) engaged violent lyrics and harmful displays of masculinity directed toward Black women. Bailey (2010) further unpacks her relationship to the music and world around her, while providing space for us to join. Trudy (2014), in the digital space the "Gradient Lair," profoundly expands our engagement with the concept, providing space to center Black women's experiences and unpack the process of attempted dehumanization. In an interview between both Bailey and Trudy (2018), they describe the erasure of their works, a form of misogynoir itself, a pattern also experienced by Black woman scholars.

CRT and conceptualizations of anti-Blackness and misogynoir provide a means to understand law as a structure of domination. As CRT positions race as a social construction, anti-Blackness and misogynoir are also constant constructions resulting in deep harm to Black people. This process of construction, negotiated through mechanisms (Dancy et al., 2018), creates inequitable systems reinforced through higher education, legal education, and the law. Anti-Blackness and misogynoir are thus entrenched functions of society maintained through social systems, narratives, and practices. Scholars call for Black people to practice radical self-determination and collectively imagine new possibilities (Combahee River Collective, 1977; Dancy et al., 2018; Mustaffa, 2017).

Critical Race Theory

Early in this process, I was asked how I would respond to resistance at the application of Critical Race Theory to this dissertation. The importance of the question became clear during a conference panel focused on CRT. Audience members shared stories of rejection and requests for re-writes at the use of the term white supremacy. Ladson-Billings (1998) forewarned of resistance to the theory over two decades prior: “we will have to expose racism in education and propose radical solutions for addressing it. We will have to take bold and sometimes unpopular positions” (p. 22). Ladson-Billings’ prediction is epitomized in the recent wave of equity gag orders across states targeting CRT, the 1619 Project, and anti-racist and anti-sexist trainings in public schools and government entities (further analysis to be discussed in Chapter 6: Discussion) (African American Policy Forum [AAPF], 2021).

In recent months, social media erupted with anti-CRT messages. Trump specifically attacked CRT via Twitter, the messages now unavailable, calling the theory a “sickness” to be reported (Booker, 2020, para. 3). This language misdirects focus, as the threat is racism rather

than anti-racist work. Trump's actions also include Executive Order 13950 (2020), titled "Combating Race and Sex Stereotyping" which outlines "divisive concepts." Though this executive order was revoked under the Biden administration by Executive Order 13985 (2021), titled "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," which specifically acknowledges the enduring histories of systemic marginalization and the need for racial justice, it is worthy to note an attack emanating from such a prominent level of government. While Trump's actions do not invent resistance to CRT and the broader movement toward racial justice, they provide a language and a model for lawmakers across states to introduce legislation against this work. Equity gag orders, to be discussed in Chapter Six: Discussion, Recommendations and Future Research, are a response to CRT's challenge to white supremacy.

CRT Origins

Within and beyond law schools, CRT is a movement of scholars and activists, of people committed to dismantling white supremacy. In the 1970s legal scholars and activists realized Civil Rights gains were collectively rolling back due to the conservative judiciary and met in 1989 in Madison, Wisconsin (Taylor, 1999; Delgado & Stefancic, 2017). CRT is a robust intellectual tradition with connections to radical feminism, the Black Power Movement, the Chicano Movement, and people including Sojourner Truth, Dr. W. E. B. Du Bois, Cesar Chavez, Dr. Martin Luther King, Jr. and more (Delgado & Stefancic, 2017).

CRT's origins are linked to the Critical Legal Studies (CLS) movement which rejects traditional narratives of legal scholarship as non-neutral and shows law to be a tool to reinforce existing hegemonic social structures (Crenshaw et al., 1995; Ladson-Billings, 1998). Yet, Crenshaw et al. (1995) describes how the movement lacked a critical investigation of racial

power, and therefore also lacked a true separation from and transformation of dominant institutions. CRT engages radical feminism's lenses on power and patriarchy, civil rights ideas of the present as a product of history and the need to redress and remedy wrongs, and insights from ethnic studies about centering community and group contexts (Delgado & Stefancic, 2017).

Crenshaw et al. (1995) identify two goals of CRT:

The first is to understand how a regime of white supremacy and its subordination of people of color have been created and maintained in America and, in particular, to examine the relationship between that social structure and professed ideals such as “the rule of law” and “equal protection.” (p. xiii)

The latter concept of equal protection within the 14th Amendment is especially prominent in the movement for racial justice, critical to cases including *Plessy v. Ferguson* (1896) and *Brown v. Board of Education* (1954) (Harris, 1993). CRT's goal of social transformation also casts a line to the mission statements outlined across the six law schools located at HBCUs. CRT's transformative possibilities create opportunity to examine how structures such as the law and education reproduce inequity. Building, among the foremost positions of CRT is the reality of race and racism. In forthcoming EDP findings, participants reflect on the effects of anti-Black racism in foundational U.S. documents such as the Constitution, and how this knowledge informs their legal careers.

Critical Race Theory in Education

Critical race theory is increasingly applied to education, beginning with *Toward a Critical Race Theory of Education* by Ladson-Billings and Tate (1995), who called for greater theorizing on race, racism, and property in K-12 educational systems, as an engagement with these systems is foundational in any analysis and address of social and educational inequity.

Ladson-Billings (2013) also describes meeting with prominent figures in CRT including Derrick Bell, Kimberlé Crenshaw, and Richard Delgado on if/how to engage CRT in education research. The authors advised caution, further exploration, and possible collaboration, respectively. Ladson-Billings (2013) shares how CRT in education continued to gain form with workings including: Tate's (1997), *Critical Race Theory In Education: History, Theory, and Implications*; Solórzano's (1997) *Images and Words that Wound: Critical Race Theory, Racial Stereotyping, and Teacher Education*; as well as her own work including Ladson-Billings (1998), *Just What Is Critical Race Theory and What's It Doing In a Nice Field Like Education?* Ladson-Billings (2013) continues to outline how CRT in education research grew, highlighting works by Lynn (1999), *Toward a critical race pedagogy: A Research Note*; Taylor (1999), *Critical Race Theory: A Primer*; Solórzano and Yosso (2001a), *From Racial Stereotyping and Deficit Discourse Toward a Critical Race Theory of Teacher Education*; Solórzano and Yosso (2001b), *Critical Race and LatCrit Theory and Method: Counter-Storytelling*; and Delgado Bernal (2002), *Critical Race Theory, LatCrit Theory and Critical Race Gendered Epistemologies: Recognizing Students of Color as Holders and Creators of Knowledge*.

Building from the foundation set by critical scholars including Ladson-Billings and Tate (1995) to understand race and racism in education, Patton (2016) positions higher education as among the most influential spaces. This considers the number of institutions and the widespread belief that higher education is indispensable to career and life preparation. Yet, higher education, as a main source of knowledge creation, reproduces white supremacy in the example of institutional histories of exclusion. In advancing a Critical Race Theory of higher education, Patton (2016) also provides three key propositions, including that U.S. higher education is founded in racism/white supremacy, continues to benefit from imperialism and capitalism, and

that as one of the main sources of formal knowledge creation, such knowledge is also entrenched in racism/white supremacy. The traditions of critical race scholarship and propositions by both Ladson-Billings and Tate (1995) and Patton (2016) topple myths of merit, neutrality, and education as the great equalizer.

Critical Race Theory: Tenets

CRT engages race, racism, and power. Ladson-Billings (2013), in discussion with Delgado and Stefancic (2001, 2017), identify the following five CRT hallmarks: First, critical race scholars hold that racism is a normal, foundational part of society. Second, interest convergence is a critical framework through which to understand key historical, social, political and legal events. Third, race is socially constructed, especially through legal determinations. Fourth, intersectionality is a critical framework with which to understand converging structural oppression. Fifth, counter-narratives are stories shared to expand knowledge and challenge oppression.

Belief that Racism is Normal or Ordinary.

This fundamental premise in CRT rejects definitions of racism as individual bad behavior and instead positions racism as the normal order (Ladson-Billings, 2013; Delgado & Stefancic, 2017). An example of the ordinariness of racism, in a proposal to move away from the LSAT in law schools, Delgado (2001) describes how standardized tests which appear neutral and routine, originated among eugenicists to prove northern European white superiority. Again, the significance of the daguerreotypes of Renty, Delia, Jack, and Drana commissioned, unsuccessfully, to show the biology of racism, is underscored as is higher education's status as a site of racial exclusion (Murray, 2013). A great irony, surveys of the American public reveal the popular belief in standardized testing as a supposedly neutral practice worthy of heavy factoring

into college admissions decisions, as opposed to race (Graf, 2019).

Adopting the position that racism is normal within higher education and the law requires both a dismissal of the possibility of neutrality, such as in the example of standardized testing, and a critical investigation into how institutions came to exist. The combination of myths of the U.S. as a land of opportunity, equality in legal and political processes, and the particular narrative of higher education as the great equalizer, also render anti-Black racism in higher education legislation normal. An example building from the discussion of the challenging origins of HBCUs, the Morrill Land Grant Act of 1862 is revered for the establishment of U.S. colleges and universities. Indeed, many of the nation's most prestigious flagships are land-grant institutions. The U.S. Senate (n.d) describes how the act, signed on July 2, 1862, allocated 30,000 acres of western land to develop colleges for agricultural and mechanical education. In addition, the 1862 Morrill Land Grant Act funded the construction of these colleges (U.S. Senate, n.d.). However, Black people were barred from accessing these institutions. In contrast, the Morrill Act of 1890 required states to prove race was not a prohibitive admissions factor or create a separate land-grant institution for Black people (Lee & Keys, 2013). Thus, the 1890 Act resulted in 19 public HBCUs (Lee & Keys, 2013).

The Morrill Land Grant Acts are also stark examples of discriminatory funding as many of the institutions created through the 1890 Act were not provided land or money (Lee & Keys, 2013; Mustaffa, 2017). The Morrill Act of 1890 left plans to the state to fairly distribute funding to Historically Black Land Grant Universities (HBLGUs) yet, HBLGUs only received single-digit percentages of available funds due to discrimination (Allen & Esters, 2018). Into the future, the 1890 Act institutions continue to be undercut by states not meeting the one-to-one matching requirement which calls for land-grant states to match federal formula funding dollar-to-dollar

(Lee & Keys, 2013). Lee and Keys (2013) show how states fail to meet this requirement for 1890 institutions but often exceed the one-to-one matching for 1862 institutions, resulting in a \$57 million loss to 1890 institutions in the example period between 2010-2012.

The magnitude of the reverberating effects of discrimination in institutional origins is also evidenced by the massive differences in endowments between HBLGUs and Historically White Land Grant Universities (HWLGUs). Allen and Esters (2018) show that the combined endowments of the 21 HBLGUs total over \$740 million, and among institutions within the same state, 15 HWLGU are endowed greater than the total of all HBLGUs, with 10 HWLGUs surpassing \$1 billion in endowments. Another way to examine these extreme differences is to focus on the smallest endowments, as the HWLGU located in the Southern U.S. with the lowest endowment of \$500 million is still five times greater than Florida A&M University, the one HBLGU with an endowment surpassing \$100 million (Allen & Esters, 2018).

In addition to endowments across land-grant institutions, we can extend the examination of the effect of anti-Blackness in resource allocation to federal, state and local government funding sources, in addition to private sources. Toldson (2014) found that the 86 four-year HBCUs together received \$1.2 billion from these sources, compared to the single institution, John Hopkins University, which received \$1.6 billion. These examples display the systemic disinvestment, or refusal to invest, in the education of Black students.

Scholars outline the *drastic* underfunding of HBCUs compared to HWIs in the same state (Allen & Esters, 2018; Minor, 2008). Maryland recently gained national attention through steps to conclude a federal lawsuit of 15 years, in which the state chronically underfunded HBCUs. In a settlement bill, Bowie State University, Coppin State University, Morgan State University, and the University of Maryland Eastern Shore (the latter is an 1890 land-grant institution) will

receive \$577 million over a decade (Associated Press, 2021).

Continuing the focus on institutions within the same state, Allen et al. (2018) broadens our discussion of how the patterns of drastically inequitable funding to institutions with greater populations of Black students also extends to Black-Serving Institutions (BSIs). BSIs receive far less per student, and in some cases less than half of the amount received by research-intensive institutions (Allen et al., 2018; Minor, 2008). Allen et al. (2018) rejects this process of funding distribution as race neutral. As well, the ordinariness of racism in this example reinforces institutional hierarchies.

Presented as a neutral, benevolent gift on behalf of the federal government to states, the description of “federal” and “western land” in the 1862 Act masks the U.S. government’s violent acts of land-theft from Indigenous people (U.S. Senate, n.d., para. 1). Here, racism is so ordinary that the very land higher education institutions occupy is invisible, as is the trauma of land occupation. The gruesome history of the murder of the Yuki people by Serranus Hastings, the founder of University of California, Hastings College of the Law and future Chief Justice of the California State Supreme Court, for example, became widely known through popular media in October 2021 (Fuller, 2021). The work of the Yuki people, Round Valley Indian Tribes, and UC Hastings Law is ongoing (Sinkyone Council, n.d.). These examples of routine institutional practices and invisibility in origins exemplify racism as normal.

Interest Convergence.

Interest convergence, advanced by critical race scholar Derrick Bell, calls for a pause in the acceptance of narratives of progress and triumph. Bell (1980, 2003) examines acclaimed moments including *Brown v. Board of Education* and *Grutter v. Bollinger* and inspires questions including: Is this racial justice? Who benefits? How did these decisions come to be?

Among the most prominent examples of interest convergence, in the *Brown v. Board of Education* (1954) decision, the Supreme Court ruled “separate but equal” unconstitutional, the infamous words from *Plessy v. Ferguson* (1896, p. 552). Bell (1980) shows that *Brown’s* passage was not due to the need to enact racial justice, only the appearance of progress was important. Rather than an acknowledgement of the generations of anti-Black racism and white supremacy, the *Brown* (1954) decision reinforces goals of positioning America firmly as a land of “equals” (Bell, 1980). *Brown* (1954) was an opportunity to assert moral superiority over Communism, as well as the dilemma of Black veterans returning home post-World War II to anti-Black violence and discrimination (Bell, 1980). Through interest convergence Bell (1980) also describes *Brown* (1954) in relationship to the moment when white Southerners realized the economic crawl caused by segregation. *Brown’s* passage was more to do with the benefits, particularly economic, to white people. Thus, Black people’s goals of racial equity are realized only when such goals converge with white interests (Bell, 1980). Bell (2003) extends interest convergence further to the Supreme Court decision in *Grutter*, which upheld the consideration of race in admissions decisions at the University of Michigan Law School. This case has several particulars worth unpacking, namely the Court’s understanding of the diversity rationale and the vote in support of the law school cast by Justice O’Connor, described previously.

Race as a Social Construction.

Race as a process of social construction is well documented among critical race scholars. Omi and Winant (2015) advance the notion of racial projects, or “efforts to shape the ways in which human identities and social structures are racially signified, and the reciprocal ways that racial meaning becomes embedded in social structures” (p. 13). A vivid and common example of the construction of race is the process of racial and ethnic categorization within the U.S. Census

(Allen, et al., 2019). The first U.S. Census is a stark example of white supremacy, collecting information on free white men 16 years of age and older, free white men under 16 years of age, free white women, all other free persons, and slaves (Charles, 2014).

It is without coincidence that the first Census occurred in 1790, the same year as the Naturalization Act, which limited eligibility and conceptualizations of who could be a citizen to “free white persons” who are also of “good moral character” (Cohn, 2015). Black people were legally prohibited from becoming citizens until the Naturalization Act of 1870 (Cohn, 2015). The role of law in constructing racial boundaries to maintain this power is clear in the examples of manifest destiny, slavery, immigration and naturalization laws, and anti-miscegenation laws (Moore, 2008). Ladson-Billings (1998) reminds us that although racial and ethnic categories evolve, Black and white remain constant. This is evident in the examples of the Naturalization Acts which dichotomize free or enslaved and Black or white. The social construction process of racial and ethnic categorization communicates a hierarchy and determines which groups are and are not presently considered white (Ladson-Billings, 1998).

Allen, Jones, and McLewis (2019) describe the Census as a constitutionally mandated process affecting federal and state policymaking to political district decision-making. The authors narrow focus to the ongoing process of racial and ethnic categorization and its effect within higher education institutions, including creating institutional designations (e.g. Minority Serving Institution, Hispanic Serving Institution) and widely applied terms such Underrepresented Minority (URM). Racial and ethnic categorization processes in higher education also create aggregated, broad groups which scholars critique as obscuring the people within (Garcia & Mayorga, 2018). An example, upon disaggregating educational attainment information for Asian Americans, the model minority myth collapses (Allen et al., 2019).

On the social construction of race, critical race scholars reject ideas of biological determinism. Rather, racial and ethnic categories are often manipulated to serve political goals (Delgado & Stefancic, 2017) and “would have been excluded from the 1970 census had it not been for the passage of civil rights and equal opportunity legislation” (Omi & Winant, 2015, p. 122).

Intersectionality.

The word intersectionality is exploding in frequency of use across the world. Crenshaw, during the keynote of the Women of the World Festival, described intersectionality not wholly focused on identify itself, but how structures converge to create vulnerability (Southbank Centre, 2016). Intersectionality as a way to understand systems of oppression in connection with one’s lived experiences and identities is the root of its transformative power.

Crenshaw’s (1991) landmark work, “Mapping the Margins: Intersectionality, Identity Politics, and Violence,” describes three types of intersectionality: political, structural, and representational. Political intersectionality refers to how feminist and antiracist discourse and politics obscures structural violence experienced by Women of Color (Crenshaw, 1991). Structural intersectionality shows “the ways in which the location of women of color at the intersection of race and gender makes our actual experience of domestic violence, rape, and remedial reform qualitatively different than that of white women” (Crenshaw, 1991, p. 1245). Representational intersectionality examines the images of Women of Color, both the process of their production and how the interests of Women of Color are marginalized and ignored through the images (Crenshaw, 1991). An extremely high-profile case at the time, Crenshaw (1991) highlights the events surrounding the 2 Live Crew obscenity prosecution as an example. Into the present, the enduring importance of examining intersectional representation is evident in Noble’s

(2018) work on the images of Black women stored within digital systems including search engines. Further connections can be drawn to media depictions of Black women as the Strong Black Woman or Angry Black Woman and how these constructions effect daily life and engagement with social systems including higher education (Corbin et al., 2018).

Harris and Patton (2018) remind readers that intersectionality reflects an established, historical process of Women of Color and Black women challenging systems of oppression and of the necessity to recognize and cite their foundational works. Harris and Patton (2018) highlight Gloria Anzaldúa, the Combahee River Collective, Patricia Hill Collins, Kimberlé Crenshaw, and more. Harris and Patton (2018) also call to engage the work of Anna Julia Cooper, Harriet Tubman, and Ida B. Wells and their profound contributions to movements for justice. We can continue this practice of recognizing Black women as creators of movements (Harris & Patton, 2018), such as the #BlackLivesMatters movement founded by Alicia Garza, Patrisse Cullors, and Opal Tometi. As well as the #SayHerName movement founded by the African American Policy Forum and Center for Intersectionality and Social Policy Studies, of which Kimberlé Crenshaw is the co-founder of the former and director of the latter. These recognition and citation practices protect against misogynoir and Black women's intellectual erasure (Bailey & Trudy, 2018).

As intersectionality explodes in popularity, Harris and Patton (2018) identify the common practice of mis-defining intersectionality as a list of identities without serious engagement or the absence of engagement with systemic oppression. Assessing the application of intersectionality in research across select journals, the authors found a process of “the un/doing of intersectionality within higher education,” as well as within spaces including feminist scholarship, and remind readers that intersectionality is about transformative social justice

(Harris & Patton, 2018, p. 357). Harris and Patton (2018) identified four key themes including “Intersectionality as Buzzword,” in which articles provided a limited one to three mentions of intersectionality which characterized the majority of sampled articles (p. 357). In “Intersectionality as Framework,” authors framed their work explicitly or implicitly through the lens of intersectionality or connected their work to related concepts such as CRT, which includes intersectionality (Harris & Patton, 2018, p. 359). In “The Mis/Definition and Mis/Application of Intersectionality,” authors failed to adequately define the theory, as in buzzword, and lacked engagement with socio-historical systems such as in the model of Crenshaw’s (1991) original conceptualization of intersectionality (Harris & Patton, 2016, p. 361). In the final theme, “The Herstory of Intersectionality,” the authors explore the depth of the erasure of Women of Color and Black women, despite benefit from their intellectual labor (p. 363). This landscape view of intersectionality literature, like Harper’s (2012) call to not study race without racism, cautions against intersectionality without an analysis of power.

Voice or Counter Narrative.

Stories are part of human history, a way to share information, a means for entertainment, and a connection across generations. In critical race scholarship, Solórzano and Yosso (2002) describe how counterstories build community for people at the margins, challenge dominant ideologies and beliefs, and create and engage new possibilities for people at the margins beyond what is currently known. Counter-stories are creative processes which can combine story elements with elements in reality to create worlds more nuanced, informative, and detailed than one element in isolation (Solórzano & Yosso, 2002).

Solórzano and Yosso (2002) identify three types of counter narratives and stories, including sharing personal stories, the sharing of someone else’s stories, or composite stories

which incorporate various sources of data including the stories of oneself and others. The authors explore how these stories engage broader systems, are grounded within specific historical and social contexts, and expand our understanding of oppression.

One example of a story incorporating these elements and extending our thinking about anti-Blackness in the U.S., Bell (1993) in “Space Traders,” tells the story of Alien contact with the U.S. The Aliens offer gold to clear national debts, chemicals to reverse pollution, and nuclear fuel without danger to resolve the fossil fuel crisis. The price for this restorative wealth: the Aliens would take all Black people from the U.S. back to their home star. This story engages Black peoples’ disposability, and again property status, as Black people are made to pay for the expansive damage by humans to one another and the planet, thus forcing Black people into an unknown existence, like the events of 1619. This example pushes our collective thinking about what is possible while grounding the story in realities of environmental damage, economic uncertainty, and enduring anti-Black racism. The story prompts the question “what if?”

On utilizing CRT to guide this analysis

Framing this study through CRT underscores the theory’s origins in legal studies, thus unpacking law school graduates’ responses informed by CRT is an intuitive fit. I utilize CRT to develop semi-structured interview questions (e.g. focusing on participants definitions and understandings of diversity and equity, how their work as a legal professional does or does not engage race, gender and more) and to unpack and interpret meaning within responses.

To be discussed in Chapter Three: Methodology, Table1: Utilizing Critical Race Theory as Data Analysis Tool, informs the process of theme development, including reviewing themes in relationship to CRT. Terosky and Gonzales (2016) model this through applying a series of questions, developed from their framework of figured worlds to their thematic findings. An

example question for this study asks, “how do law graduates describe their experiences with racism?” Importantly, this process of asking questions sparks me to consider different interpretations and helps me to recognize why I gravitate toward specific quotes and ideas.

Table 1 Utilizing Critical Race Theory as Data Analysis Tool

<i>Tenet</i>	<i>Questions Guiding Analysis</i>
Belief that racism is normal or ordinary, not aberrant, in US society	How do participants describe experiences with racism (e.g. micro and macro aggressions)? What was the significance of the setting (e.g. law school, employment)?
Interest convergence or material determinism	How do participants describe power? What dominant narratives do participants identify? If familiar with cases like <i>Grutter</i> and <i>Fisher</i> , what meaning is made?
Race as a social construction	What do participants say about race? What do participants say about racialized spaces/systems/events?
Intersectionality and anti-essentialism	How do they understand intersectionality and their work? What areas are focal (e.g. race and gender)? What are the spaces of power and oppression?
Voice or counter-narrative	What tools do participants employ to unpack their experiences in pre, during, and post law school? How do participants describe their relationship to law? What are participant stories (e.g. interests in law, changes in interests, career paths)? What threads connect across programs, employment, background, etc.?

Summary

This chapter engages key concepts in legal education, positioning law schools as white political and institutional spaces through which white economic power is legally protected (Moore, 2008). Scholars engage predominate methods of legal education including the case method and Socratic method (Moore, 2008) for their effects on students, including the adoption of “think like a lawyer,” which has particularly negative effects on women law students (Guinier

et al., 1994). This chapter also provides an overview of key affirmative action cases, including *Grutter v. Bollinger* (2003) as a precedent for the consistently upheld interest in diversity and its benefits to higher education institutions. Cases including *SFFA v. UNC* (2021) and *SFFA v. President and Fellows of Harvard College* (2019) seek to challenge this decision. Also from *Grutter* (2003) a discussion of strict scrutiny flows, key concepts include compelling interest, narrow tailoring, and critical mass (Garces & Jayakumar, 2014).

This chapter also explores the central frameworks guiding this work, including definitions of anti-Blackness (Dumas, 2016; Dancy et al., 2018), misogynoir (Bailey & Trudy, 2018), and the origins and tenets of Critical Race Theory. The latter especially informs data analysis procedures.

Chapter 3: Methodology

In this chapter, I will overview the lifespan of the Educational Diversity Project, including the original study, EDP-1, and the follow-up study with two focal participations, EDP-2. This chapter explores both EDP-1 and EDP-2 data collection and analysis procedures.

EDP-1: Original Data Collection

Introduction and Research Questions

This study marks the continuation of the Educational Diversity Project, a study of U.S. law schools, law students, and law faculty. A partnership between the University of California Los Angeles and the University of North Carolina Chapel Hill and Greensboro campuses, EDP launched immediately following the Supreme Court decision in *Grutter* (2003). EDP utilizes the language employed by the Court, now featured prominently across higher education institutions. EDP examines whether educational benefits flow from a diverse student body, and: (a) What is the nature of these educational benefits? and (b) In what ways does race and other key factors impact how these educational benefits manifest? EDP-1 asks, do law graduates who attend educationally diverse law programs:

1. Have greater educational achievement and more positive experiences and outcomes?
2. Gain greater cultural competencies and work success post degree completion?
3. Experience greater equity within and after law school across racial/ethnic lines?
4. Have more diverse neighbors, friends and community relationships?
5. Better understand the causes and solutions for inequality in the U.S.?

EDP furthers empirical understandings of the longitudinal impact of educational diversity on law school graduates' lives. The research questions in the present study, though stated differently, continue these lines of inquiry by focusing on participants life trajectories. These newly crafted

questions are inspired by the rich stories in the EDP-1 focus group interviews, and invite EDP-2 focal participants to reflect on the totality of time before, during, and beyond law school (Fig. 1 Before, During, and Beyond Law School: Participants' Movement in Time):

- A. What was the impact of attending law school on EDP participants' life trajectories?
- B. What meaning do EDP participants make of the law, their work, and its impact?
 - a. How (if at all) are they centering social justice in their lives?

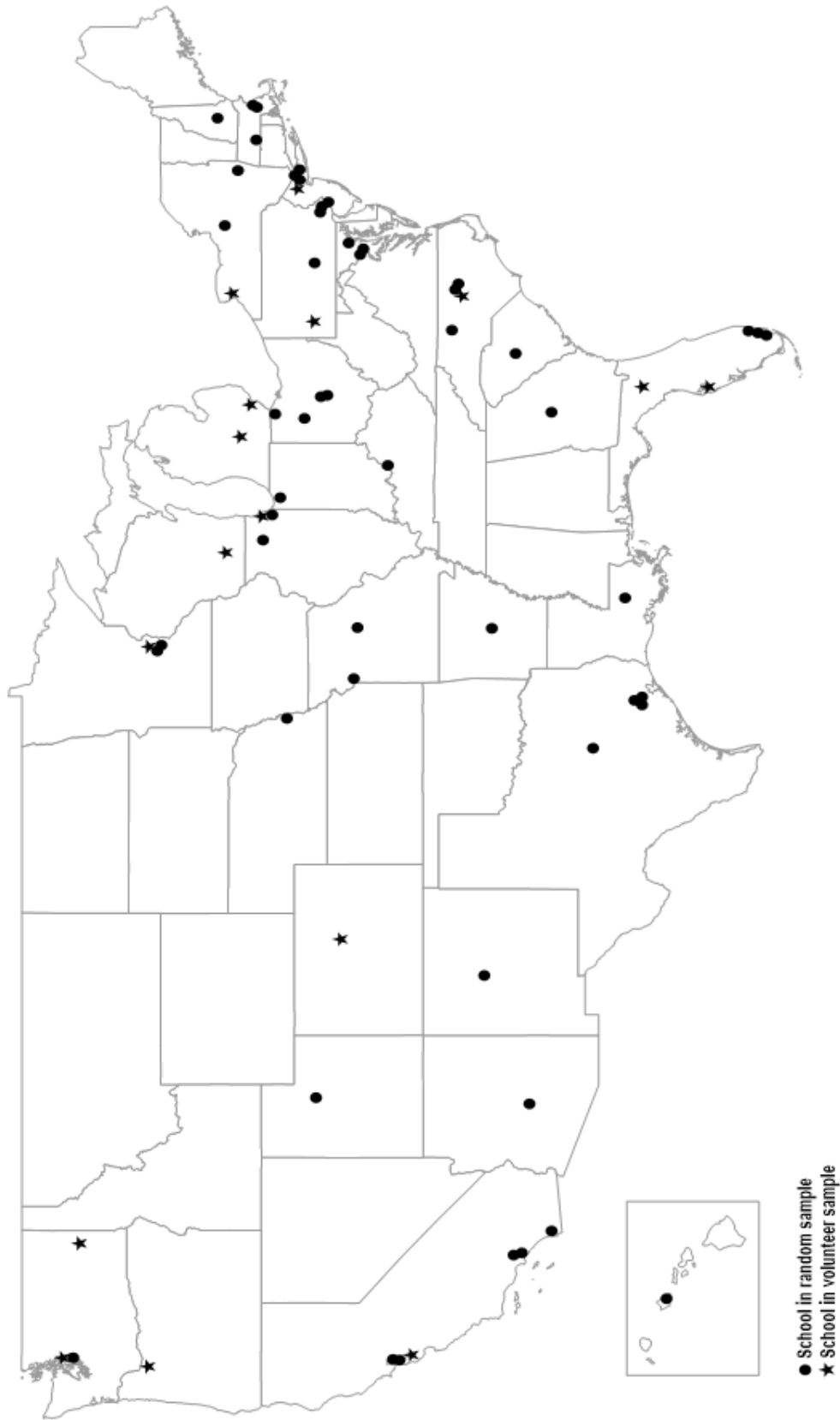
EDP-1 methods included a first-year survey, a follow-up survey in students' third year, and focus group interviews consecutively across students' first, second, and third years. EDP-1 also included faculty interviews across sampled law schools. EDP-2 methods include interviews with two focal participants.

Survey

A national sample, EDP law schools vary in cost, selectivity, size, type, and focus. The sample includes seven law schools with a high representation of Students of Color (e.g. Historically Black Colleges and Universities), 46 randomly selected law schools, and 15 volunteer law schools. Fig. 1 Map of Participating Law Schools in the Educational Diversity Project, 2004 displays the national scope of the study, including random and volunteer sample institutions.

EDP is a longitudinal, mixed methods project spanning over a decade. In 2004, EDP surveyed over 8,000 first-year law students at 68 ABA approved law schools. The survey focused on six domains: A) background characteristics (e.g. race, gender, undergraduate institution), B) family background (e.g. parental occupation), C) experiences (with peers, faculty, community), D) perspectives or social attitudes, E) educational expectations, and F) career goals and aspirations (e.g. areas of law) (see Appendix 1: 2004 first-year law student survey).

Fig. # Map of Participating Law Schools in the Educational Diversity Project, 2004 (random and volunteer samples)



A follow up survey was administered in 2007, during students' third and final year of law school. Survey domains include: A) law school activities (e.g. internships, extracurricular activities), B) law school experiences (e.g. race discussions in class), C) attitudes (e.g. social perspectives), D) self-ratings (e.g. of health), and E) future plans (e.g. Bar examination). This is also an area for future study.

Law Student Focus Groups

EDP also produced a qualitative branch, a focus of this work. Between 2005 and 2007, 200 law students from 11 law schools participated in semi-structured focus groups during their consecutive first, second, and third years in law school. Semi-structured focus group interviews centered students' understanding of race and gender in their law school, highlighting areas of peer interaction, faculty interaction, coursework, and climate. Focus groups consisting of up to five students were composed as much as possible of members of the same race, ethnicity and gender. Further, the focus group facilitators, as much as possible, aligned with the race, ethnicity, and gender of the focus group participants (Daye et al., 2009).

Year one focus groups inquired on key topics including participants' sense of the diversity in their law school as well as cases covered in classes (Daye et al., 2009). Example questions include: "Do you feel this law school campus is a diverse environment to learn about the law? How, if at all, has diversity in the faculty affected your study of the law?" Year one focus groups also focused on the law school curriculum. As curriculum undoubtedly varies across institutions, participants were asked about their familiarity with cases relevant to their courses (e.g. Constitutional Law, Civil Procedures). Highlighted cases include *Roe v. Wade* (1973), *Plessy v. Ferguson* (1896), *Brown v. Board of Education* (1954), *UC Regents v. Bakke* (1978), *Grutter v Bollinger* (2003), and *Loving v. Virginia* (1967). Participants were also asked

about how discussion of these cases unfolded in class. See Appendix 2: 2005 first-year focus group protocol.

Year two focus groups built from this foundation and inquired about students' experiences in law school including their mentoring relationships (with first-year students, faculty), expectations, and sources they relied upon for support (financial, emotional, intellectual, etc.) (Daye et al., 2009). Questions include: "Can you tell me how you chose your 2L classes and how they compare with your first-year coursework? Which student organizations, institutional programs, journals, or clinics have you joined since starting law school? Please characterize your relationships with faculty here at law school." Participants were also prompted to reflect on their job search experiences. Questions include: "What are your plans for work this summer? How does that application process work? Have you held or do you plan to take any internships or externships during law school or in the summer?" See Appendix 3: 2006 second-year focus group protocol.

Year three focus groups provided space for participants to reflect on the totality of their law school experience, including many of the areas prompted in years one and two such as extracurricular activities, relationships with faculty, mentorship relationships, and who or what students rely upon for support. Year three focus groups, as the final year, continued the inquiry into students' employment, including work during the academic year and summer, as well as plans after graduation (Daye et al., 2009). Example questions include: "Now that you are about to graduate, are you glad you made the decision to come to law school? Are you glad you came to this particular school? Why or why not? What would you say is the best thing about your law school? If you could change one thing, what would it be?" See Appendix 4: 2007 third-year focus group protocol.

Faculty Interviews

EDP also interviewed law school faculty to inquire on their teaching pedagogies and perspectives on how race and ethnicity does or does not relate to their courses. This includes how faculty members actions and approaches in spaces across the law school, both within and beyond the classroom, encourages/discourages students to share and engage on race and critical social issues (Daye et al, 2009). Example questions include: “Briefly describe your general teaching style. What are you trying to accomplish, and how do you accomplish it? What types of student diversity do you encounter in your courses? Do you perceive your courses to be a diverse learning environment for students? Why or why not? Does your course material (i.e., case analysis, legal writing, and/or class discussion) concern how the law affects ethnic/racial minorities? Why or why not?”

EDP-1 faculty interviews are a prime area for future research and follow-up, with a particular focus on curriculum and pedagogy, as well as the broader environment of the law school (e.g. programs and events), and how race and racism is or is not central across these spaces. The works by Crenshaw (1988) on perspectivelessness and Patton (2016) on racelessness are again key framing opportunities as faculty hold power across these spaces to either maintain or reject the logic of colorblindness as supreme.

Sample: East University

EDP-2 focuses on one of the originally sampled law schools, East University, based on a review of each institution from the 2005-2007 focus groups. I reviewed law schools by the highest representation of People of Color and/or women within the EDP sample, and by the institutionally articulated commitment to justice and service. The latter is largely observable in mission statements and programs within the law school. Following is an overview of East

University with 2005 information, including race and gender enrollment, cost, debt, and career paths.

East University Law School is consistently located outside of the top 100 law schools by the U.S. News and Report ranking system. Ranking process consistently reproduces cycles of rewarding elite, often private, historically white institutions, creating systems of competition across institutions (Wermund, 2017). This is worth noting as rankings are a prominent fixture across higher education. In a review of the larger EDP focus group transcripts dataset, participants revealed how rankings informed their decisions to attend law school.

The U.S. News & World Report 2005 Edition of *America's Best Graduate Schools* (2004) shows that at East University Law School, women were over 60% of enrollment and People of Color were over 90%. Disaggregated information was not available.

The U.S. News & World Report (2004) reports tuition costs at approximately \$15,000 annually, and the average student debt approaching \$90,000 at the time of graduation. On employment, a majority of graduates at 40% were employed in law firms, followed by a quarter in legal business and industry. 17% of graduates are judicial clerks, 12% in government, and few graduates work in public interest and academic fields (U.S. News & World Report, 2004). Graduates employed in the private sector earn a range of \$65,000 to \$125,000 (U.S. News & World Report, 2004).

Participants.

This study includes 24 total participants, of which two are focal participants in EDP-2, selected based on response to the questionnaire and willingness to participate. Table 2 provides an overview of participants' race or ethnicity and gender. Within East University Law School, the majority of participants are Black women at 45.8% (n=11) and Black men at 29.2% (n=7).

Table 2 Pseudonym, race or ethnicity, and gender of EDP participants, alphabetically

Pseudonym	Race or Ethnicity	Gender
Abolitionist Esquire*	Black	Man
Pablo	Black	Man
Pat	Black	Woman
Paz	Black	Woman
Rebecca	Black	Woman
Regina	Black	Woman
Rob	Black	Man
Ryan	Black	Man
Sabrina	Black	Woman
Sadie*	Black	Woman
Selma	Black	Woman
Shelby	Black	Woman
Simon	Black	Man
Stacey	White	Woman
Suzy	Black	Woman
Sylvia	Asian	Woman
Tamra	Black	Woman
Tim	Black	Man
Tish	Multiracial	Woman
Tonya	White	Woman
Tracy	Black	Woman
Valerie	Latina	Woman
Vance	Black	Man
Vivian	Asian	Woman

Note: asterisk indicates EDP-2 focal participant.

EDP-2 Data Collection

Re-Contact

Step one of re-contact included emailing participants via Qualtrics with a letter of reintroduction to EDP including information about the present study (see Appendix 5: Letter of Invitation to Participate), link to the EDP website, and link to the questionnaire. I expected the majority of the emails collected during EDP-1 to no longer be valid given the evolving nature of email platforms (e.g. the increased use of Gmail over time compared to AOL a decade prior) and

username standards (frequency of causal titles versus the present standard of first and last name). Emails which resulted in a failure notification were noted and the letter of invitation sent to the secondary email address. Secondary, or more accurately, updated email addresses were located through publicly available websites including state BAR associations, places of employment such as law firms, personal websites, etc. At least two sources were utilized to confirm the accuracy of names and email addresses. For example, cross checking state BAR information with information on a law firm's website. Additionally, a new EDP website, <http://edp.gseis.ucla.edu/>, served as a source of additional information. The website is particularly important given the increased nature of spam and phishing attempts.

Questionnaire

Prior to the semi-structured interview, participants were invited to complete a brief online questionnaire, approximately five minutes, which gathered demographic information, updated contact information, and introduced participants to the new wave of data collection (Vue, 2013; Vue, Haslerig, & Allen, 2017). The link to the questionnaire was included in the letter of invitation and directed participants to Qualtrics (see Appendix 6: Questionnaire).

Section 1 of the questionnaire asked participants to share background information including their name, race and ethnicity, gender, and contact information. The following sections introduced participants to the interview, including the study information sheet (see Appendix 7: Study Information Sheet) which outlined information including minimal risk from participation and examples of future follow-up contact. This section also confirmed that participants would like to participate in the study, provided the option to select a pseudonym (otherwise one would be provided), and inquired if they would like to review themes for accuracy and clarity.

Despite the seemingly commonplace nature of computers, phones and Wi-Fi, to avoid assumptions about access, familiarity and interest I offered alternative means of participation such as by phone. In the questionnaire I also included an open response item: “If you prefer another method of contact, please share any relevant details/contact information” as well as an open comment space for participants to provide comments, questions, and concerns (Maxwell, 2013).

Upon completing the questionnaire, participants received an email with the study information sheet attached and a link to Calendly to schedule their interview (see Appendix: 8 Interview Scheduling). Calendly was the scheduling platform recommended by Zoom at the time. Upon scheduling, participants received a confirmation email with Zoom meeting details.

EDP-2 Interviews: Focal Participant Histories

Designing the Protocol.

The research questions and protocol focused on participants’ meaning making processes and encouraged reflection and the sharing of stories. Seidman (2019) developed a three-part interview technique focused on participants’ early life, details of their present experiences, and reflection on meaning. This method frames life histories as journeys. I tested the original protocol with a graduate of East University Law School, James (a pseudonym), who attended several years prior to the launch of EDP-1 and is currently working in entertainment law in Los Angeles, CA.

After meeting several times with James, I realized the great strain on his time to schedule separate meetings, particularly given the notoriously high number of hours lawyers work. The option of conducting multiple interviews in a single sitting would also be overly taxing to participants, both physically and mentally. Ultimately, rather than conduct three separate

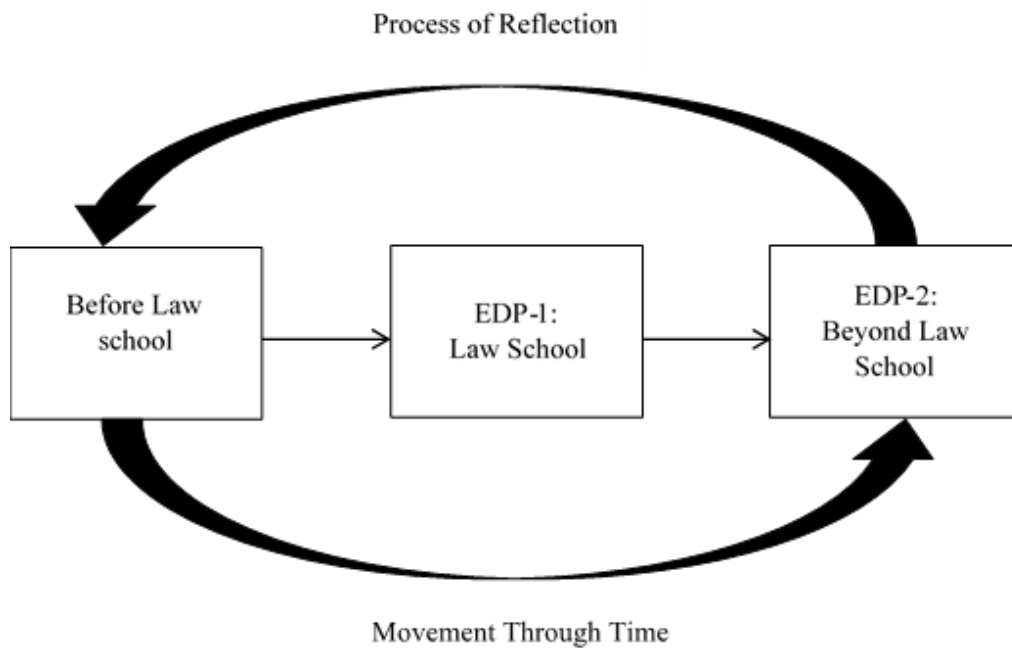
interviews, I framed sections of a single, extended interview in alignment with Seidman's (2019) process: focused life history, details of experience, and reflection.

The first section, focused life history, centered participants' lives through law school. This section explored the evolving, non-static context of participants' lives prior to attending law school (e.g. family, where they grew up, undergraduate experiences, law school experiences). An example question: "How did you come to be interested in the law and attend law school? Please describe the experiences and processes that lead you there." The second section, details of experience, focused on the time immediately after law school and spanned the years into the present. An example question or prompt: "Please describe your employment since law school, including outside of law."

The final section is an opportunity for participants to reflect on meaning, such as their role in law, particularly given the focus on movement through their lives. For example, "now that you have graduated law school, how would you define and make sense of your role as a legal professional?" Considering the focus of EDP on educational diversity, another example of a reflection question includes: "How do you define diversity and has this definition of diversity changed over time?" I also structured the reflection section for participants to consider their future, including: "We discussed how you became interested in law, your law school experiences, and your present experiences and perspectives. With these in mind, what are your goals and next steps regarding your career, life, and additional areas?" The interviews concluded with an opportunity for participants to revisit any previous questions/discussions if they had any questions or additional information to share (see Appendix 9: Semi-Structured Interview Protocol). Fig. 2 Before, During, and Beyond Law School: Participants' Movement in Time, models this process of participants moving through time and reflecting on the events and

experiences before, during, and beyond law school. Seidman (2019) offers that providing space for participants to explore their past as a movement to their present, and the specifics of both, invites reflection on the totality of their lives.

Fig. 2 Before, During, and Beyond Law School: Participants' Movement in Time



Questions were framed as “how” versus “why” to encourage participants to rebuild and share key events in their lives which led them to law school and into the present (Seidman, 2019). Interview questions invited participants to reconstruct memories, meaning, thoughts, feelings, and actions across time. A preview of findings to be discussed in Chapter Five: EDP-2 Themes, asking participants to share how they became interested in the law resulted in key storytelling and insights into participants’ backgrounds. For example, participants discuss the influence of people within their community as well as the importance of media representations of attorneys as critical past experiences leading them to become lawyers. Reconstructing these

memories which held emotional significance illuminated not only participants choices but the reasons behind such choices.

Conducting the Interview.

One on one semi-structured interviews were conducted with EDP-2 participants and lasted approximately one hour and 30 minutes, in alignment with Seidman's (2019) recommendation. A note on time, I originally anticipated interviews to last up to one hour, as determined through the protocol test. However, I am grateful that focal participants were very generous with their stories. I also anticipated the member checking interview to last 30 minutes, though the actual time was closer to one hour given the additional stories and reflections shared.

Interviews occurred via Zoom given the geographic spread of participants and the greater global context of the COVID-19 pandemic. On conducting interviews via phone, Holt (2010) identifies the convenience and control afforded to participants, who can engage in a setting most comfortable and timely. Additionally, phone interviews require that both parties verbalize meaning (Holt, 2010). Olson (2011) states that interviewers must listen for changes in participant's voices and other emotional cues, which provide additional information. These actions hold consistent for video conferencing interviews, and I sought to be mindful of a variety of cues both stated and unstated.

Conducting interviews virtually also afforded participants more control over their setting and may have ease the tension of scheduling (Deakin & Wakefield, 2014). Deakin and Wakefield (2014) in their reflections of utilizing both Skype and in-person interviews in their doctoral research, recommend Skype, or virtual conferencing platforms broadly, as an effective even preferred tool in alignment with Holt (2010).

Transcription.

Interviews were recorded via Zoom and the file shared with Rev to be transcribed via automated speech to text transcription. As no person is involved in the creation of the transcript, the transcript is not fully accurate. Thus, I reviewed and corrected each transcript while listening to the audio. Examples of corrections include spelling edits and words mis-transcribed in the automated process, as well as adding in areas of pause, laughter, and more as heard. Including these areas is an important way for me to assess participants' emotions expressed during the interview.

This process requires at least two full reviews of the audio and transcript. I prefer this process given my previous professional experiences transcribing audio. As well, this extensive transcript review process ensures I am deeply familiar with the contents of the interview, a form of initial data analysis. Two transcripts resulted from the initial interview with focal participants, a verbatim and standard transcript. Wilkerson (2019) describes a verbatim transcript as one which transcribes words as spoken, including fillers, false starts, stutters, and laughter. Standard transcripts are edited to remove these areas in the transcript for readability (Wilkerson, 2019).

Data Security

Both EDP-1 and EDP-2 interview transcripts were housed in Dedoose data analysis software. This is a password-protected program which utilizes various forms of data security including TLS 1.2 encryption and secure servers (Rev, n.d.). For the questionnaire, Qualtrics provides the option to anonymize responses including preventing the collection of respondents' IP address and location information. On scheduling the interview through Calendly, meeting details were made private. Additional information including records of contact is secured on an encrypted spreadsheet stored on the UCLA School of Education and Information Studies server.

Data Analysis

EDP-1 First-Year Survey: Descriptive Statistics

The first-year survey (n=8,065) provides critical information about the broader law school landscape and East University students. In SPSS, descriptive statistics including frequencies and crosstabs illuminated key findings, such as the extreme debt burden on Black women law students.

EDP-1 and EDP-2 Transcripts: Coding

Data analysis began after the very first interview. Merriam (2009) recommends a process of reviewing the first transcript for early points of interest, ideas and themes, and to make use of early opportunities to self-reflect and modify. Each subsequent interview is placed in conversation with the previous. This ensured a complete read of the data, as more informed codes and definitions resulted from this ongoing review.

Continuing the focus on a macro view, data was coded holistically as opposed to line by line. This often resulted in a code or series of codes applied to an expansive section of text, an effort to reflect participants' thoughts more completely (Saldaña, 2009). Additionally, multiple codes were regularly applied simultaneously. While this process grouped several ideas together at a time, I decided to honor participants' particular communication processes, and the ways passages of text reflected the complexity of ideas.

Analysis followed coding processes outlined by Saldaña (2009) and modeled in a study of faculty at various institutional types differing from those originally aspired to by Terosky and Gonzales (2016). This process relied on emergent codes, or those which arose from the data (Creswell, 2009). First, data received holistic codes to develop a detailed inventory (Saldaña, 2016). This process was guided by the question "what is present?" to simply identify all areas

related to the research questions, followed by a revisit with increased selectivity in the following steps (Braun & Clarke, 2013).

The second step, affective coding, investigated focused on emotions and values (Terosky & Gonzales, 2016). Saldaña (2009) describes a process of identifying participant's emotions, both described and those experienced during the interview, as well as those which I perceive as a researcher. A third step, versus coding, provides opportunity to focus on various conflicts between people, systems, organizations, ideas, events and more (Saldaña, 2009). Naming power is key in this analysis, which importantly connects to Critical Race Theory and the rejection of the neutrality of law and law schools. I explored how participants expressed conflict and challenges, particularly how they navigated race and racism. This decision is a rejection of the position that students' life experiences including their race, gender, and more can be separated from any activity, especially the learning and practicing of the law. Affective coding, both values and versus, rejects the process of assumed and expected objectivity, or perspectivelessness, described by Crenshaw (1988).

These coding decisions are informed by a review of focus group transcripts collected across EDP-1 participants' first, second, and third years in law school. Participants frequently discussed how law school made them *feel* (e.g. "bogged down"), and the *conflict* emerging when their personal *values* (e.g. "race matters in this country still") were not reflected in curriculum or discussion by faculty and peers.

The codes resulting from reads of focus group transcripts formed a comprehensive list and moved toward theme development. In the example of Terosky and Gonzales (2016), coding moved to theme development through combining related codes. Saldaña (2009) recommends the development of expanded statements that convey overarching and interwoven meaning. Care

was taken to preserve nuances and distinctions within larger thematic groups, and for congruence between statements and broader themes.

The final analysis step, I reviewed initial themes in relationship to the tenets of Critical Race Theory. Terosky and Gonzales (2016) model this through applying a series of questions, developed from their framework of figured worlds to their thematic findings. An example question from the present study asked, “how do law graduates describe their experiences with racism?” Placing all in conversation with Critical Race Theory resulted in the final themes. Table 1 in Chapter Two: Literature Review and Theoretical Framework provides example questions which evolved throughout the data analysis process.

Limitations

Generalizability may be deemed a limitation in qualitative research, with considerations of narrowness and comparability. Maxwell (2013) addresses generalizability by cautioning qualitative researchers to develop more specific, answerable questions. This inspired the simple addition of “EDP” into the research question as among all law graduates, I shall work with a specific sample. Maxwell (2013) discusses internal generalizability, within groups and institutions, and external generalizability, across groups and institutions. In examining multiple time points, including focus groups across three consecutive years in law school and a fourth-time point conducting interviews with focal participants, I anticipated some connection points and spaces to expand meaning. I hope that readers including faculty, administrators, graduates, students, and more find relevant information in the findings and connections to their own observations and experiences in law school and educational spaces broadly.

An additional limitation regarding the analysis of EDP survey and focus group data, I was not part of the original EDP-1 data collection, thus I am simply not privy to the numerous

conversations on study design. However, throughout the analysis of EDP-1 data and process of designing EDP-2, I worked with the original Co-PI, Dr. Walter Allen, my advisor and dissertation co-chair to understand nuance, goals, significance and context of EDP.

As I conducted this study, I was particularly aware of the ways I am both an insider and outsider with respect to the larger EDP study and conversations with focal participants (Brown, 2012). In EDP-2, I felt a strong sense of rapport with both focal participants, confirmed by their use of “we” and “our” to indicate shared knowledge and understanding between us. For example, on the 3/5th clause, Abolitionist Esquire states: *“but at the end of the day, those people playing semantics, they weren't talking about your ancestors, you know, they're talking about our ancestors.”* Conversations with focal participants felt especially timely and familiar as we collectively experienced and reacted to many of the same events. For example, Abolitionist Esquire and I discussed monumental real-time events including the trial of Derrick Chauvin; events of the recent past such as the *Fisher* (2013, 2016) cases; and events farther back in time such as watching the televised trial of O. J. Simpson. On this latter example, though I was a very young child, I remember how the events collectively captured the media.

If I were trained as a lawyer, it is possible conversations between focal participants and myself would be even more nuanced regarding legal concepts and law school specifics. However, I also believe our conversations, given our rapport, seamlessly flowed to a place of unpacking broader impact and meaning. For example, when I asked Sadie about her familiarity with cases including *Bakke* (1978) and *Grutter* (2003), she described how affirmative action challenges are *“part of a concerted effort that is having some success to roll back the progress that has been made to lower the barriers to education for African Americans in particular.”* Sadie offered a rationale: *“the purposeful ignorance of this country's legacy of racism and racial*

violence and economic violence against African Americans.” Sadie also concluded by connecting the cases to the hurdle of “*a very, very receptive judiciary in federal courts, in the district appellate and Supreme Courts.*” Sadie’s delivery of how cases like *Bakke* (1978) and *Grutter* (2003) extend as part of the history of anti-Black racism in U.S. is a testament to the importance of rapport, in this case connecting people in the distinct though historically intertwined fields of education and law.

Further, COVID-19 dramatically impacted everyday routines and life. I launched data collection at the immediately prior to the widespread understanding of the severity of the pandemic. I am also mindful of the tremendous time commitments of most professions and the notorious hours required of lawyers, this atop the uncertainty of COVID-19. I am grateful to both Abolitionist Esquire and Sadie for their willingness to share their stories during this unprecedented time.

The interviews with both focal participants are *exceptionally* rich. Their stories extended well beyond the semi-structured interview questions and became a portrait of their worldviews. I am grateful for their openness to speak about their careers, their understandings of enduring white supremacy and anti-Blackness in U.S. society, as well as goals to change “*the system we’re all working under*” as Abolitionist Esquire states. I continue to be excited by focal participants’ dynamic process of reflection, as if our interview is a canvas and their stories are painted lines drawn between the past and present.

Trustworthiness Through Validity

Efforts to ensure validity include memo writing immediately following interviews, member-checking, peer-debriefing (Merriam, 2009; Terosky & Gonzales, 2016), as well as communication with the original EDP Co-PI, Dr. Walter Allen. Memo-writing ensured dedicated

time and space to identifying my initial reactions to the interview, as well as space to self-reflect and critique (Maxwell, 2013). I noted areas I found humorous and unexpected, connection points across interviews including both EDP-1 and EDP-2, and ways to continue to refine my interview technique into the future. I also noted areas for future follow-up and action including revisiting introduction chapters based on new ideas and information sparked by the interview. Memos were also a key resource in the development of early codes and emergent themes.

An additional method to create a more detailed scene of events, thick description of settings was applied where possible and relevant. Ponterotto (2006) discusses capturing thick description through interviews with as many relevant details about the setting and reactions throughout an interview. Given that interviews were conducted over Zoom, virtual backgrounds or the view of a blank wall, for example, were of little relevance in this context. However, instances where participants laughed or paused for more extended periods of time were noted. Among the most relevant and exciting examples of thick description occurred during my first interview with Abolitionist Esquire who held a copy of a budget tracker to the screen, resulting in a point of humor throughout the remainder of the interview: *“I know this Microsoft XL, but I’m trying to old school. This is how I do my bills, right?”*

I also engaged a two-part member-checking process. First, participants received two copies of their interview transcript, both the verbatim and standard copies. I invited participants to identify areas in need of modification and requested an update in two-weeks if any changes, though none were received. Additionally, I invited participants to conduct a one-on-one follow-up meeting with me to discuss themes and provide space to further clarify, elaborate, and challenge my understanding (Creswell & Miller, 2000). At the beginning of this meeting I re-discussed the informed consent document/study information sheet (Appendix 7: Study

Information Sheet). A note, participants were provided the opportunity to review this document as part of the initial questionnaire, received a copy in the email to schedule their interview, and I reviewed prior to the beginning the initial interview.

Additionally, at the beginning of the follow-up meeting I also discussed how I anticipated developing the findings chapter. I described how quotes, distinct to each person, contribute to a larger theme. For example, both Abolitionist Esquire and Sadie contribute to the theme *The Importance of a Name: Early and Ongoing Interests in Law*, because both focal participants underscored the importance of a name, either chosen for themselves or belonging to someone in their community, in defining in their legal career. During the follow-up meeting with Abolitionist Esquire I utilized Zoom share screen to project the themes and quotes and this process sparked additional context and stories. He did not request any information to be changed, corrected, or removed. Though I did not meet again with Sadie, I extended the request.

Peer debriefers provided feedback and importantly guided me to consider the greater impact and implications of this work. Peer debriefing is an important step within critical paradigms, exposing the interpretations to multiple worldviews and uncovering new areas and challenges (Creswell & Miller, 2000). Works by Patton (2009) and McNeely Cobham and Patton (2015) provide key examples of how to continuously engage the process of trustworthiness and communication with study participants. Additionally, I regularly met with Dr. Walter Allen, my doctoral advisor and the original EDP co-PI, to discuss methods and results, study significance, and framing.

Summary

EDP-1 is an expansive overview of U.S. law schools, including surveys conducted during students' first and third years in law school; and focus group interviews across their first, second,

and third years in law school, or 2005, 2006, and 2007. EDP-1 also interviewed faculty, an area for future research. EDP-2 follows up with two focal participants, Abolitionist Esquire and Sadie, graduates of East University Law School, to inquire on their lives and perspectives over time. EDP-2 invites participants to reflect their life histories before, during and beyond law school.

In analyzing interviews, I focused on participants emotions, values, beliefs and conflicts, and continuously asked questions of the data informed by CRT. This questioning process revealed that not only did participants consider their personal past, present, and future, but that of the broader U.S., including anti-Black origins, to be discussed in Chapter Five: EDP-2 Findings. As well, the practice of questioning and reflecting on new information in relationship to previously analyzed transcripts reflects the longitudinal nature of the project, the great benefit of engaging across time. This questioning process also revealed areas I am drawn to, such as graduates' lifelong perspectives on higher education debt, to be discussed in both Chapter Four: EDP-1 Findings and Chapter Five: EDP-2 Findings.

Chapter 4: EDP-1 Findings

The following chapter presents descriptive findings from the EDP-1 first-year survey. EDP-1 focal variables include participants' race and ethnicity, gender, political ideologies, and higher education debt. Race, ethnicity, and gender are critical descriptive measures about EDP participants. The variables for political ideology and higher education debt across the broader sample and within East University provide an expansive context with which to approach the forthcoming analysis of EDP-1 and EDP-2 interviews.

First-Year Survey: Race and Ethnicity

The practice of racial and ethnic categorization is extraordinarily complex, non-neutral, and non-static, and it cannot be separated from historical, social, legal, and political processes (Allen et al., 2019). Allen et al. (2019) describe how racial and ethnic classification processes are foundational in the U.S., with early examples of race held as a biological construct to uphold hierarchical power structures. The authors explore the ubiquity of racial and ethnic classification processes, from the U.S. Census to regular and required reporting on behalf of higher education institutions and call for greater investigation into how categories inform policy, research, and narratives about race and ethnicity (Allen et al., 2019). Following their recommendation, I present disaggregated data on the race and ethnicity of EDP-1 first year survey respondents.

Across survey participants, American Indian, Unangan, Alaska Native, and Inuit first-year law students represent 1.6% of the total sample (n=131). Arab American first-year law students represent 0.5% (n=42). Asian first-year law students represent 10.5% (n=845). Within this larger group Chinese students represent 3.4% (n=273), Japanese students 1.2% (n=96), Korean students 2.0% (n=161), South Asian students 2.6% (n=206), and Southeast Asian students represent 1.8% (n=149).

Black students represent 11.2% (n=906) of first-year law students. Within this broader group, African American or Black students are 9% (n=728), Caribbean students are 1.3% (n=108), and Haitian (n=27), African (n=55), and all other Black students (n=54) each accounted for less than one percent of the total population.

Latinx students represent 7.6% (n=615) of first-year law student survey participants. Disaggregating this group, Mexican students are 3.0% (n=240), Cuban students 1.0% (n=77), Puerto Rican students 0.9% (n=74), Central American students 0.6% (n=49), South American students 1.3% (n=102), Spanish, Portuguese, and Cape Verdean students 1.1% (n=88), other Caribbean students 0.1% (n=11), and other Latinx students represent 0.3% (n=24).

Middle Eastern students represent 1.3% (n=102) of the sample. Multiracial students totaled 7.3% (n=586). Pacific Islander students represent 0.5% (n=38) of survey participants. Less than one percent of students at 0.4% (n=30) identified as other Asian or Pacific Islander. White students are the largest group in the dataset at 72.7% (n=5,865). 1.6% (n=132) of students indicated their identification with another ethnic group.

An important dismissal to myth of monolithic racial and ethnic categories, some participants selected multiple racial and ethnic categories under what may commonly and imperfectly, be considered an umbrella category. For example, 61 students indicated they identify with multiple Black racial groups. This pattern is consistent across the dataset, with 36 students indicating they identify with multiple Asian groups, and 48 students indicating their identification with multiple Latinx groups. Thus, within group totals do not sum to the total number for a racial or ethnic category. As well, across groups, respondents were able to select multiple racial and ethnic categories.

First-Year Survey: Race and Ethnicity and Gender

A landscape view of EDP first-year survey data shows that the majority of respondents are women at 51.9% (n=4,185), followed by men at 47.0% (n=3,864). Less than one percent of respondents are transgender (n=4) or provided details about their gender identity in the fill in response section. Among American Indian, Unangan, Alaska Native, and Inuit respondents, women are 1.0% (n=79) and men 0.6% (n=52). Among Arab American respondents, women are 0.2% (n=15) and men 0.3% (n=27). Among Asian respondents, women are 6.1% (n=489) of the total EDP-1 sample, men 4.4% (n=356). Among Black respondents, women are 7.3% (n=589) and men 3.9% (n=317).

Among Latinx first-year students, women are 4.0% (n=326) and men 3.6% (n=289). Among Middle Eastern students, women are 0.7% (n=53) and men 0.6% (n=49). Among Multiracial students, women are 4.1% (n=333) and men 3.1% (n=253). Among Pacific Islander students, women are 0.3% (n=26) and men 0.1 % (n=12). Among students who indicated other Asian or Pacific Islander, both women and men account for 0.2% of the total population n=13 and n=17 respectively. Among white students, women are 36.0% (n=2,900) and men 36.7% (n=2,962). As well, all transgender students were also white at 0.05% (n=4). Among students who indicated another ethnicity, women and men are both 0.8% of the population, n=67 and n=65 respectfully.

Racial and Ethnic Categorization Practices: A Change in 2003

Expansive changes in the reporting of racial and ethnic information occurred in 2003. The descriptive information available on the racial and ethnic composition of EDP-1 survey respondents is predetermined by the original survey design which reflects broader patterns in the U.S. Census Bureau's Current Population Survey (CPS).

Bowler et al. (2003) compare the CPS questions on race and ethnicity prior and after January 2003. The authors explore how prior to January 2003, participants were first asked to indicate their race as white; Black; American Indian, Eskimo, or Aleut; Asian or Pacific Islander. Participants were then asked about their origin or descent. Bowler et al. (2003) describe that during this time people part of more than one racial category were required to indicate a single or primary category. After January 2003, the CPS questions on race and ethnicity first asked if respondents are Spanish, Hispanic, or Latino, followed by the prompt to select one or more races including white, Black or African American, American Indian or Alaska Native, Asian, Native Hawaiian or Other Pacific Islander (Bowler et al., 2003).

Among several key changes, the creation of racial and ethnic categories is notably different, with implications for higher education research. Post 2003, the CPS utilizes the category American Indian or Alaska Native. The EDP-1 first-year law student survey launched in 2004 and reflects pre-2003 CPS categories and asks students to indicate if they identify as “American Indian, Aleutian, Native Alaskan or Eskimo.” Regarding the latter term, the Alaska Native Language Center (ANLC) at the University of Alaska Fairbanks provides guidance that its use is inappropriate, as well as on its origins in colonialism, and describe Inuit as the current term (Kaplan, n.d.). As well, the ANLC recommends Unanga to refer to people from the Aleutian and Pribilof Islands (Kaplan, n.d.).

Another change in the racial and ethnic categorization practices of the CPS, the broad category Asian and Pacific Islanders, also reflected in the original EDP-1 reporting, became two distinct categories, a) Asian and b) Native Hawaiian or Other Pacific Islanders (Bowler et al., 2003). The Asian Pacific Institute on Gender-Based Violence (APIGPV) (2017) also describes how these categories emerged, including the practices of government classification and broader

coalition building efforts. The APIGPV (2017) also shares how the language of racial and ethnic categories reflect debate on the significance and appropriateness of terms, as well as critical practices of self-determination and identification.

These recommendations are reflected, where possible, in the previous reporting of the racial and ethnic composition of EDP-1 survey respondents. Ultimately, the calls to honor how people refer to themselves is a best practice (Tatum, 2017). Racial and ethnic categorization practices cannot be separated from the historical, social, legal, political and economic contexts from which they emerge. Categories do not simply exist, rather, they are created and reinforced throughout society (Allen et al., 2019).

Select Findings Across First-Year Law School Students

The following section extends the descriptive overview of first-year law student responses, highlighting key areas including political ideologies and amounts of higher education debt which foregrounds forthcoming focus group findings.

Political Ideology

To the question “when it comes to politics, how do you usually think of yourself?” nearly half of respondents indicate they are either extremely liberal or liberal, 9.1% (n=733) and 37.5% (n=3,025) respectively, totaling 46.9% of students. 30.4% (n=2,452) of students indicate they are moderate/middle of the road. This is followed by conservative or extremely conservative students, 17.8% (n=1,434) and 2.4% (n=191) respectively, totaling 20.3% of students. Lastly, 2.2% (n=175) of students “haven’t thought much about it”. Data is missing for 0.7% of students (n=55).

Among Black first-year law school students, similar patterns emerge, as half identify as extremely liberal or liberal, 7.6% (n=69) and 43% (n=390) respectively. 37.3% (n=338) of Black

students indicate their politics are moderate or middle of the road, followed by 6.6% (n=60) as conservative and 0.1% (n=1) as extremely conservative. 4.4% (n=40) of Black first-year law students “haven’t thought much about it”. Data is missing for 0.9% (n=8) of Black students.

Higher Education Debt

To be further discussed in EDP-1 focus group interview findings and the conversations with EDP-2 focal participants, higher education debt broadly and law school debt specifically is a tremendous burden impacting financial, career, and life decisions. Students were prompted to consider the amount owed for educational expenses as of July 1, 2004, including loans from educational institutions, banks, credit unions, loan companies, loan programs, family, friends, and any additional sources.

Among all first-year law students (n=7,983), exactly half did not report debt for educational expenses. 6.3% of students (n=507) owe less than \$5,000. 8.5% (n=686) owe up to \$10,000 and 17.6% (n=1,418) owe up to \$20,000, the most frequently indicated debt category. Rising higher, 7.9% (n=635) of first-year law students owe up to \$30,000, 3.9% (n=313) owe up to \$40,000, and 2.2% (n=174) owe up to \$50,000. Finally, 2.7% (n=215) of students owe more than \$50,000 in educational expenses. Data is missing for 1% (n=82) of students.

Among Black first-year law students (n=895), one third of students at 30.1% (n=273) did not report educational debt. 6.4% (n=58) of Black students owe less than \$5,000, and 8.7% (n=79) owe up to \$10,000. 23.1% (n=209) owe up to \$20,000, again the most frequently indicated debt category. 13.8% (n=125) of Black students owe up to \$30,000, 6.8% (n=62) owe up to \$40,000, and 3.2% (n=29) owe up to \$50,000. 6.6% (n=60) of Black students owe more than \$50,000 in educational expenses. In relationship to the total number of students in the EDP-1 sample who owe more than \$50,000, the highest category available, Black students owe a

disproportionate amount of debt, 215 to 60, respectively. Black students strikingly account for 27.9% of all students who owe more than \$50,000, despite being 11.2% of the total sample of first-year law students.

An extreme reporting, Black women specifically account for one-fifth or 19.5% of people who report \$50,000 or more in higher education debt. Among Black students, 17.8% (n=159) of Black women and 12.7% (n=114) of Black men did not report debt, much less than across the full-sample of first-year law students in which half report no debt. 4.5% of Black women (n=40) and 2.0% of Black men (n=18) owe less than \$5,000. 5.6% of Black women (n=50) and 3.2% of Black men (n=29) owe up to \$10,000.

16.1% (n=144) of Black women and 7.3% (n=65) of Black men owe up to \$20,000, which continues as the most frequently indicated category for debt. In the next most indicated debt category, 9.8% (n=88) of Black women and 4.1% (n=37) of Black men owe up to \$30,000. For Black students, the two most indebted categories are \$20,000 and \$30,000, compared to the total EDP-1 sample, in which the two most indebted categories are \$10,000 and \$20,000. A structural pattern of greater debt for Black students emerges in this data. 4.1% (n=37) of Black women and 2.8% (n=25) of Black men owe up to \$40,000. 2.3% (n=21) of Black women and 0.9% (n=8) of Black men owe up to \$50,000. In the highest debt category, 4.7% (n=42) of Black women and 2.0% (n=18) of Black men owe more than \$50,000 in educational expenses.

These findings, while seemingly explained by the greater numbers of Black women in the sample, indicate a larger pattern of not only increased higher education debt burdens on Black women, but debt burdens of the highest amount. To identify this pattern as extreme, with life-altering implications for Black women into the future, is an understatement. Further, this estimation of debt is a snapshot during students' first year, and this burden will likely grow given

the notoriously high costs of a law school education. The debt burden will also continue to grow beyond law school if debts accrue interest. The gravity of this situation is magnified as higher education costs broadly continue to grow in the time since EDP-1.

Select Findings Across East University First-Year Law Students

The following section continues the descriptive review, zoomed into East University Law School first-year respondents (n=78). 6.4% (n=5) of students are Asian, the majority at 85.7% (n=66) are Black, 3.8% (n=3) of students are Latinx, 3.8% (n=3) of students are Multiracial, 2.6% (n=2) of students are Pacific Islander, and 5.1% (n=4) of students are white. One student at 1.3% indicated another ethnicity. Data is also missing for one student. Focusing on Black first-year East University students, 54.5% (n=42) are Black women and 31.2% (n=24) are Black men.

Following similar patterns introduced previously, the majority of sampled East University students at 63.2% indicate they are either politically extremely liberal or liberal, at 11.5% (n=9) and 50% (n=39), respectively. 26.9% (n=21) of students at East University Law School are moderate or middle of the road. Few students indicated they are politically conservative at 6.4% (n=5), and no students reported being extremely conservative. Even fewer students indicated they “haven’t thought much about it” at 2.6% (n=2). Data is missing for two students.

East University students are also highly indebted at the start of their first year in law school. 37.2% (n=29) of East University students did not report debt, followed by 5.1% (n=4) with up to \$5,000. 9% (n=7) owe up to \$10,000. The vast majority of indebted students at 25.6% (n=20) owe between \$10,001 and \$20,000, followed by the next largest group at 11.5% (n=9) who owe up to \$30,000, mirroring patterns among all Black law students surveyed. 5.1% (n=4)

of students owe up to \$40,000. 2.6% (n=2) of students owe up to \$50,000. The same number owe over \$50,000. Data is missing for one student.

Survey data reveals law students across the EDP dataset to be left leaning in their political ideologies and highly indebted. These measures foreground our discussion of the broader campus climate and the financial burdens on East University law students, effecting their financial and emotional well-being.

EDP-1 Focus Group Findings

East University students' reflections across their first, second, and third years in law school resulted in the following themes: 1) (Un)Supportive Environment, 2) Rejecting Racelessness and Deficit Perspectives On HBCUs, and 3) Higher Education Debt. While each year is distinct, participants' reflections contributing to each theme expand across all three years.

THEME ONE: (Un)Supportive Environment

The idea to utilize (un) prior to supportive is inspired by Harris and Patton's (2019) discussion of both the doing and undoing of intersectionality in scholarship, a way to reflect this complexity through language. The environment at East University is similarly complex, in which students describe the critical importance of pursuing their legal education at an HBCU, as well as conflict such as between faculty and students, and issues of gender. EDP-1 participants across years largely characterize their experience at East University as supportive versus competitive, another layer complexity. Competitive emerged as a reflection of the intensely hostile form of "cutthroat" competition, the specific term provided by Vance, a Black man in 2L. To the question "what's the best thing about East University?" Selma, a Black woman in 3L laughs:

The best thing is the camaraderie inside of the intense competition. There's a sense that in the end, we're going to be competing against others in the majority population, but in

the end we'll be competing against ourselves as well. And so there's a....and I want to be clear, I'm not saying it's not, it's very competitive here, but there's a support. There's a significant support as well, for you to succeed, even if you are the last person in the class in terms of GPA. The desire is still for you to succeed. And so, that's what I liked the most.

This pleasant sense of support versus competition is distinct from broader norms underlying U.S. society, including the consuming process of privileging work over health in order to succeed, and the broad sense to compare and be better than the next person. Rather, Regina, a Black woman (2L), provides an example of reaching out to support peers and describes a sense of free-flowing information, a reflection of the supportive campus climate:

Plus things just sort of happen due to the course of the semester, like you know, you hear people talking or complaining about a professor, and like you sit at the next table and you kind of just lean over, and well let me tell you this. You know, so that happens all the time. Just like, I mean like people I don't even know their names, but like we're all sitting around and they're just talking about a professor or you know, "Oh, we've got this brief coming up, and I don't know what to do." And I mean that's, like that's one of the good things here. Like people just are always kind of you know, not in your business, but like I mean I'll lean over and say "Well, focus on this for his class or don't this in there or do this in there." You know just 'cause like that's how it was when I was a 1L. People would just offer advice if you seemed, like if you were sort of talking out loud, people would be just like "Oh well, do this."

Less a dichotomy and more a dynamic process between support and competition, EDP-1 participants affirm the importance of connection to their peers as instrumental to their success in law school. Pablo, a Black man (2L), affirms Regina's comments and describes:

People told us that, I mean you still had that like you know, I guess it's law school so you still had that competitive aspect with regard to everything. But there also is, like there's a lot of help here, like, and people told me that coming in, like you know, expect a lot of help from other people. And I mean, whether like you said just overhearing a conversation and giving a little bit of advice, or you know offering an outline, or explaining, you know, some problems here and there. Like I've had people give me their books that weren't necessarily my friends, but they're just here I'm taking a course, or they took the course before, so you know. And some people sell their books, you know some people obviously want to gain, you know get their money back for them, but a lot of people, I've had a few books just kind of given to me. And you know it's just interesting, you know. That kind of adds I think another element to everything, so.

This notion of freely offered information is especially valuable during students' law school journeys. In order for students to receive and benefit from the information, they must recognize their peers as a knowledgeable and reliable source. This is remarkably distinct from Sadie's reflections in the forthcoming Chapter Five: EDP-2 Findings, in which her knowledge was consistently devalued in the law firm space. A preview, Sadie describes how she, as a Black woman, was dismissed and penalized by a white partner who simply did not accept her knowledge as valid, a display of the racial, gender and power dynamics of the law firm.

The conversation between Regina, Pablo and the interviewer explored disconnected or conflicting positions, such as competition and support. Another conflict, Pablo describes how

particularly during his first year, the institution was “*beating us upside the head*” with the mission and challenge to leverage the law for social good. However:

It’s interesting because I think it kind of conflicts with a lot of the things the school actually does. You know like they promote this thing we’re supposed to get out there and do this and do so much, you know, better for our society and our community. And I just think they also at that same time they kind of juggle the idea like making sure you get in with a good firm, make a lot of money. So, you know, it’s just interesting to see.

This theme of support is marked by the contrast of seemingly incompatible ideas. EDP-1 participants described competition as an expected part of law school. The sense of competition to achieve success markers such as law firm employment and high income, may emerge less from law students’ peers, who are willing to provide resources and support “*even if you are the last person in the class in terms of GPA*” as Selma states, and more as a function of the structure of higher education and society. This structure distributes grades hierarchically, ranks institutions, and measures career opportunities, such as law firms by prestige.

A sense of support as camaraderie emerged among EDP-1 focus group participants.

Valerie, a Latinx woman (3L), also describes the sense of genuine emotional support within the high-stress space of law schools:

The best thing is just the people. I come to school every day, even though it’s a stressful situation and there’s so much on my plate, it’s always a good time, it’s always funny. I like people here; I genuinely like people. I think I have really good friendships with people and I care about people and I feel the same thing, especially this year in the clinic. Yesterday we had to do these, well we’re doing these impromptu speeches because our Director is trying to get us to improve our impromptu public speaking so we won’t be

so nervous in court, and so yesterday I had to give mine, and I'm really comfortable speaking in front of people except impromptu. So I got up there, and my heart was just racing like a rabbit. I felt ridiculous. It was just so silly and my voice was shaking and it was hilarious. But everybody in the class is so supportive of me and is really a friend, and so the whole thing was just enjoyable and everybody, we all just laughed and got through it and it was fine. And that's what I love about [East University] is just the people are really there for you or have been there for me at least.

Vivian, an Asian woman (3L), describes the positive difference academic support from the law school and faculty can make in one's academic journey at East University, distinct from her experience “[slipping] through the cracks” while attending a historically white institution:

I think it would have been a completely different experience had I gone to a predominantly white school, because that was my experience in undergrad. I felt in undergrad, the school is so huge that you kind of slipped through the cracks. Nobody's looking out for you. My grades weren't so hot in undergrad. It was my first time away from home; you know my first taste of freedom, so I did not take college seriously. And I feel that at huge institutions like that, you're able to just slip through the cracks. Here at [East University], there are specific programs set in place where if you fall below a certain GPA, they're pulling you, they're setting up special accommodations for you, providing extra tutoring and doing whatever they can to make sure that you're going to succeed. So I feel here at [East University], the professors and the faculty have a personal interest in seeing you succeed which is something I didn't experience in my undergrad. I've talked to other students that go to [institution] and it's still the same for them, like they don't get that one-on-one personal support.

Vance, a Black man (2L), describes his surprise at the supportive classroom climate, similarly highlighting the importance of faculty members' genuine support of students:

I think I expected it to be a lot more cutthroat. I think I expected it to be a lot more of a "Paper Chase." You know where they tear you down, just to build you back up. The professors or the professor that I talk to now, wasn't like those professors. I think I only had one professor who was kind of traditional, more Socratic, trying to embarrass you in front of your peers, professor. But most of them really want you to learn the material and really want you to understand it, not just you know endure.

Vance's expectation of embarrassment underscores the institutionally normalized hostility and competition described by Guinier et al. (1994) and Moore (2008). In contrast, Vance's description of professors who want students to thrive while learning versus "endure" their law school experience highlights a different model of preparing graduates to carry forward institutional missions. These institutional missions, described in Chapter One: Introduction, position law schools to be sources of social transformation (Florida Agricultural and Mechanical University College of Law, 2019), and to honor their history as HBCUs.

This theme of supportive environment, while largely characterizing students' experiences at East University, is not a blanket without difference, as students further reflect on the campus climate within and beyond the classroom. While participants often focus on the importance of race in their studies, specifically the historical relationship between Black people and the law, several participants highlight the brief discussions of gender, and the distinct experience of Black women. Rebecca, a Black woman (1L), describes:

...from the beginning in the 1800s when [East University] was founded, there were all male students. So, when I first got here, I even saw that there were still gender issues that

people just didn't want to address. As far as males in leadership positions at the school and the predominant number of male faculty, just.... It still seems like... when I walk through the hall and looked at the all-male pictures, it seemed like it was the same thing even though it's changed some.

Similarly, Paz, a Black woman (1L), describes her perception of male dominance in the law school space, which all four Black women focus group participants affirmed.

...but that's one thing I noticed when I got to [East University], I've never experienced maleness, or male privilege or male gender... or gender issues the way I've experienced at this school, ever. I don't know if it's because of where I'm from, Michigan's a very liberal state. I went to a very liberal school. I don't know... but I just... and my parents have always been like... "Oh you can do anything," and all that good stuff. So, I don't know if that's what it's because of, but I've never experienced the kind of male, perceived male dominance that I've experienced at this school.

The earlier discussion of supportive environment exemplified by interactions in which peers aid in one another's success also exists within a space that communicates its history. Rebecca's scene setting of walking down a hall past pictures of men important to the law school reflects a similar story by Moore (2008), who describes portraits and photographs of institutional leaders, historic legal figures, and graduating classes at an elite, historically white law school. These portraits communicate that lawyers are white men (Moore, 2008), while Black women continue to be confronted with the "you don't look like a lawyer" phenomenon (Melaku, 2019b).

The idea of conflicting ideas emerges now as a misuse of power when two political and historical positions clash. Shelby, a Black woman (1L), describes an experience in her criminal law class which resulted in an uncertainty, hesitancy, even hostility:

It was one of our first classes and we were just getting to know our professor and we were talking about moral culpability which is the basis for liability in Criminal Law. Analyzing the moral culpability of crimes and he asked us which... did we believe that flag...whether we believed that flag burning was a morally culpable crime that should be punishable by the law. And he asked us to raise our hands if we believed that and this being a Historically Black Institution, nobody raised their hand. And so then he asked again as if to infer that somebody should believe it. And nobody raised their hand, and then he made a comment about "He can't believe he's in a room full of Americans" and because of his demeanor in making that comment I don't think that myself or my classmates felt like we could have a realistic discussion with him about why we held some of those beliefs.

I think that his disapproval that he expressed of that belief and that it made us somewhat un-American for not thinking that people should be punished by the law for burning a flag when him being a White male and us being a class full of majority African Americans have the right to not hold this flag in esteem. I think that it was just an insensitive situation that was posed that didn't allow us to really express ourselves because of the... how early it was in the course. And, also because of the way in which he presented the topic.

Several deeply upsetting power dynamics emerge in this reflection, including the dynamic between professor and students, between conceptualizations of American and un-American, and deservingness of punishment given the historical patterns of Black criminalization. The professor's actions display a lack of critical engagement with race and law, as well as a disregard

for the space and people within it. In this case, the flag as a symbol of freedom to be revered ignores anti-Black U.S. origins, to be further discussed by Abolitionist Esquire in Chapter Five: EDP-2 Findings.

This theme, Un/Supportive Environment, explores the complexities of the campus environment at East University Law School. In EDP-1 participants' discussions, the environment takes shapes through interactions between peers, such as freely flowing information, a space in which different emotions including nervousness is acceptable, and generous gifts of free class books. The environment is also one in which Black women respondents including Paz reflect on how "*I've never experienced the kind of male, perceived male dominance that I've experienced at this school,*" such as in the leadership and visual communication of the institution's history.

A particularly salient example of the "un" in this theme, the law professor in the last example equates American with patriotic ideals, including a reverence for the flag and the symbolism supposedly imbued within it, pride in being American. The law students' collective disagreement is deemed "un-American," a strange threat and common tactic on display in the present-day political movement to suppress Critical Race Theory (see Chapter Six: Discussion, Recommendations and Future Research).

THEME TWO: Rejecting Racelessness and Deficit Perspectives On HBCUs

Several EDP-1 participants describe diving deeper into concepts in their courses, underscoring the position of East University to focus on race and law. Rob, a Black man (2L), describes the necessity of learning the text of the law, as well as its impact on people:

...there is the standard which you get from any law school, and then there's the perspective that pertains specifically to minorities and underserved populations that you may not get at another law school. So I think we have enough professors that take both

sides, and that consider both sides, and I think it serves to give you a variety of opinions. [...] There is the law, there's the Black Letter Law, which is you know, "thou shall not...", or whatever is on the books, and then there is the different considerations that go into that, and well, consider it from this type of perspective, or consider who this law affects and how it affects this particular group of people. Which, I'm not saying they don't focus on at other schools, but I just know they do a good job over here, in my opinion.

Rob's discussion again confirms how HBCU mission statements describe a legal education focused on the history of race in the U.S. and prepares graduates to create social change. Valerie, a Latinx woman (1L), describes class discussions of the reasonable person standard, particularly challenging notions of objectivity and white male normativity:

We've talked about it in all our courses. Not as much actually surprisingly in Torts or in Criminal Law. We talked about it a lot in Contracts because our Contract's professor is, she also teaches the Critical Race class so she's very much involved with these issues and does a lot of work in this area. But the "reasonable person" certainly, you know "reasonable" from whose perspective, or on the basis of what context. Who are these "ordinary" people, and who's not included in this group. So we talk about those things. And then for subjective, you know there is a number of issues that come into play when you start to think of things subjectively that should be considered I think under objective. Like, if you are coming from a different culture, you know, then should this standard be seen from a different point of view? Well, obviously yes, you know, and I think that's still reasonable, but that is categorized more as now you are being subjective. But is it

reasonable that the “reasonable man” is a White man? I don’t know. There’s a lot of play there.

In relationship to the flag burning question posed by the professor in the previous theme, this example highlights the importance of critically engaging with respect to race and gender, and culture as Valerie describes, including analysis of the ideas, norms, and symbols which drive U.S. society and law. In her discussion of subjectivity and objectivity, Valerie disrupts dominant ideologies. On the reasonable person standard, Vivian, an Asian woman (1L), describes how white is normalized in U.S. society:

We’ve actually gone over this in Torts quite a bit, and we’ve discussed who that “reasonable person” is. And I remember that I was actually the person who sparked this whole controversy ‘cause I said, “It’s the middle class white male.” And a lot of my classmates were really upset when I said that, but I ultimately think that’s the truth. And my professor ended up agreeing with me because basically the “reasonable prudent person” is based on what most judges in the U.S. are going to think. And the majority of the judges in the U.S. are white male.

The discussion by Valerie and Vivian on the normalization of white men through the reasonable person standard connects to Patton’s (2016) insights about the largely white composition of the United States Congress, Senate, Supreme Court and presidency, and how these decision makers graduated largely unprompted on race and racism in society, and therefore unprompted about racial equity. This lack of institutional prompt combined with the overwhelming white majority across the law school and professional landscape creates the reasonable as white standard and again reflects the “You don’t look like a lawyer” mentality (Melaku, 2019b). An example of this

lack of prompt in law school broadly, Valerie also describes a conversation with a peer at a different law school:

When topics come up in her Criminal Justice class, for instance, when topics come up about disproportionate minority confinement or any of those other things that are relevant to groups of color, that the students somewhat just push it under the carpet, or they just want to move on to what the law is, what's going to be on the Bar exam, you know whatever. They're not terribly concerned about the social issues, and if they are, then not enough of them are. But at [East University] all our law classes for the most part are amenable to these types of discussions, and they come up, you know, students get passionate about what they say. The instructors, you know, either lead us one way or another depending on how they feel, but it's definitely on the table.

The test as the predominant determination of the legitimacy and worthiness of a topic overshadows broader implications of the law and its effect on people's lives. This practice will likely continue without institutional action. Ultimately, opportunities to analyze race and racism are marginalized in this example of a criminal justice classroom and become optional discussions, especially given conventions including constitutional colorblindness which function to maintain white supremacy (Gotanda, 1995). Prince (2017) describes the same pattern while enrolled in Michigan State University College of Law, in which discussions of race and gender are absent when relevant, combined with only token representation of Black women law students. Pablo, a Black man (2L), continues:

Well there's that, but then also, I mean, things are just always discussed in terms of civil rights and African American issues primarily. Whether there's a strong social justice aspect, there's always that sort of Black/White dynamic, not sort of an international

component to discuss. There's some like gay and lesbian issues discussed, but not that much. There's some gender issues discussed. It depends on your professor, but there are only a handful of professors here, not even a handful, like a half of a handful who, like, actively incorporate gender issues into their class discussions. So I'd say, you know (struggling to get out words) be on the social justice sort of thrust, but the larger context is always about you know, race in one way or another. But then there are some classes that it doesn't come up at all. I mean it depends on the class. But it seems that most go out of their way at times to discuss it.

Law school faculty, while accountable to broader institutional goals and specific happenings within their department, exercise a great deal of control about the content within their classroom. Law school faculty control if and how they will incorporate discussions of race, gender, sexuality, and more in their classrooms. Valerie describes an example of a professor actively centering Critical Race Theory and related theories to inform course curriculum:

Yeah, what we did, I think we went out of order with the case book. There is a chapter later in the case book that talks about social theories, like critical race theory, feminism, and you know the whole gamut of those theories, talks about those later in the case book. But what we did is we took it out of order, and we went there first. So we discussed what the theories were. We discussed how you can look at law and analyze them through these theories, or just to keep in mind as we went through the cases this context, you know. So the fact that women were viewed as property before, and feminism is trying to combat that whole, you know, and the same for race. We look at things through that lens or just keep that on the horizon and think about how you can frame legal issues within that context.

The professor's choice to foreground critical frameworks ensures they are foundational as opposed to supplemental in understanding cases. The impact of faculty members' choices in the classroom is an underlying motif in this theme on rejecting racelessness. Another choice on behalf of faculty is how to navigate political ideologies. Sadie and Susie, both Black women, and Pablo, a Black man, reflect on and how classroom discussions engage social issues:

Pablo: I'd say it's accepting of diverse views more so than...I don't really feel like it presents as many, but I definitely feel that it's accepting of others. I don't know. I feel like pretty much everyone, or at least in the way the professors and the way I've learned or I've taken what they've presented, not saying it's the same but I pretty much feel that like they all share a lot of the same viewpoints on many of the key issues, especially social issues. So like I said, I feel that it hasn't been so diverse in terms of how it's been presented, but I definitely think they're open to discussion about it or accepting of other, different viewpoints.

Sadie: I think that it's diverse in terms of among what you could largely call progressive socioeconomic views that range from mildly moderate to extremely left wing. As far as from left to right, I think we have some, the centrists really stand out. The centrists really stand out, but it's not like shoved down your throat, but the programs are primarily from a progressive political point of view, a socioeconomic vantage. But it's nothing radical like some law schools I'm aware of.

Participants' discussion of the political ideologies communicated throughout the space connects to the majority of EDP-1 survey respondents who self-identify as either liberal or very liberal, followed by moderate.

Susie: I don't know, maybe I'm just so far left in my own personal viewpoints, but I think that on a whole, they do a good job of presenting, at least presenting the "Right" side and then saying, "Oh, look how wrong they are." But at least they put it out there in the sort of Socratic method where like this is Scalia's view and this is where Scalia is coming from and blah, blah, blah but then, let's rip it apart.

Pablo: A lot of times I feel like it's like mocking them. You're right. I think we're made aware of it, but it's almost like the way it's done it's like, "okay, but you wouldn't dare want to agree with this." So I agree, I think it's presented but...

Sadie: And you have to understand it. I think it's very clear, at least from my professors, where they stand, but they're also very careful to make sure you understand where the other side stands, because obviously if I disagree I cannot be an effective dissenter if I don't understand that point of view. My, particularly with the more conservative Supreme Court Justices, then I understand them pretty well. We talk about their viewpoints a lot.

This exchange brings forth the idea that an effective lawyer must engage various positions, and given the binary of U.S. politics, sums to a call to engage both conservative and liberal ideas.

The practice of engaging all sides of an argument as a desirable quality learned in law school also emerged in the pilot study with James. But what of the task to engage a racist argument, for example – how can the expectation be sustained?

Importantly, EDP-1 participants' discussions illuminate how East University Law School students are not expected to disregard their own political positions and experiences such as with race and racism, in favor of neutrality. Faculty members, such as the professor who reversed the case book to foreground the critical theories chapter and the professors who engaged the political and social aspects to Supreme Court Justice decision making, for example, are not holding

students to an expectation of perspectivelessness (Crenshaw, 1988) and racelessness (Patton, 2016) in learning about the law. On Susie's discussion of "right" and "wrong" sides and Pablo's description of "mocking," I understand this to be an example of a legal education which engages cases and legal actors' decisions in relationship to social change and racial justice goals, as well as a recognition of the historical patterns of anti-Blackness in Supreme Court decisions.

Another layer emerging from EDP-1 focus groups, students resist deficit perspectives on HBCUs and the decision to study law at East University. Rebecca, a Black woman (2L), considers the advantages and disadvantages of a racially diverse student body in law school, a frame connecting to the educational benefits of diversity advanced in *Grutter* (2003). Rebecca describes the excitement of being in a new space with new people:

I think the advantages are of course because you get to see people from different backgrounds, people from different ethnicities, people who just I guess do not have the same cultural values as you. I mean it's interesting and exciting because you're always learning new things about new people, new races, different culture, and everything. I don't know if I would think that there is a disadvantage. Yeah, I think there could only be positive coming from it.

Rebecca's excitement about law school and new experiences is clear in her responses, as is her rejection of the myth of the Black monolith, of Blackness as singular experience. Rebecca shares:

I mean it's so diverse and it sometimes bothers me when people say, "You go to a Black school; there's really no diversity." Because when I was considering [East University] I heard from a majority of African Americans that "you should not go to [East University] because you went to an HBCU for undergrad and you should get a diverse experience."

But honestly, I don't think I could have gotten a more diverse experience anywhere else because these people are just, they're different in their own ways, and so I do think this is a diverse environment.

Within the suggestion for Rebecca to seek out a new type of institution for her legal education is the embedded assumption that HBCUs lack. Though unstated, and though many institutional types exist, it is likely people meant Rebecca should seek out a highly resourced, household name, historically white institution such as state a flagship, as such institutions are elevated in national discourse. Rebecca outlines additional deficit perspectives about HBCUs by potential students:

I think what I find disheartening is when I hear a lot of people who aren't African American who come to [East University], they feel like "I'm coming to [East University] because I can be number one in this class with mostly Black people." I mean so you know I don't think that should be anybody's perspective, you know, "because I'm the majority or because I'm not Black. If I come to this Black school, I'm automatically going to be the best at the school." So I mean I think if you come here with that attitude, I don't agree with it, you know, but I don't know if a lot of people do come but I know I have heard of situations where that happens so I think that would be the only disadvantage but other than that, I think it's all positive.

This assumption on behalf of students who are not Black to academically surpass their Black law school peers by default is an example of Bonilla-Silva's (2018) frame of cultural racism. This plan is possible only through the anti-Black belief in Black students' academic inferiority, an example of the anti-intellectual stereotype. Smith et al. (2016) in their study of racial battle fatigue experienced by Black men, describe this stereotype as beliefs that Black men do not

belong in higher education, are less or unintelligent, and that their academic achievements do not and cannot belong to them. The deficit, anti-intellectual stereotype is thus applied to an entire institution. The great irony, the plan involves willful participation in, and benefits derived from East University, an institution rich in tradition and mission as an HBCU.

Shelby, a Black woman (3L), describes her process of choosing to attend East University and her relief that Black people would not be tokenized nor presumed incompetent:

That was one of my considerations in choosing to come to this law school. I did visit other law schools and I didn't feel as welcomed there. Looking around and seeing people who didn't look like yourself made you feel somewhat alienated. And from what I've heard, from people's experiences in the classrooms, there's been a presumption that they don't know as much because they're minorities. They're not capable of as much, or they're lazier. So I like that that presumption is not present here. The presumption is that we all come here on an equal footing because this is a rare and special place where we come to be nurtured. So I appreciate that it's not present here, and I can imagine that it would be much more difficult to go through the rigors of law school if it were a less diverse environment that was also less supportive.

Here Shelby links to the first theme, (Un)Supportive Environment, her description of East University as a “rare and special place,” aligns with HBCU’s ongoing role in Black life-making (Mustaffa, 2017). As well, the previously introduced idea of complexity emerges again, including support versus competition. Rob describes how the false belief in Black academic inferiority challenges the practices within East University. Rob describes faculty members’ response to the ubiquitous “be twice as better” frame, now institutionally embodied:

A lot of time [East University] is not perceived, and this I would say probably internally as well as externally, as an institution that's serious. I think a lot of times people think that we have something additional to prove, and so I think oftentimes our professors work us harder to make sure that we're better so that we can, whatever invisible standard is up there, we meet it and surpass it. I think while that can be a good thing, it puts an extraordinary burden on the average student who is just trying to get a good understanding of the law.

Rob's discussion extends the idea of competition into the "be twice as better" frame, now an "*invisible standard.*" Though an effort to resist deficit perspectives about HBCUs, a resulting effect is the pressure to prove worth through work output.

In this theme, Rejecting Racelessness and Deficit Perspectives On HBCUs, East University Law School largely centers race in the study of the law, distinct from the broader field of law schools. Rob describes "*the standard which you get from any law school, and then there's the perspective that pertains specifically to minorities and underserved populations that you may not get at another law school.*" This is seconded by Valerie, whose peers at different institutions choose not to engage race and the law, rather they "*push it under the carpet.*" This theme also underscores the power of faculty to engage supposedly neutral, objective, colorblind topics, such as the reasonable person standard, and place topics within the broader racial and gender context of the U.S., such as applying critical theories to case analysis. EDP-1 participants also pinpoint and reject the deficit-laden, anti-Black assumptions that Black students lack knowledge and by extension HBCUs broadly lack academic rigor.

THEME THREE: Higher Education Debt

Law school tuition costs have drastically risen overtime. In 1985 the average cost of resident tuition and fees across public ABA law schools was \$2,006 (ABA, 2012). At the time of EDP-1 focus group data collection in 2005, tuition exploded to \$13,145, and by 2012, rose to \$23,214 (ABA, 2012). The U.S. News & World Report calculates the 2021 average for public, in-state law school tuition and fees at \$29,074, though on the highest end tuition costs \$65,500 and at the lowest, \$13,438 (Kowarski, 2021). Public out-of-state law school tuition averages are higher at \$42,143, with the highest of \$68,500 and lowest of \$22,082 (Kowarski, 2021). Private law schools are even more costly, averaging \$51,268 in tuition costs, with the highest of \$74,995 and lowest of \$26,698 (Kowarski, 2021). Given these extreme tuition costs, law students are undoubtedly financially burdened and indebted. Tim, a Black man (3L), describes his financial situation in which loans cover his cost of living:

Well if we talk about financial, I don't have any help so it's loans, and I just manage my money, thank God my rent's low, so I can keep money in the bank. So I rely on my loans and I just make sure I don't spend it all so it's not like I'm starving or anything.

The loans Tim borrowed ensure shelter and nourishment “*it's not like I'm starving.*” However, through the repayment process Tim will likely pay for rent and groceries several times over.

Shelby, a Black woman (2L), in response to the question “how has law school been as you expected it to be, and in which ways has it been different?” challenges us to think about loans and projected income and assess worth and risk, particularly if the work is unfulfilling:

It's been different in the respect that a lot of the stuff that I thought I would find a lot more interesting has been a little bit boring, and not really the type of work that I could see myself doing for the rest of my life. I realize now that there's a lot quicker ways to

make the amount of money you'll probably come out of here making, without taking out as much money to be here so. I mean I'm probably a tough person to ask that question, but you know, it's definitely, it's challenging and I think if you have a passion for it; it's a lot easier to face the challenges than when you're just somebody who's along for the ride kind of like I am.

In Shelby's reflections, the line of career passion, debt, and potential income forms, as well as the question of higher education debt as prohibitive to the pursuit of career passions, especially as they change and evolve. It is also possible that loan debt may extinguish some of the expected enjoyment, resulting in the position that "*it's a lot easier to face the challenges than when you're just somebody who's along for the ride kind of like I am*".

Loans as key decision factors also emerges in explorations by Susie, a Black woman (3L), who reflects on the high income/social justice-oriented career disconnect. Susie describes loan forgiveness and attending East University Law School, known for its focus on social justice:

I think that a lot of us would take different career paths if we knew that our loans would be paid for after law school is done, and to go to [East University...] and work for one of the big 10 firms just seems sort of disingenuous in some ways.

Here the idea of loan forgiveness and public interest work emerges. Susie's comments align with the phenomenon of public interest drift, in which high law school debt limits law graduates financial options (Desmond-Harris, 2007). Indeed, work opportunities and student loans emerged across interviews as a heavy consideration for students. Sylvia, an Asian woman in her second year, when asked about her plans for working during the summer stated, "*Optimally I would like to get something paid. My mother wants me to get something paid.*" Similarly, Stacey, a white woman (2L), describes:

Working for the Court of Claims was really exciting, as well. Just kind of seeing how everything comes together and reading through briefs. And I drafted an order, or opinion, for the judge. That was my big project. I was only there for a month because I wasn't getting paid, and money is important.

On this point of unpaid work, Sabrina, a Black woman (2L), describes working in a public interest focused organization at East University to address this structural barrier: “*we’re working on raising money for students who don’t get paid jobs in the summer. So that’s taking up the rest of my life because I’m working really hard trying to get donations from businesses.*” While Sabrina is undoubtedly gaining important professional experiences, her description of the work as “*taking up the rest of my life*” cannot be overshadowed. The responsibility must be with institutional leaders including across states and businesses, to ensure adequate funding and compensation for work.

As law school costs have drastically increased in the time since EDP-1 (Kowarski, 2021), the pattern of students working many jobs and/or relying on loans to live, as described in the opening by Tim, undoubtedly persists into the present. EDP-1 survey findings especially underscore the loan debt burden incurred by law students, with disproportionately extreme debt of the highest amount across available categories, over \$50,000, incurred by Black women. A preview of EDP-2 findings, the totality of unpaid law school debt haunts nightmares.

Summary

Results from the descriptive analyses of EDP-1 first-year law student responses show that students largely identify as politically liberal, also affirmed in EDP-1 focus group responses as students describe largely progressive politics in the law school. First-year law students nationally are also surprisingly debt free at the start of their law school journeys, as half of the national

sample did not report debt. The percentage of sampled Black students nationally without debt is less at approximately 30%. At East University 37% of students do not report undergraduate debt. However, across all debt categories, Black women are highly indebted.

Themes resulting from the analysis of EDP-1 focus groups include the (Un)Supportive Environment, characterized by freely flowing information offered with the genuine hope for peers' success. A prime example is Regina's reflection about leaning over toward a peer to share the advice "*focus on this for his class or don't do this in there or do this in there.*" Participants also explored the dynamic between competition and support and shared complex experiences and perceptions of the campus climate. A second theme, Rejecting Racelessness and Deficit Perspectives On HBCUs, EDP-1 participants underscore race and the relationship between Black people and the law as central in East University Law School curriculum. EDP-1 participants also reject deficit ideas about East University. The final theme, Higher Education Debt, connects back to survey findings and explores obstacles such as managing loans to cover living essentials, and the realization students may have considered alternative career paths given the high amount of loan debt or the possibility of loan forgiveness. EDP-1 participants explore the dynamic between high debt, high income, and social justice careers.

It is helpful to revisit the questions asked of EDP-1 focus group participants during their first, second, and third years in law school. Across these three time points, participants were asked if they felt their law school campus is a diverse environment to learn about the law, as well as if they had contact or interaction with people from different backgrounds. Responses to these questions, such as Rebecca's discussion of diversity at East University Law School, addresses the original EDP research agenda. In sum, EDP-1 law students welcome diversity in their lives.

In the final report, the original EDP PIs consider the entirety of the study, particularly how law schools and the legal profession can create a more diverse student, faculty, and professional landscape (Daye et al., 2009). The authors also capture how students express the need for greater focus on the relationship of law to societal contexts, a process which EDP-2 focal participants model (Daye et al., 2009). It is necessary to continue to engage law school graduates, particularly graduate of law schools committed in mission to racial justice, as the people who will enact these changes.

Chapter 5: EDP-2 Findings

In the following chapter, I present themes emerging from the reflections by Abolitionist Esquire and Sadie, EDP-2 focal participants: 1) The Importance of a Name: Early and Ongoing Interests in Law, 2) The Cost of a Legal Education and Career: Financial and to Self, and 3) Power and Hierarchy. EDP-2 follow-up interviews seek to understand participants' experiences and meaning-making processes since law school completion.

THEME ONE: The Importance of a Name: Early and Ongoing Interests in Law

Abolitionist Esquire: Prison Abolition vs. Reform

In the questionnaire, participants were invited to select their pseudonym or one would be provided. An unexpected turn of events, name expanded beyond first and last as I originally understood and evolved into a way to communicate beliefs. In a name, prior to establishing any context, Abolitionist Esquire, a Black man, communicated a history of anti-Black violence, a mission to end slavery, and his position on the racial justice issue of mass incarceration. On abolition versus reform, he states:

I'm not a reformer. I don't believe in prison reform. I believe in prison abolition. Mainly I want to abolish the legal slavery that's a legally permitted part of the Constitution.

He continues to share details of the steps required to enact his vision, including a new set of legal documents:

But ultimately it means I'm an abolitionist, meaning I'm looking to end the legal slavery which is permitted in the Constitution under the 13th amendment. So I'd like that repealed. But ultimately what it means is that I want to abolish the entire system. So what that would take to do would be a new Declaration of Independence for this country declaring the country independent of white supremacy as the norm, as the foundation of

this nation, which was written into the Declaration of Independence through their declaration that all men are created equal while holding Africans as slaves. That pretty much wrote into the foundation of this country that, you know, white is supreme and Black is inferior. And it's still the document of this nation. So it's still the flavor of the day in this nation you know, regardless of what people say or how far we've come.

Abolitionist Esquire's call for new documents and symbols invites us to envision the possibility that new foundational legal concepts can be created. On the idea to create a new U.S. flag, he lists colors it could be: "maybe we add, you know, red and we add black and green to it. Now we'll have red, white, blue, black and green." This simultaneously disrupts notions of the flag as sacred, as in the flag burning story shared by Shelby in EDP-1 and opens a larger conversation about the possibility of such as change.

*What we know for a fact is that we have not, we have not changed the language. And so we started with the Declaration of Independence that said you [*****] aren't even men because if you were, you'd have these inalienable rights. Then we went to...it was, you know, later codified through the Supreme, I mean through the Constitution, when they wrote in the three fifths clause. And if anybody had any misinterpretation on what that meant, the Supreme Court ruling in the Dred Scott decision let everyone know exactly what it meant. And that this was not meant for Black people. Like they weren't who we were talking about when we said that all men are created equal and that they are a subclass of people who are righteously enslaved for their own good. And so that's just the fact of the matter, you know, there's no two ways about that.*

Dred Scott v. Sandford (1857) is an insidious example of leveraging legal decision-making power and the U.S. Constitution to uphold and solidify both white supremacy and anti-

Blackness. To the absurd question of Dred Scott's and therefore Black peoples' freedom, the U.S. Supreme Court ruled that Black people are not citizens under the U.S. Constitution and therefore are without rights, an example of legal, racial subjugation (*Dred Scott v. Sanford*, 1857). Abolitionist Esquire's reference to *Dred Scott* removes all possibility of uncertainty – U.S. origins are built upon and leverage the law to reinforce anti-Blackness.

So that's what I say. I'm an abolitionist. Although I work and I function in the system that's my ultimate goal. And so what it would look like is similar to South Africa where they changed from apartheid, where they now have a new flag, a new constitution, a new national anthem. You know, you can't tell me we've come any distance and all the symbols are the same as when my people were completely enslaved. So now, only those who are criminal convicts are enslaved. But it's still a lot of people when you add it all up.

The 13th amendment is comprised of two brief sections. The first section prohibits slavery and involuntary servitude in the U.S. and areas of jurisdiction, except for as punishment for a crime of which someone is convicted (U.S. Const. amend. XIII). The second section provides that Congress can enforce this rule through legislation (U.S. Const. amend. XIII).

This language of slavery as punishment for a crime deeply implicates prisons, as expressed by Abolitionist Esquire. Deborah N. Archer, Professor of Clinical Law at NYU School of Law, Co-Faculty Director of the Center on Race, Inequality, and the Law, as well as the President of American Civil Liberties Union, calls to remove the punishment clause. On this powerful change, Archer (2021) anticipates reverberating effects on prison labor, a direct move against the criminalization of Black and Brown people. Further, Archer (2021) offers that the removal of the punishment clause would begin to realize the document's promise of justice.

Similarly, Georgia Congressman Nikema Williams and Oregon Senator Jeff Merkely introduced the Abolition Amendment to strike these same words from the Constitution and eliminate the loophole (Democracy Now, 2021).

Abolitionist Esquire's mission to declare the U.S. independent of white supremacy also rings in alignment with the insights by renowned scholar Angela Davis during a speech in Rochester, NY. Davis highlights a deeply strange emergence from both the 13th Amendment, widely held as the definite abolition of slavery absent a discussion of the punishment clause, and the 14th Amendment on due process, in which Black people's citizenship is intricately connected to legal culpability or fault/responsibility/guilt for criminal action (Rochester Community TV, 2016). Davis profoundly identifies the bizarreness of anti-Blackness in that Black people's process of becoming a citizen through the Constitution solidified their position in the criminal and prison systems, a supposedly just incarceration (Rochester Community TV, 2016)

During the member checking process with Abolitionist Esquire, he connected to this same language of falsely just incarceration, enslavement, and criminalization, relating it to the anti-Blackness of the *Dred Scott* (1857) case in which Black people were not to be citizens, describing the premise of "*justly and lawfully being enslaved for our own good.*" Abolitionist Esquire moves to the present, "*You know that mindset still permeates throughout the United States.*" Our conversation linked to the pressing topic of the Derrick Chauvin trial for the murder of George Floyd, the verdict to be released the day after our meeting. Abolitionist Esquire reflects on this mindset, specifically how:

It really took like a national uprising to get these charges, you know, without that particular uprising, I don't think he would have been charged. It took a little while to charge him despite the video being readily available. But just that, that kind of treatment,

that's not the kind of treatment that someone would give to their own brother or loved one or somebody that they felt had value. You know, just sitting on someone's neck, you have to have very little value for that person. And I think that's how it plays in that mindset, that is deeply ingrained in law enforcement, particularly as it relates to Black men.

Throughout our conversations, Abolitionist Esquire makes clear that anti-Black violence is engrained in the active memory of society. This “*mindset*” is enacted through violence and stems from the bizarre series of events Davis identifies at the convergence of the 13th and 14^h amendments (Rochester Community TV, 2016). Davis also reaches across time, calls to us all, and offers that abolition of prisons and policing is the abolition of slavery (Rochester Community TV, 2016).

Abolitionist Esquire’s critical investigation of the Constitution and position as an abolitionist in the era of the mass incarceration culminated into a story about a client who received a determination of time served and also had a child during this time:

But had he took that deal the oldest any of his kids would have been able to be right now is like one, one and a half. So it just made me think like, damn, how many babies were not born because of this mass incarceration? So it's...most people don't even think on that level. I didn't think on that level till he had the baby. And I'm like, damn, he just would not have existed. And so I look at that as even deeper.

Abolitionist Esquire’s opening self-definition of abolitionist versus reformer communicates in a name his recognition of the anti-Black violence perpetuated in foundational U.S. legal documents. His name and broader work as a lawyer operates against the “*mindset*” which attempts to devalue Black life.

Lawyer Sampson and the Reverence of Her Name

Moving from name as definitional, Sadie describes a key name in her life as inspirational and aspirational. Sadie reflects on the only Black woman lawyer in her town, Lawyer Sampson, and how her name invoked respect and fear:

So I was a little kid who, I was not disrespectful, but I had, I was assertive and I had people tell me that, "Oh, you sound like a lawyer." In particular, I remember Mr. Ramsey who was my junior high school principal, and I didn't get into trouble. But sometimes my friends would get pulled aside and I would like speak up for them and he'd say, "You sound like a lawyer" or "You gonna be a lawyer one day." And it was not a pleasant thing he was saying, but I thought if lawyers get to speak up then I, that's probably what I should do with my life. And as I got older then they would speak about Lawyer Sampson, who was a woman who would, she was the only female lawyer in town. She was a Black woman. I never met her, but she was always...they would invoke her name to put fear in people. "I'm going to get Lawyer Sampson on you." So it was like a bad thing. But you know, I just thought, well, that's kind of cool. I want people to be respectful of me that way, like the preacher, you know, kind of like I'm going to get the preacher or I'm going to get Lawyer Sampson, depending upon what the problem was. So my intention was from a very early age was, I was going to be a lawyer.

Also emerging in this passage is the narrative of lawyers representing and advocating for people in need, as Sadie would speak up for her friends, even against the authority embedded within the principal of her school.

In this theme, The Importance of a Name: Early and Ongoing Interests in Law, names have power to be definitional. Abolitionist Esquire is distinct that he is not a reformer, but an

abolitionist, and outlines the steps necessary to realize “*the country independent of white supremacy as the norm.*” This includes the creation of new legal documents. Names also have the power to be inspirational, as Lawyer Sampson’s name struck reverence among her community. The importance of Lawyer Sampson, a Black woman, as an example to Sadie sparked her lifelong intention to be a lawyer.

Early Interests in Law and Attending a Historically Black College and University

Both Sadie and Abolitionist Esquire frame their early exposure to lawyers, both in media representations within their communities, as people who invoke respect and “*speak up,*” as well as leverage their knowledge and skills in law to benefit Black people. To the question about his areas of legal interest in law school and if his interests changed over time, Abolitionist Esquire states:

No, criminal defense and civil rights. That was what I thought about doing when I...cause you know, growing up in [location], like you don't know nobody who needs an intellectual property attorney. They're not talking to you about it, you know, mergers and acquisitions or, that wasn't my reality. I thought attorney meant criminal defense attorney. You had...it was a white dude on TV. I liked Perry Mason. I always liked him. He was real slick. And then, you know, Johnnie Cochran and Thurgood, that's what I saw as an attorney. So, and that's, you know what I could see.

Abolitionist Esquire highlights the impression of attorney as synonyms with criminal defense attorney, “*the people I knew that needed attorneys, it was for criminal cases,*” a reflection of the attempted processes of criminalizing Black people. He also highlights the importance of media representations of lawyers, particularly Black lawyers. The increased media coverage of high-

profile cases and the prevalence of television shows like Law and Order and Crime Scene Investigators (CSI), which depict court room scenes is notable. He continues:

But after seeing Johnnie Cochran do it the way he do it, he did it, the style, the strategy, just the whole way. I'm like, "Man, I want to do that." And then with Thurgood, like we're going to the Black school, I was always going to go to Black schools.

This reference to Thurgood Marshall reflects his education at Howard University School of Law and career as the first Black Supreme Court Justice and founder of the NAACP Legal Defense Fund (NAACP LDF, 2021). Johnnie Cochran was a famous civil rights attorney, widely known for representing celebrities, notably O.J. Simpson (The Cochran Firm, 2021).

Abolitionist Esquire continues to discuss how he became interested in law, including the ongoing connection to the “*liberation struggle*”:

And the main thing, because I was raised the way I was raised, I was gonna be in this liberation struggle. But outside of, you know, years ago now there's a few different ways you can earn a living in this struggle. You can be a YouTuber, Instagram influencer, you can speak. But before that it was like you would work with one of the organizations that gave you a salary or you were an attorney or you were a sellout basically. And that's how you make money in the struggle. And now, so an attorney was always a way that you could earn a good living for yourself and be full-fledged in the struggle and not have your earning in any significant way contradict you being part of this liberation struggle. So that's ultimately, you know, was the philosophy behind me becoming an attorney.

The legal system is one of the primary ways Black people have sought equity. The characterization of “*struggle*” is specific and calls to mind Bell (1992), who states that despite enduring oppression, “the struggle for freedom is, at bottom, a manifestation of our humanity”

(p. 378). This connection is particularly relevant given Abolitionist Esquire's previous discussion of the "mindset" which denies Black people humanity from *Dred Scott* to the present.

Continuing the discussion of early interests, Sadie frames her interests in law through identifying areas she would not like to work:

My legal interest in law school was to get a job. So one thing I've never been interested in is criminal work. Cause I can't imagine being able to represent someone who, I know is probably guilty, but give them the kind of defense that they deserve under the law. So I've never been interested in criminal work.

Sadie further describes her path toward applying to East University, particularly the enthusiastic encouragement received from her family. In Sadie's extended network, though she continued to receive support for her plan to apply to law school, she encountered distinct perspectives for or against attending a Historically Black College or University. Sadie recalls:

I applied to [East University] as an afterthought when I spoke to a lawyer that had represented the company I worked for in some litigation. And she had encouraged me to go to law school. When I spoke to her about going to law school and where I was thinking of applying, she said, "Oh, don't apply to [East University]. We don't even recruit there." And I thought, "Oh, well I shouldn't apply to [East University]." But then I gave it some thought and I said, "Why wouldn't, if she knows me and she's encouraged me to go to law school, why would she tell me not to go to [East University]? Why would you just ignore this entire school of people?" So I ignored what she said and I applied at [East University] along with the other local law school.

The lawyer who attempted to dissuade Sadie from applying to East University with "we don't even recruit there" indicated a lack of available opportunities, particularly career opportunities

would flow from the decision to attend. This comment perpetuates deficit perspective about HBCUs as subpar institutions. The lawyer's disregard also connects to Rob's discussion in EDP-1 that "[East University] is not perceived, and this I would say probably internally as well as externally, as an institution that's serious." Sadie continues to outline distinct contrasts in opinion about HBCUs from her extended network:

So [East University] was the first school that replied, I'd gotten the first, my first acceptance. They offered me a bunch of money. The cost...I got the same package from three other schools, but their tuition, that would've just covered their tuition. At [East University] it covered everything. It left me like \$2,000 out of pocket. So, and when I spoke with a friend that hired someone I'd worked with for a very long time, when I was just starting to mold my decision, she said, "I don't understand why you wouldn't go to [East University]. Aren't you tired of being the only Black person in the room? I would be that tired of being the only Black person. Wouldn't you like to go someplace where race is not a factor?" My thought, "That's a perfect way of putting it. That's where I'm gonna go." So, yeah, my white friend told me I should go to [East University] and it was the best decision I could've made. Absolutely wonderful.

The conversation between Sadie and her friend, though important on the path to Sadie's final decision to attend East University, simultaneously reinforces and minimizes the importance of race. By stating a possibility that "race is not a factor," Sadie's friend ultimately obscures the history of HBCUs and their ongoing commitment to the education of Black students.

Additionally, while Sadie's friend is correct that Sadie would not be the only Black person in the room, a trend has emerged in which HBCUs are becoming increasingly racially diverse (Allen et al., 2018).

In this theme, Early Interests in Law and Attending a Historically Black College and University, Abolitionist Esquire underscores watching Black attorneys on TV as instrumental in his decision to not only become an attorney, but to do so at an HBCU, combined with observing the legal needs of the people around him. Sadie also describes an external data gathering process, in which she received conflicting opinions on what ultimately became her decision to attend East University. Notably, in addition to the input Sadie received from her network, the funding package offered by East University was among the most critical determining factors, as *“it covered everything.”*

THEME TWO: The Cost of a Legal Education and Career: Financial and to Self

During our interview Abolitionist Esquire received a call from a client, and upon his return described *“having a heart for people”* who are navigating the legal system and severely challenged by the emotional and financial weight of the process. Yet, he must also manage bills. He held a printout to the camera, *“I’m trying to go old school. This is how I do my bills, right?”* Pointing to the budget tracker, *“But if you look at the bottom at the numbers that I pay monthly, you know, January it was 13 something.”* Further, *“that’s not even the whole thing. It’s still other stuff, but that’s, you know, I just can’t, it’s that kind of thing.”* Indeed, additional unlisted expenses include several memberships to organizations of Black lawyers: *“All those memberships I just named are like a thousand bucks annually, all of them combined.”* Abolitionist Esquire must manage numerous expenses while providing critical legal services, principal among them is the remaining cost of his legal education.

Higher Education Debt: Undergraduate Education and Law School Costs

Abolitionist Esquire and Sadie reflect on the tangible effects of loans on their lives. Their reflections fully render EDP-1 participants’ concerns about the long-term effect of financing

their legal education and living expenses through loans, such as how Shelby describes “*there’s a lot quicker ways to make the amount of money you’ll probably come out of here making, without taking out as much money to be here.*” Sadie describes her loan management process:

I paid off my last loan on exactly the, was it? No. It's about six months before the 10-year mark. That was something that I was determined that I would not be eligible for social security and paying off student loans. So if I had refinanced or done any of the other things that people do in order to stretch their payments out, then they, that might've been an issue. [...] My biggest loan I paid off in six years. I think I graduated probably with about \$90,000 of debt. And I just put myself, when I had the cash coming from the law firm I had a very aggressive repayment plan.

Sadie describes that when she left the law firm she financially adjusted in all areas except loan repayment, as “*just the idea of being eligible for social security and potentially using social security money to pay off student loans just didn't make sense to me. So I kept that in mind.*”

Though Sadie completed her debt repayment processes, I question this as a widespread possibility given EDP-1 descriptive findings on the extreme loan burdens for Black women and the drastic rise in law school tuition costs discussed previously. On law firms, the high income will be discussed later in this chapter as a prime incentive for continued employment, despite a hostile climate. Sadie shared her philosophy on student loan debt repayment, informed by her experiences: “*I know what it means to actually be poor.*” Sadie continues:

Well, you know, I do have friends who have law school debt. Most people graduated, went to go to law school, come up with debt. So I'm always curious as to...I'm making good money at a law firm, making over \$200,000 a year and I don't go on vacations. You know, if I was going on vacation, I'd go to a beach or you know, maybe New York City or

I would combine it with something else. But the idea of going to Rio or to the Bahamas or to Europe or to any place else, that doesn't make sense to me. I don't understand how you can justify taking that kind of vacation when you still have student loan debt.

A through line of sacrifice characterizes Sadie's discussion of loan repayment, as well as her life prior to law school. The topic of student loan debt opened a path into Sadie's past, and her statement "I know what it means to exist," took away my breath. Sadie describes her experiences:

But that's been my experience is that I just looked at the Facebook posts and I think how, "Weren't you just complaining about, you know, or Bernie Sanders needs to win so we can wipe out this student loan debt?" And I think, "Gosh, you shouldn't have it anymore. Why are you, why did you go to London? I don't understand. I'm a taxpayer. I don't want to, you don't deserve it." Anyway. So yes, I'm a fiscal conservative. If I did it...and my parents lived, my mother never made more than \$15,000 a year working full time in the school system. Well no, she got over \$15,000 when she got her bachelor's degree. She was 64 at the time when she got her bachelor's, and she was in early childhood education. So I know what it means to exist.

Sadie builds an image of grocery shopping to share her story. She states:

I was getting milk and dairy products and stuff from the WIC section of the grocery store because we were poor. We probably could've qualified for food stamps at the time. But I know what it means to actually be poor. And I am about, on my family tree, I am like one twig away from somebody who was still working as a domestic, or as a home health aide. So the idea that people know about what it means to be poor and to sacrifice, they have no idea. And I have little sympathy in case you didn't notice.

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) focuses on low-income pregnant, postpartum, and breastfeeding women and children up to five years old and provides access to food and support services such as health care referrals (U.S. Department of Agriculture, Food and Nutrition Service, 2021). It is clear through Sadie's discussion of utilizing WIC and of her mother's annual income surpassing \$15,000 only after completion of her undergraduate studies, that Sadie's experience of extreme financial constraint affects her financial decision making, as well as her understanding of the decisions of members of her greater network. It is critical to frame discussions of poverty, for example, as one function of the hierarchical power structure in the U.S. In Sadie's complex reflection on debt, numerous connection points emerge, such as availability of food and the enduring belief in education as critical to the pursuit of generational wealth for Black families. Yet, structural anti-Black racism thwarts these ideals.

In her reflections, Sadie makes clear the generational effect. I believe this information about Sadie's life and family to reflect the racial wealth gap in the United States (Allen et al., 2018; Hanks et al., 2018; Shapiro, 2017). According to Indeed (2021), the average salary for a home health aide in the U.S. is \$13.36 per hour or \$31,143 per year, with extreme variation across states. States with higher home health aide salaries include Alaska, with a salary 182% higher than the national average; Vermont, 138% higher; and Oregon, 128% (Indeed, 2021). States with much lower home health aide salaries are largely concentrated toward the southern U.S., where Sadie is originally from, including Alabama, with 25% lower salaries than the national average; South Carolina, 23% lower; and Ohio, 20% lower (Indeed, 2021). It is without coincidence that these states also have larger Black populations (Allen et al., 2018).

Abolitionist Esquire also described his experiences with student loans and the evolving, costly process of learning about repayment. This includes a movement between belief in the need to personally accept responsibility for loans and acknowledgement of the larger, structural, racial justice issue of higher education debt. In the following discussion, Abolitionist Esquire moves through time to explore the severity of law school debt:

Hell yeah, I got debt nightmare, right? So I graduated undergrad. I maybe had about \$16,000 in total debt from undergrad which ain't so bad. I graduated law school and I had total like \$90,000 debt. I picked up like 75 in law school. A lot of that was unnecessary as me being young and realizing all I had to do was go to this place and I could fill out these two forms and I'd get a check for \$3,000 in a couple of weeks. That's what it was. So I blame myself for part of that, right?

Abolitionist Esquire illustrates the life-altering higher education debt resulting specifically from law school, a distinction between the \$16,000 he accumulated during undergraduate studies compared to the \$75,000 in graduate studies. Given the extreme increase in law school costs over time, this amount provided by Abolitionist Esquire *is not even half* of the amount incurred by Black law school graduates in the 2020 ABA Student Loan Debt Survey. 1,084 new lawyers and recent graduates within the last 10 years completed the survey, among which 8.9% are Black (ABA Young Lawyers Division, 2020). Among Black law school graduates surveyed, nearly each person at 99% incurred debt, the average amount totaling \$184,007 (ABA Young Lawyers Division, 2020). The nightmare Abolitionist Esquire opened with continues to grow, fueled by debt which seems impossible.

But let's say you're walking out with \$85,000 total. Now, and it was probably, I think it was about closer maybe like \$96,000 total. I picked up I think it was \$80,000 in law

school, right? But 19 of that was in private student loans. And then there was you know, between \$70 and \$80 in my consolidated federal student loans. So I start paying my private loans because they're only asking \$150 a month, so I'm paying like \$200 a month, whatever. But I deferred my federal loans, right? So we go from \$80,000, 5.75% APR. Deferred it for first year, compound interest, which I heard the term, but I didn't fully understand. Now after the first year, now I got like \$85,000 that I gotta pay back. And second year it's like \$91,000. Third year it's like \$96,000. By the time I started paying it back after that fourth-year deferment it's over \$100,000.

The U.S. Federal Student Aid (FSA) (n.d.) defines deferment as a temporary period in which loan payments are postponed. While select student loans will not incur interest, such as Direct Subsidized Loans and Subsidized Federal Stafford Loans, all other federal loans will incur interest within the deferment period (FSA, n.d.). The possibility of paying the accrued interest must be weighed in the greater context of one's life and life expenses. Abolitionist Esquire continues to outline monthly, rolling into yearly, repayment amounts:

And so now I paid just on...and remember I borrowed like \$96 total, and I paid \$900 a month since 2012. Like January 2012, I started paying it. So it's \$10 basically \$11,000 a year because they'll usually be a little bit over \$900 like \$905, \$910. So \$11,000 a year, 2012, 13, 14, 15, 16, 17, 18, 19.

Abolitionist Esquire also outlines “*paying about \$2,500 a year on my federal*” in the time between 2007 and 2011, ultimately resulting in \$100,000 repaid. However, he presently continues to owe \$85,000 on what was originally a \$96,000 student loan total, the result of compound interest. Abolitionist Esquire considers loans within the context of a lifetime of repayment: “*But at the end of the day it is kind of cold-blooded that somebody could pay, you*

know, take \$96,000 but when the time I pay it back...” This final number defies imagining. On nearly completing the repayment of his private loans:

I'm not feeling it, but either way it'll be done. And so at the end of this year, I should have my car and my student loans, my private student loans paid off and I can, you know, redirect that \$700 a month to maybe the student loans or I don't know, man.

Abolitionist Esquire’s timeline of repayment in the decade plus since graduation reflects broader patterns of law school debt continuing to increase beyond graduation. 40.4% of respondents to the 2020 ABA Student Loan Debt Survey reported this same pattern of increased debt (ABA Young Lawyers Division, 2020). Among Black law school graduates, recall that nearly all borrowed, and borrowed an average amount of \$184,007. The severity is clear as 67% of Black law graduates report higher debt since graduation (ABA Young Lawyers Division, 2020).

Abolitionist Esquire’s discussion of completing one loan repayment process only to redirect payments to additional loans spotlights not only a financial tax, but a cyclical tax on the mental and emotional wellbeing of indebted Black students.

Calling back to Susie’s realization in EDP-1 about the possibility of loan forgiveness, Abolitionist Esquire also highlights this option as a way to receive any relief from loan repayment. Yet, he also describes how *“I feel low key hypocritical.”* He continues:

I didn't have to really defer my loans. I had a job. I just didn't want to give that much of my money up at the time. And I was [inaudible] and there's gotta be consequences for your actions. Otherwise, you know, you don't do anything. But I could have had I been on my stuff the way I was supposed to, not just racking up. Cause my mom told me something, it was good advice, but not for me at my you know, intellectual capacity at the time. She's like, "Look, if you just take the extra \$4,000 so you can be comfortable this

semester, at the end of the day, that'll be like one month of your salary." I'm like, "Okay, cool." But, and that's cool, right? There's no need to unnecessarily struggle if you don't have to when this loan really ain't gonna kill you. But nah, not me, man. I took that way too far and so now I'm paying for it.

Narratives on student loan debt rationalize extreme costs through the promise of higher education's financial benefit in students' lives, specifically a hope/promise for a high-income career. Abolitionist Esquire's discussion of taking the \$4,000 loan in law school to be comfortable a semester is a function of the high income/high debt narrative, as "*that'll be like one month of your salary.*" The high income/high debt narrative deeply implicates careers widely deemed prestigious and elite, such as law. Yet through time we are privy to the snowballing effect of high tuition costs (Kowarski, 2021) and loans (ABA Young Lawyers Division, 2020) and how Black students across higher education are harmed by debt (Mustaffa & Davis, 2021).

Returning to loan forgiveness and loan refinancing to "*lock in*" a lower interest rate at 3%, Abolitionist Esquire reflects on how "*I made every wrong move you can make to end up paying all that I'm paying.*" He describes working in the Public Defender's Office, yet:

...it wasn't in a capacity of an attorney, it was in the capacity of a law clerk and a paralegal. So now if you do that, you can still take part in a forgiveness program. But at the time I was doing it, you had to be working as an attorney to get the forgiveness. So I just did those six years and I was just, I didn't do the thing in 06. I wasn't practicing as an attorney, I'm deferring. I made every wrong move you can make to end up paying all that I'm paying.

Abolitionist Esquire's reference to 2006 reflects changes in interest rates on federal loans. The Congressional Budget Office explains how loans issued pre-2006 received variable interest rates

which moved in alignment with the market rate (Burk & Perry, 2020). In comparison, post-2006 loans included fixed interest rates which remained constant throughout the duration of the loan (Burk & Perry, 2002). While Abolitionist Esquire initially positions himself as responsible for his loan choices, these numerous moving pieces to loan refinancing, loan forgiveness, and employment requires a tremendous amount on behalf of Black law students and graduates to navigate. Now, Abolitionist Esquire begins to question the loan management companies and their profits:

But I am curious to see like where all the money goes. Cause I looked it up and Navient and only got like a few thousand employees and they got like 30, 40, 50,000 borrowers that they getting thousands of dollars a year on in these interests. So my who gets that money cause it's not going to the government? I could see if all that interest was going to the government them bam that could pay for parks and this and that. But it's going in somebody's private hands because they bought the loan from the government. So I don't understand that system, you know.

In examining the corporation which manages his loans, Abolitionist Esquire pinpoints the mystery surrounding student loan providers. While Abolitionist Esquire takes personal responsibility for loan choices, the fact remains that systemic patterns of extreme student loan debt as a life-long burden disproportionately harm Black students and their families as “an edifice of racialized poverty” (Bishop, 2018, p. 6). As Sadie reminds us, this burden can persist into social security eligible years and beyond.

Abolitionist Esquire’s story of debt is not unique to him and fits the pattern of extreme student loan debt incurred by Black students, evidenced in both the EDP-1 survey and the 2020 Student Loan Debt Report by the ABA. Again, I underscore EDP-1 survey findings that Black

women not only incur debt, but debt of the highest amount, over \$50,000 per EDP categories. The extreme loan amounts reported by Black students, approaching \$200,000 upon law school graduation and growing (ABA Young Lawyers Division, 2020), call into question the feasibility and reasonableness of this debt, as well as the collective expectation to manage it. Instead, Black student loan borrowers call for debt cancellation (Mustaffa & Davis, 2021). Higher education debt is a deep, racialized injustice, particularly when loans are necessary for living expenses as Tim, a Black man in his third year in law school, described in ED-1 focus groups. In this continued exploration of law school debt building from the EDP-1, loans required to complete higher education and live continue to challenge Black people's living into the future and "nightmares" result.

Cost to Self

In the following section Abolitionist Esquire discusses the pattern of activists' lives being endangered by the systems they work to change. This is a particularly difficult, emotional discussion.

But to be frank, man, it's a lot trying to like, enjoy life and cause you know, at [age], it's a little, it's a tad bit scary, right? Cause all the like the great Black men that was on it like that and pressing that issue, they got like 39 and it was a rap. Like they got a couple bullets to the chest or the head or wherever and it was a rap. So, and not that I'm necessarily afraid of that or would move in fear in any regard. It's still in my mind, you know, whether I'm cognizant of it. So I try to set it aside as much as I can, but that's there. So it's like, let me at least get my whole thing secured over here, right? To where if I do have to go out like that, at least my ex and her son will be able to be secure. My parents who live in my house now, they'll be able to pay off the mortgage with what I

have. And you know, everybody can go on with their life, their lives. I mean, besides me being them. I'm a big part of my parents' life, my ex's life and her son's life. But financially they won't have to just struggle cause I'm not there no more. So, trying to do that and like tear down the whole system and make like a global paradigm shift is a lot when I got these people getting arrested every day.

As if further illuminating the difficulty associated with the call from a client early in our interview where Abolitionist Esquire describes “*having a heart for people*” burdened emotionally and financially by legal troubles, he continues:

And I'm trying to care about the interests of the individual as well. And that's...and it's you can't be too much double minded when you have these individuals that you're responsible for. So, I don't know if there's a time in the future, I'll probably tone down the practice and work more on the policy, but right now this practice is taking up most of my time.

Abolitionist Esquire’s discussion of double-mindedness links to the concept of double-consciousness by W.E.B. DuBois (1909), the tension between conceptions of being both Black and American, able to engage the “veil” of racism, a covering across the entirety of the U.S.

During the member-checking meeting, I received more information on events related to Abolitionist Esquire’s concern for life. He shared his own experience as a target of police violence, a realization that the officer “*felt so low of me.*” He continues:

That's what I go through. So when I look at that, as it relates to everything going on, you know, it's still very hard for me to believe that we're making the kind of progress that so many in our community would like to see.

On policing which endangered Black lives, Abolitionist Esquire describes how the “*the machine just works that way,*” creating an image of machine turning with specifically designed components to ensure overall functionality. This discussion of costs expands beyond financial and reflects the costs to life.

THEME THREE: Power and Hierarchy

Centering Equity in Legal Education

In inviting participants to reflect on their time in law school, I asked Abolitionist Esquire and Sadie if they would envision a new or different way to teach about and learn the law, or if they would maintain specific practices. This question provides space to consider the pedagogies, messages, and curriculum which inform their law school experiences. I also asked participants to share their definitions and understandings of equity and diversity. Abolitionist Esquire offers that we must focus on the beginning, at the roots of law:

But my issue is not with the way the education is presented, it's the system we're all working under. Like that's what it is. The Constitution sets the rules for everything. So if in the Constitution we're regarded as 3/5ths and people try and, you know, play semantics, but at the end of the day, those people playing semantics, they weren't talking about your ancestors, you know, they're talking about our ancestors. So, that's just what it was. You can't tell me no different. So if that was like taken out right and there's everyone's equal, then I think law will be taught differently because now you have to address these historical inequities to make it all equal. Even if that happens, I don't think it's now okay, everything is just done and we're all equal now, it's just now we can really start the process. But until we change the language, we can't really start the process.

A through-line during my conversation with Abolitionist Esquire, the U.S. Constitution is an enduring legacy of slavery. Sadie also highlights the Constitution and her work as a law student with civil rights clinics as well as work with students on Constitution Day. Sadie describes how “we were active in those activities to talk about what the constitution really means.” A reference to the earlier discussion of his selection of a pseudonym and call to develop new documents and processes “*declaring the country independent of white supremacy as the norm,*” Abolitionist Esquire importantly cautions that equity would still not be achieved, rather an important step begun. On the question of defining equity, Abolitionist Esquire refers to property, both intellectual and economic, and the ways anti-Black racism, beginning with slavery, continues to impact the present:

Like basically you know, you get what you can afford to a certain degree. Now if you can't afford it because someone stole from you, that's what makes that statement a little more difficult, right? Because if you just think about the intellectual property that was taken from descendants of enslaved Africans in this nation, if we just got that back, we wouldn't even want your lunch counters, you know, we wouldn't want your buses. We wouldn't want nothing that you got, because we'd have our own. And so equity when it comes to us means an acknowledgement of everything that happened previously. Because without that, you're not acknowledging I'm starting from less than zero and you want me to...or if we're doing a marathon, a 25-mile marathon, but because of how I was born I gotta run 35 miles. And you don't acknowledge that and you're like, "Aw, you didn't get there when they got there." And I had 10 more miles to run and you don't acknowledge that, that's not equitable to me. So yes, pay for what you can afford, but it's deeper than that because you have to look at the whole story for us.

The difficulty in the example of “*pay for what you can afford*” again connects to the enduring wealth gap for Black people (Hanks et al., 2018), stemming from the theft of time, life, and intellectual property. Sadie also shares her definition of equity, importantly highlighting systems including government, as a primary area for change. She states:

Equity? I guess I would define equity as attaining some balance between the advantages and disadvantages of one person, and the advantages and disadvantages of opportunity and access on one side versus the advantages and opportunities of access for another person. So instead of looking at outcome raw, instead of looking at raw material or looking at outcome, then I would like to see us as a society make sure that everyone has the same opportunity and access. And where the opportunity to access is not equal, then that's we then take action as a society, as a government, to balance that so that there is equal access.

Discussions of equity connects to the ways participants plan to utilize their legal education to create change, what I refer to as “helping however” after a story my advisor, Dr. Allen, shared about leveraging skills and knowledge of any kind to assist someone in their goals. A summary of the story’s message: help how you can, when you can. Flowing into our discussion of equity, Sadie describes her sense of responsibility, or “helping however”:

I think I have a responsibility to find a place to serve the underserved. I have the advantage of a very fine legal education and I have had the advantage of, you know, I gained the financial advantages that flow from that education. And so I do feel very responsible for making sure that my education benefits people who don't have access to that. So I have done some pro bono work. I've been a part of organizations up here, but

I've tended toward organizations that are focused on making sure that other people have advantages in law, other women, other minorities.

Sadie's plans of "helping however" focus on protecting financial resources and assets. She states:

But my goal is, and I'm thinking toward retirement, my goal is to do trust and estate work for people who don't have real trust and estates so that they can keep the little bit that they have. And we don't have, you know, fights over the will or people losing their homes because no one ever bothered to make ownership of the home, you know, formalize ownership, things like that. So yes, I do, I feel great sense of responsibility and right now I don't think I'm doing as much as I could do. But I'm trying to, I don't know how to do it here. I'm going to have to, I think I want to do it in [southern state] where I come from.

Leveraging her legal expertise to "work for people who don't have real trust and estates so that they can keep the little bit that they have" is another reflection of the racial wealth gap (Hanks et al., 2018). This process connects to lawyers as people who help clients understand and enact their financial plans. However, in connection to the previous theme, law school graduates are themselves largely in positions, due to student loan debt, which prohibit them from securing such assets to begin with. The 2020 Law School Student Loan Debt Survey Report found that law school graduates are largely delaying or outright denying plans for home ownership, car purchase, marriage, children, careers about which they are passionate, vacations and more (ABA Young Lawyers Division, 2020). While these historical indicators of success and stability will undoubtedly weigh differently across people's lives, due to horrifically burdensome student loan debt, the option to explore these areas is not only absent but removed. Sadie continues to outline her plans, her financial focus a strong thread throughout interview. Sadie, with a clear focus on racialized wealth inequity, states: "*I'm ready to do the work on reparations.*" She continues:

I would really like, if I were going to do...yeah, if I had my druthers on where I worked and the stuff that I did, then I would join some think tank or civil rights organization or just a group of people who decided that we are going to do the intellectual work of structuring the case for reparations. Not just an article, but to take it and make it into something that is real and that is actionable. So I'd love to do that. That would be...but in the alternative then I'll do some trusts and estates work.

Centering equity in legal education and their present work, EDP-2 focal participants Abolitionist Esquire and Sadie recognize how anti-Black racism permeates all of society and disrupt patterns which render people invisible, marginalized, and excluded.

“Manifestation of white supremacist thought”: Anti-Blackness in the Law and Connections to Higher Education

Sadie describes how cases like *Grutter v. Bollinger* (2003), which occurred during the time she attended law school, were part of her legal education:

We had mooted on some of the other civil rights cases. Many times the folks who are filing these cases are not trying to find...if they were Black, then they would not even have a place in the court. They would never have gotten very far. So I think that it's part of a concerted effort that is having some success to roll back the progress that has been made to lower the barriers to education for African Americans in particular. It's also part of the general amnesia if you would, or the purposeful ignorance of this country's legacy of racism and racial violence and economic violence against African Americans. And the legacy of slavery that permeates every single aspect of this society. The injuries were...slavery was America's original sin. It predated the founding of the Republic. But it under-girded, the ability to even create a Republic would not have existed if it had not

been for slavery, which was the economic underpinnings of the industrial revolution in the 19th century. It was for the shipbuilding industry in the 17th and 18th centuries.

Sadie frames a clear picture: the establishment of the U.S. is a fundamentally anti-Black project. Original sin is a reference to both the nature of firsts and the idea of transmissibility, as in the economic structure, laws, and myths of the U.S. were created through slavery and endure, or are transmitted, into the future (The Editors of Encyclopaedia Britannica, 2021).

So as far back as this country has existed, if it were not for the unpaid efforts of Africans that were brought to this country and the ability of every other ethnic group to come to this country and distinguish themselves by the fact that they are not African, and then therefore being able to jump over Africans or step over African Americans in order to get onto the rung and pull themselves up and you know, live the American dream. So the underpinnings of this entire society and this entire country is based upon that. And until this country as a whole acknowledges that fact and acknowledges the advantage that every group has received by virtue of the fact that you have disadvantaged this other group. Until that occurs, then we will continue to have these folks who are unable to acknowledge the disadvantages of being African American and fight tooth and nail to maintain their privilege. So we are faced with these cases. They will continue and it will get worse because now we've got a very, very receptive judiciary in federal courts, in the district appellate and Supreme Courts. So the next generation is going to be a very tough generation for people who are looking to even try to maintain some of what we've been able to accomplish. So yes, I've noticed it and I'm keeping track of it.

Further context is required to unpack Sadie's comment about a "very, very receptive judiciary in federal courts, in district appellate and Supreme Courts." The Trump administration

successfully enacted a political strategy to compositionally change the ideological leanings of the Courts by appointing judges who are extremely conservative (Manning et al., 2020). Trump appointed 226 federal judges in total, or 28% of active federal judges in one presidential term compared to Obama's appointment of 38% of active federal judges during two presidential terms (Gramlich, 2021). A critical impact, this strategy flipped the ideological positions of three federal appeals courts, previously Democratic appointed (Reuters Staff, 2020). On the position that law graduates have tremendous decision-making authority to mold and shape U.S. society as they deem fit, the federal appeals courts are the final decision points on most legal appeals, and are appointed for life (Gramlich, 2021).

This strategy in action further captured the nation's attention with the highly contested appointments of Justice Neil Gorsuch in 2017 at the passing of Justice Antonin Scalia, Justice Brett Kavanaugh in 2018 at the retirement of Justice Anthony Kennedy, and Justice Amy Coney Barrett in 2020 at the passing of Justice Ruth Bader Ginsberg. The Supreme Court is now a conservative majority with potentially severe ramifications to higher education. Given the recent surge in cases challenging race-conscious admissions, more are likely on the horizon.

On affirmative action, social media emerges as a source of information and collective engagement. #StayMadAbby, created in response to *Fisher*, is a space to unpack and dismantle arguments including "reverse racism" and colorblind ideologies. Upon recalling #StayMadAbby, Abolitionist Esquire laughs:

That was hilarious to me. But I mean to me, when we go back to the foundation being white supremacy, that's all symptoms of white supremacy. It's like, "I'm white. I'm supposed to have this." No consideration for what everybody else went through. No consideration for the fact you get to drive down the street, you understand, and not be

afraid for your life, you know? Just the...those kind of things that they take for granted and don't consider. It's you know, every time I hear one of those [inaudible] I'm like good, now they, at least they feeling it a little bit.

Abolitionist Esquire continues to reflect on affirmative action:

...this country has a duty to affirmatively act to eradicate what they affirmatively enacted through slavery, you know? It's like they did that. So now that it's universally regarded as wrong. I can't even say universally, but majority regard it as wrong. You have a duty to rectify that wrong. And that's, you know, if you're following your own principles that you put in your Constitution. And so, you know, it's unfortunate cause you see what happens. UCLA is a great example. What happens when you don't have it? It's like the Black people that were at UCLA before Prop 209 or whatever, they weren't inadequate. You know, they perform well once they got to the school and whatnot. But getting in it's...or if you just looking at everything on paper, that's not really fair to Black people because no other aspect on life are we treated that way. So in our day-to-day life, we have to wear this badge. But now when it comes to college admission, like we can't have that badge no more where it might benefit us and everything we had to do to get to this point to apply.

Abolitionist Esquire highlights Proposition 209, passed in 1996, a notorious effort rooted in colorblind language and a mis-telling of the civil rights movement. Proposition 209 prohibits the use of race, ethnicity or gender as a criteria in public employment, contracting and education, which directly impacts the University of California system (University of California Office of the President [UCOP], n.d). Abolitionist Esquire's discussion of the impossibility of color-blindness in all areas of life is affirmed in U.S. District Judge Biggs's findings for UNC in *SFFA*

v. *UNC* (2021), as Judge Bigg’s holds that race is fully interwoven across the lives of Students of Color.

Abolitionist Esquire continues with a discussion of the complex system of resource distribution, name recognition, and Black students’ access to institutions within the same state.

Like, you know, just like all Black colleges aren't the same. I went to [name of HBCU], very proud of my school, talk shit to other schools. I don't, it's not like a superiority complex, but just based on alumni, facilities, you know, curriculum, we'd be at the higher tier on things that are actually, you can tangibly compare, right? Same thing, like, no disrespect to the Cal State system, but UCLA is a public school, just like Cal State Northridge is a public school, but I wouldn't say they're like the same, you know? And that's so the people who are for Northridge, Northridge is for them. They should be able to go there. And the people that qualify to go to go to UCLA should be able to go there.

Abolitionist Esquire’s pride in attending an HBCU is clear, stemming from his early discussions of watching Black attorneys on TV and knowing with certainty, “*I was always going to go to Black schools.*” This mention of institutions reflects hierarchical patterns, such as inequitable funding to institutions within the same state, and the specific practice of focusing resources at flagships such as UCLA (Allen et al., 2018). In the context of challenges to affirmative action, the concentration of cases among elite flagship institutions is unsurprising. Allen et al. (2018) found Black undergraduate enrollment at flagships especially challenged in states including California (Proposition 209) and Michigan (Proposal 2, *Grutter v. Bollinger* (2003), and *Gratz v. Bollinger* (2003)). As well, the statement “*they should be able to go there*” creates a historical link to the era of legalized segregation in which Black students were barred entry to elite historically white higher education institutions.

But I do think we should get some extra credit for being Black because we got extra demotions our whole life for being Black and without that consideration it's just more white supremacy just being played out. And so that's what I look at. All those cases, that's the category I put them in. It's just, you know, more manifestation of white supremacist thought. Like, I'm better than you because I'm white. That's why I should've got in.

Misogynoir in the Law Firm

Within this sub-theme of Power and Hierarchy, I focus on Sadie's experiences in a law firm, particularly how power is concentrated among the white men partners who attempted to control her time and opportunities. Ultimately, Sadie questioned if the law firm respected her humanity.

Continuing from Sadie's discussion of the conversation with a lawyer who encouraged her to pursue a legal education, though not at a HBCU, and the deficit laden exclamation, "*Oh, don't apply to [East University]. We don't even recruit there,*" a deep irony emerges:

And when it came time for recruiting, they were recruiting at [East University] because by this time, you know, major corporations were considering who their law firms were, you know, hiring. Diversity in their law firms became an important issue. It's still an issue. But, and they do, you know, some companies are very, very aware of what their law firms are doing as far as recruiting and retention of women and minorities.

This irony is key foregrounding as Sadie's reflections on her employment in the law firm reveal that the law firm leaders do not critically examine the hostile racial and gender climate, rather they perpetuate it.

Sadie describes the professional expectations and practices of lawyers, including the notorious hours required, as an introduction to her employment experience:

I went to a relatively small, big law firm. They only had a hundred lawyers in one office, which nowadays is laughable. I don't think anybody would even count it as a major law firm. But so it had all the trappings of big law. We were only expected to work 1,800 hours a year, bill 1,800 hours a year. My friends were required to, at other law firms, were required to bill 2,000 hours a year. And in addition to that you're really expected to do pro bono work, business development, you know, join a bar association, do some writing, visit clients, things like that. Or you know, just get your name out. I was very active in bar associations and things like that. I was actually in three bar associations as a matter of fact.

Sadie continues to describe her experiences as a Black woman working in a law firm, particularly her interactions with white men partners who ultimately dismissed her knowledge as lacking, despite her extensive professional expertise, and disrespected her time as less valuable.

So if the partner says, you know, he needs something or she needs something, mostly he, then you just, you do it. And I remember one assignment in particular where this attorney was asking this senior partner who had already been nominated for judgeship on the federal bench. He was already being considered for that. And had been considered for a while, but he's waiting for change in administration or something, whatever. But so he was very well respected, and he asked me for a case to support a proposition that they were trying to prove in a commercial case.

Immediately, a power hierarchy is present in that a partner's request, particularly that of a soon to be judge, is always urgent.

And I thought, well, you know, in a commercial case you can't get an injunction because there's always, you know, you can always do damages, financial, you know, monetary

damages for any losses you have. So you don't usually get injunctions in just regular business disputes. And he said, "Well, I just need a case that says this". So he'd already written it and he just wanted me to give him a case. But there's no such thing because it is black letter law that unless the business is gonna, you know, you're gonna go out of business, irreparable damages. That means that I cannot go back and if I'm a business, if I own a car dealership and if I don't win this case then I could lose my car dealership and I need for you to stop this guy from doing his action. Because once the car dealership franchise is gone, I can't get it back. They give it to somebody else so I will be damaged forever. So unless it's really something like that, not just because I'm saying that you're not giving me the money you owe me.

Another level emerges in this power dynamic between Sadie and the senior partner, in which Sadie's concerns on the existence of the requested case is dismissed.

So I went home and I did all this research and I said, "Well I found the case that said this." And he said, "Well this is good except that, well let me take it." And he took it and I got on the bus that afternoon because I'd worked all that evening. I'd work late that night and sent him my research that day and met with him in the morning, told them what I found. He said, "Good, thank you very much." And then at the end of the day I was on the bus at seven in the evening and my Blackberry pings and he says, "Well this is good, but I really need a case that says this." And I thought, "There is no case that says that. That's what I told you." So I had to, so before I even got home, I was already planning to go directly to my room and start working again to find a case that does not exist. Because it just doesn't, that's not how the business works. And I thought it was just so unfair. And this is a perfect example of how just because he told me to do it, I had to drop everything

and do it. And it just ruined my life for like a week. Every time I give him the work he would come back when I was on the bus and say, "Okay, this is great, but I need something that says this." And then he docked me on it.

While Sadie does not offer suspected reasons for the senior partner's cyclical behavior of urgency and disbelief, we can infer he did not value her knowledge, which stems from her legal education at a HBCU.

You know, so I didn't hear from him for like three days. They brought in a new, this new guy comes in, he's got all this litigation experience, he's like counsel or something like two levels ahead of me. And I told him what I had been trying to do for this partner. And he said, "Oh those cases don't exist. That's just black letter law."

Vindicated, Sadie exclaims: *"I know! That's what I tried to tell him."* She continues:

So because this white guy told him that, then that was the end of it. And then when I got my evaluation four months later, he dinged me because he had to write off all that time. He couldn't bill the client for any of that time. Well I could, you know, I did tell you! But you are so powerless in this hierarchy.

Sadie's resounding words are a heavy weight reflected in the title of this section: *"But you are so powerless in this hierarchy"*. The partner did not believe Sadie's information, repeated on multiple occasions, until another white man who possessed inherent validity confirmed. In addition, Sadie was *"docked"* and *"dinged,"* made to pay for the senior partner's continued disregard of her via a critical evaluation. This story is one of many examples of misogynoir (Bailey & Trudy, 2018) leveraged at Black women which damage career prospects, such as the example of negative student evaluations harming tenure opportunities for Women of Color law faculty (Deo, 2019). The theme of powerlessness and hierarchy in Sadie's law firm reflections

continues with another story of blatant disregard for her professional boundaries and availability, despite her communicating them:

I worked over Thanksgiving week for someone. I told them I had plans, my whole family was coming, blah blah blah. I ended up working with this guy until the morning of Thanksgiving with a house full of guests. Another time at Thanksgiving I worked on a criminal case where we were doing brief writing and I had to keep, you know, he just kept demanding more and more from what he said was a two-hour project and it consumed me for four days. And I'm in [southern state] at libraries because nobody in [southern state] has internet in their homes at that time. You know, at libraries until they closed and Thanksgiving morning I've got my mother's phone line connected into my phone, into my computer, dialing up to send him the last of the documents.

The issue of disregard for Sadie's time, deemed less valuable by white male partners, emerges in her reflections.

But again, I got treated pretty well, particularly after I had what was...oh, I was working on a case with an attorney who was not very pleasant. And we worked fairly well together on this really big case, depositions and research and all this other stuff. Lots of evaluation of computer material. You know, stuff that I was familiar with from my previous life, which is why he had me assigned to the case. And the clients liked working with me because I knew what they were talking about. So he submits all this stuff and I'm waiting to hear from him, nothing's happening. Then he comes up to me and says, "Oh, but you know, we're gonna submit our motion to dismiss or whatever it is in April. So I'm going to need for you to just clear your calendar and don't do anything else cause I'm gonna need you to work then." And he goes around and tells all of his colleagues, "Don't

give [Sadie] any work because I'm going to need her to work starting in April." And I sat there, and I kept going to him and saying, "Do you have it? Is it ready? Do you want me to start now?" And he said, "No, no, you know, I'll get in touch with you. I'll get in touch with you." And nothing happens.

Rather than disregard Sadie's knowledge, the attorney disregards her time and actively prevents her from seeking additional professional opportunities. Despite this attempt to control her schedule and opportunities, Sadie describes creating a business development plan with another partner based on her career expertise, and as part of this plan, Sadie attended a conference:

So I go downtown to the meeting and I'm sitting in the, I have...you know I was in marketing and sales, so I know how you do the appointments. You set up times to talk with people, cocktails with this person, "I'll meet you at this reception." I've got like three appointments scheduled for that evening and he sends me an email. This guy calls, sends an email and says, "Where are you? Why didn't you tell me you were going because I need you to work on this thing tonight. It's due tomorrow." So you wanted me, I cleared my schedule for the entire month. Then you cleared my schedule for the entire month by going to everybody else and telling them not to give me work. So I haven't had any work all month. And then you wait until the only work that you have for me is do some work like tonight and then tomorrow it's done again and there's nothing I can do.

Similar to Sadie's story of working on Thanksgiving, a motif emerges of leadership's needs as always more urgent and important than her personal and professional priorities.

I have no choice but to go to tell everybody by email because I can't even wait until the session is over. You have summoned me back. I have to drop everything and attend to your needs. And if I don't do it, then I'm a bad associate. You'll tell everybody, I'll never

get any work again. But if I do it and do a bad job, then you'll tell everybody I'm a bad associate, I'll never get any work again. But if I do it and do a good job, my reward will be that you will continue to give me work. So essentially, I'm screwed and I need to go to work someplace else.

In the forthcoming conclusion to this story, Sadie successfully flips the power dynamic, though undoubtedly at a great risk. The fact that advocating for herself, as Sadie states she “*let it be known,*” also puts her at risk is another function of this hierarchical power structure.

And I let it be known when I came back, I'm going to do this work. If he worked for me, if I were the client, I would not pay for any of the work that he did this month. I would knock it off and I would say an associate could have done the work that he did because he did designate a point associate. There's no reason they should be paying \$800 an hour, they should be paying \$400 an hour. He screwed me over. And obviously if nobody can stop that and I don't see any way for it to stop, I shouldn't be working here. I am too old for this bullshit. And I never had to work for him again. So after that then I was kind of protected. They were nice to me all the time, but only because of my experience. I would say, I was just in a very unique situation. So, but I knew that I had to get out anyway. But you know, I didn't dislike them when I left. I just realized it wasn't the environment for me, particularly as a junior associate.

Powerlessness within the law firm hierarchy continues as Sadie was essentially placed on hold, to be called upon at the attorney’s discretion. Additionally, the attorney’s actions informing his colleagues to not work with Sadie further denies her professional experiences and growth opportunities within the law firm, a means to enact control and power. Sadie’s reflections and decision making about her performance as a bad job/end to work or a good job/continued work

with the attorney is a critical moment to reclaim choice and reject abuse of power. Sadie was “protected,” though she acknowledges this is due to her experiences and professional expertise, as the broader environment remains hostile. The law firm space is so deeply hostile, Sadie describes the harassment, including sexual harassment, experienced by associates:

So, my experience at law firms was overall not horrible because they didn't mess with me as much as they messed with some associates. I did have other colleagues who I thought were harassed horribly, both, in some cases sexually harassed. And there's nothing you can do because they're all partners and they all protect each other. There, you know, there's not a hierarchy like, you know, you have a boss and if you get in trouble you go to the boss. If the boss comes to you and you know, wrings you out or something or you get something in your record and it shows up on your evaluation. But the partners aren't evaluated that way. The real test is how much money they bring in and how much business they bring in. And they can abuse associates as long as well, I thought the line was not to, you know, to break any laws. But apparently even if you do that. There was a horrible case of sexual harassment which ended up with the associate leaving. Cause you know, after they said, "No, you don't have to work with this animal anymore," then nobody else gave her work. So if no one gives you work then they're essentially telling you you have to leave. So yeah, my experience at law firms was not very pleasant.

The structurally embedded hierarchy protects the power of partners, who despite being practitioners of the law, falsely function outside of its scope. This story of sexual harassment demonstrates a total disregard for the autonomy and humanity of the associate. Upon confirming that nearly all partners during Sadie’s time at the law firm were white men, she provides further examples of the hostile climate, in which members of the hierarchy formed a block to push out

tokenized members. This hierarchy of white male dominance is so powerful, that it is maintained by people who would also be marginalized it, despite themselves also having power.

Except for the really discouraging thing was that incident with that woman who was harassed. The general counsel of the firm is a woman, the chair of the department was a woman, and the managing partner at the time was a woman. And they all still put her on a shelf, let her be put on, well they did. They did because they could've given her work. They had it, it was within their power to have a different outcome, and no one stood up and advocated for her except for this one partner who tried. But you know, they were in the process of muscling her out too. She was a woman and she was of Chinese descent and she was just too, too pushy. They didn't like her because she was pushy and when the managing partner tried to steal her client then, but they essentially pushed her out too. You know, so no matter how nice they are as individuals, it's still an institution that is extremely cutthroat and the business model will eventually fail. But I don't know when, and I wasn't going to wait around for it.

In this example, the white male dominance structure is a force so powerful and built upon the status of continued business and money, that it is maintained by people who could also be marginalized by it. The lack of evaluation and accountability for partners connects back to Sadie's discussion of being dinged on her evaluation by the partner for failure to produce a case which does not exist. These stories demonstrate how power is wielded by partners to determine who receives work, and therefore advances, again connecting to Sadie's reflections on good job/more work or bad job/no work. A breaking point emerges, in which Sadie ultimately recognizes: "*Okay, now I can go to work someplace where they treat me like a human.*" She states:

When I left, I was the only Black woman left. There were, at its height we had eight, seven Black associates and one Black council. The Black council had been designated to become, she was gonna become our first Black partner. They really were looking forward to that. And then her friends convinced her that she would be a perfect superior court judge. So of course she was nominated and she's on the bench now. So I couldn't, and then the rest of them, everybody had a reason to fall away. You know, you just lose them one by one by one.

Sadie continues to explore the mental and emotional processes involved in her decision to leave the firm, the compounded buildup of the misogyny that threatened her well-being.

But as I told the managing partner that, well actually before I left. Working at a law firm, you get calls all the time from headhunters because people want law firm associates. That's what they were recruiting for, law firm experience required. So everyone has the opportunity to go to work for somebody else, either another law firm, or another you know, for another organization that wants that experience. So it isn't really a matter of, and it's a crazy system. The hours are crazy. The business model is kinda crazy. Except for the money it makes no sense. Money really is the only incentive, the financial incentives. But for, the problem with Attorneys of Color is that you have to give them a reason not to take those calls. When those calls come in, I can either take the call or else I can just let it go to voicemail and never call back. And if the firm is not careful and in giving people a reason to stay, then they'll leave because that's the logical thing to do. As long as you're reaching out to people and you're including people and they feel as if they are a part of something and you want them there, then they're going to hang around.

Sadie predicts the inevitable failure of the law firm business model, as “*except for the money it makes no sense. Money really is the only incentive.*” I reference back to Susie’s reflections during her third year, how the career path choices could be different if not for law school loans, and how specifically “[*working*] for one of the big 10 firms just seems sort of *disingenuous.*” This reflects the financial constraints resulting from loans and their prohibitive effect on career choices. I imagine this perception of disingenuity also refers to the disconnect of working in predominately white space which tokenizes Black people, and thus does not continue the missions outlined across historically Black law schools to leverage the teaching of the law as a tool for racial justice. We need only refer to the earlier discussion of elite law firms and the extremely low representation of Black partners and associates (NALP, 2021), as well as the gendered racism and marginalization present across predominately white law firms, encapsulated by “You don’t look like a lawyer” (Melaku, 2019b). Sadie states:

But if you are just, if the only thing you're doing is just giving them work, and they don't establish any kind of roots or connections, then they're gonna leave. And there's nothing you can do about that because that's, it's human nature. It's not a material or anything else. It's just, and all your friends are telling you at the same time, "When are you going to leave?" The default is that you're going to leave the law firm. So, after a while you feel kind of stupid for hanging around while these people treat you bad. And or else you pay off your loans or you reach some other milestone and then you go, "Okay, now I can go to work someplace where they treat me like a human.

Sadie has since moved into a new professional space. I conclude this section with Sadie’s resonating line “*where they treat me like a human,*” and connect a spiral back to Abolitionist Esquire’s opening discussion of the foundational anti-Blackness in U.S. society written into the

decisions by legal actors. Sadie's exasperation culminating in "*treat me like a human*" underscores how misogynoir permeates society (Bailey & Trudy, 2018). This is possible through power including legal decision-making power, the power to negatively affect lives through the creation of hostile climates as in the example of the law firm partner power block, and end lives in the long history of the loss of Black life to police violence. During our member checking conversation, Abolitionist Esquire discussed the Derek Chauvin trial for the murder of George Floyd. Reflecting on the shared, painful history of anti-Black police violence, Abolitionist Esquire describes how such violence is possible, "*you have to have very little value for that person.*" Both Abolitionist Esquire and Sadie arrive at the point of centering and protecting Black humanity.

Summary

In this chapter, I presented findings from interviews with EDP-2 focal participants. Participants reflected on how they became interested in the law and chose to attend law school, as well as where they are now over a decade since graduation. Our discussions were particularly rich, as Abolitionist Esquire and Sadie effortlessly moved between these time points to draw powerful connections to issues including the structural anti-Blackness embedded within the U.S. Constitution. In the first theme, Importance of a Name: Early and Ongoing Interests in Law, participants shared stories of names as definitional and inspirational. Abolitionist Esquire chose his pseudonym to reflect his mission of prison abolition in connection to the 13th Amendment. Sadie described how the name Lawyer Sampson inspired fear and reverence in her community. Lawyer Sampson, as the only Black woman lawyer in town, provided an example of how Sadie could also model herself as someone who "*[speaks] up.*"

Both focal participants also detailed the path leading them to study at East University. In the case of Abolitionist Esquire, this manifested as a sense of knowing “*I was always going to go to Black schools.*” Sadie provided a window into the deficit perspectives about HBCUs, and the importance of encouragement in decision-making.

The second theme, The Cost of a Legal Education and Career: Financial and to Self, focuses on the extreme debt burden both participants carried, and the drastically different approaches to managing/repaying this debt. Additionally, the conversations with Abolitionist Esquire engaged the process in which activists’ lives are endangered by the machine they work to change.

In the final theme, Power and Hierarchy, Sadie shares a series of stories revealing the total disregard she experienced while working at a law firm. She also reflects on how power is leveraged in law firms to protect partners and marginalize Women of Color lawyers, including through illegal actions. I continue to feel Sadie’s description that “*you are just so powerless in this hierarchy*” as well as reflect on her story of choosing to exit the space which failed to “*treat [Sadie] like a human.*”

As participants reflect across the totality of their time before, during and beyond law school, Abolitionist Esquire shared advice from the president of his undergraduate institution, also an HBCU: “*He charged us with three things at graduation. One was support our institution, two was acquire property, and three was to fight racism wherever it rears its ugly head.*” On property, Sadie is ready to support people in trusts and estates work so they “*can keep the little bit that they have.*” Both also fight racism, beginning with a critical investigation into foundational U.S. history and documents, and work to counter, as Sadie states, the “*purposeful*

ignorance of this country's legacy of racism and racial violence and economic violence against African Americans.” She continues:

I think I have a responsibility to find a place to serve the underserved. I have the advantage of a very fine legal education and I have had the advantage of, you know, I gained the financial advantages that flow from that education. And so I do feel very responsible for making sure that my education benefits people who don't have access to that.

Abolitionist Esquire also highlights practicing law as a way to assist individuals and create change in society: “Cause you know, there's like the young person who just called me, the worst day of her fucking life, you know, but, and that's when people call me. It's like the worst days of their life.” But rather than be “a profiteer off of their pain” he states, “I have a duty to do all I can to make society function in a way that is as equitable as possible.” Like the marker of Lawyer Sampson, Abolitionist Esquire affirms this same responsibility of speaking up:

I gotta say something about that. I gotta get in there. So it has me in a lot of battles that I'm just tangentially connected to. You know, I know somebody in the community. I'm the only attorney a lot of people know personally.

Both focal participants honor their law school's mission to leverage the law for racial justice.

Chapter 6: Discussion, Recommendations and Future Research

The HBO tv series *Insecure* follows the life of Issa Dee, portrayed by Issa Rae, as she navigates daily life and relationships. *Insecure* builds from Issa Rae's award-winning web-series *The Misadventures of Awkward Black Girl*, which premiered between 2011 and 2013, and follows the life of J, also portrayed by Issa Rae (Frank & Williams, 2012-2013). Similar themes connect these stories, including how both Issa Dee and J realize and process their emotions, navigate race and gender power dynamics in professional settings, and decide how and with whom to share their lives. In *The Misadventures of Awkward Black Girl*, Rae (2015) offers new autobiographical accounts and reflections on the world around her. In the web-series, J writes rap lyrics and often performs them in front of the bathroom mirror to process her emotions (Frank & Williams, 2012-2013). This example and the overall web-series is of particular importance to me, as I watched while an undergraduate student and felt affirmed as someone who also engaged in conversations with myself as a way to process events. And like J, I also had (past) and have (present) many awkward interactions.

In *Insecure*, the lives and relationships of the people surrounding Issa are explored in greater depth and Issa's best friend, Molly, is a star character. Molly is a corporate lawyer, and the audience follows her experiences in a predominantly white law firm in which she and Rasheeda, a summer associate, are seemingly the only two Black women in the office (North & Matsoukas, 2016). In season one, episode three, titled "Racist as F**k," Molly cautions Rasheeda, a nod to code-switching, however, Rasheeda does not appreciate this (North & Matsoukas, 2016).

The creators open the scene with Molly typing at her computer (North & Matsoukas, 2016). The scene continues as Molly is interrupted, however, by Rasheeda's laughing while

walking through the open office space with a colleague (North & Matsoukas, 2016). In this first introduction, Rasheeda disrupts the quiet of the office, the first indicator of conflict and Molly's concern is clear to the viewer, and she invites Rasheeda into her office (North & Matsoukas, 2016). Molly offers that she simply wants to check in, as she is concerned about the potential for misunderstandings in perception about Rasheeda on behalf of the larger office (North & Matsoukas, 2016). The show creators portray that thus far, Rasheeda appears joyous, yet now seems unsure or cautious, recalling that Mark, a supervisor or perhaps even a partner, previously reassured her of her performance. Molly's tone changes, seemingly more comfortable, and the sum of her advice is to be more mindful of the law firm space and the white people within it; in order to be successful, Rasheeda must code-switch (North & Matsoukas, 2016).

A wave of understanding washes over Rasheeda, and gaining confidence as she speaks, she informs Molly, and the viewer, that she did not switch or change during her interview with the partners nor when she became editor of the law review, a prestigious position (North & Matsoukas, 2016). As Rasheeda exits Molly's office, Molly appears deeply surprised by the outcome of this meeting (North & Matsoukas, 2016). A testament to the excellence in this scene, the viewer is left to decide their position on Molly's advice and Rasheeda's disagreement.

Later, in episode four, titled "Thirsty as F**k," Molly is requested by Hannah, a partner at the law firm and a white woman, to speak with Rasheeda (Kittrell & Bray, 2016). Prior to learning Hannah is a partner it is clear she holds power demonstrated by her ability to create a false story to remove Diane, another law firm associate and Woman of Color, from Molly's office (Kittrell & Bray, 2016). In an awkward exchange on how funny Rasheeda is, Hannah informs Molly that Rasheeda is not adjusting to the culture of the law firm, in comparison to other interns, and requests/commands Molly to address the issue with Rasheeda on the grounds

Molly was also a summer associate (Kittrell & Bray, 2016). The viewer must unpack this colorblind and coded language, as thus far, Molly and Rasheeda appear to be the only Black women in the law firm. Hannah is manipulating Molly in the scene to enact her will, a demonstration of and misuse of her power. However, Molly meets again with Hannah and returns the request to discuss culture with Rasheeda, strategically employing the same colorblind language and appealing to Hannah's authority, as a partner is better positioned to deliver messages than a former summer associate (Kittrell & Bray, 2016).

In the final act of this story, Rasheeda is sitting at a table in a large glass room with Hannah and presumably the firm's other partners, the viewer and Molly grasp the expression of shock on Rasheeda's face, once lively, now dispirited (Kittrell & Bray, 2016). We are left to assume Rasheeda's fate, though I am confident her employment was terminated. We can imagine a story about "fit," as we know that the law firms engage in processes of excluding Black women (Melaku, 2019b).

Insecure provided subtle hints at the inevitability of this outcome. For example, Rasheeda wears her hair in a braided style, possibly a reference to the long history of professional attire standards both rejecting and fetishizing Black women's hair. Rasheeda is juxtaposed in the meeting with the partners by the surrounding glass of the room, she was watched from the beginning and in this last scene, continues to be watched (North & Matsoukas, 2016; Kittrell & Bray, 2016). Later in *Insecure*, Molly accepts a position at a predominantly Black law firm, a critical development for her character as she faces unique challenges navigating the gender politics of the new firm (North & Meghie, 2018).

I open with these scenes from *Insecure* and marvel at the tremendous storytelling. These episodes expertly communicated the pressures and challenges of navigating the predominately

white legal field and the different decisions made by Molly and Rasheeda, the only two Black women present. The power block formed by the partners connects to Sadie's discussion of how as an associate she felt powerless within the hierarchy of the law firm. I am also reminded of Sadie's discussion of how the partner power-block formed against another partner, a Chinese woman, who was "*too pushy*" and spoke up against the mistreatment occurring in the law firm. Because she did not conform, she was dismissed. Rasheeda was also dismissed. This was not to be Molly's fate however, and as the law firm failed to provide her a reason to stay, or as Sadie states, "*a reason not to take those calls.*" Instead, Molly opted to "*go to work someplace where they treat me like a human.*"

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Insecure depicts the law firm as a microcosm of society. This exploration of Molly's and Rasheeda's experiences provides a window into a world reserved for few. These episodes, in addition to sparking broader conversations about the racial and gender climate at law firms and similar institutions, confirm Patton's (2016) insights that leaders graduate law school largely unprompted to seriously engage race and racism in U.S. society. This lack of prompt has reverberating effects, among which is the attempt to maintain a status of non-prompt, or the active movement to ban teachings on racial and gender injustice in the U.S.

In the following chapter I discuss legislation attempting to ban teachings for equity, specifically an attack on Critical Race Theory. I will also share a series of recommendations for research and practice, created by law students and law school leaders, who share considerations and steps to fundamentally re-envision law schools and respond to the reality of ongoing, structural, anti-Black racism.

Attempted CRT Bans by Lawmakers

As of June 2021, Juneteenth is a national holiday. Meanwhile, actions targeting the teaching of racism and structural oppression impacting daily lives severely limits education on the enduring trauma of slavery. How is it possible to teach about Juneteenth in a political climate so deeply opposed to acknowledging the realities of anti-Blackness? How can educators create connections between the past and present realities of race in the U.S. in a climate that positions Critical Race Theory as an enemy and enshrines this opposition in legislation?

In recent months, equity gag orders delegitimize and twist narratives about the centrality of race and racism in U.S. society, specifically creating a false narrative about CRT as divisive, as without a place in a society which embraces diversity. These bans are successful in part because they capitalize on the perception that racism is an overt versus structural act, perpetuated by an extreme few (Bonilla-Silva, 2018). The targeting of CRT is unsurprising given Ladson-Billings (1998) warning that CRT scholars will be called to defend their beliefs and solutions for educational inequity.

Educators, lawyers, lawmakers, policymakers, and decision makers across spaces must center Critical Race Theory's insights on structural racism as foundational and enduring in the U.S. A pattern emerges through these ban attempts, plus my personal opportunities to be privy to the stories of marginalization and the silencing experienced by scholars who study white supremacy: CRT is pinpointed as a threat.

Divisive Concepts

CRT faces a wave of political suppression attempts emanating from powerful levels of government as well as law makers. A narrative gaining momentum, emerging from a deep commitment to colorblindness, twists CRT into a set of "un-American" values in a supposedly

post-racial world. A key example is the September 2020 letter from the Director of the Office of Management and Budget during the Trump administration, Russel Vought, who calls for the divestment in trainings like CRT. Vought (2020) rejects structural racism as even a possibility, any critical investigation into ideas of merit, or challenge to the myth of the U.S. as the premier land of opportunity. Later in September 2020, Executive Order 13950 titled “Combating Race and Sex Stereotyping” outlines an expansive series of nine definitions for “divisive concepts.”

Divisive concepts include a rejection of ideas including the existence of racial and gender hierarchies in the U.S., that the U.S. is foundationally racist and sexist in origin, and that individuals participate in oppression knowingly or unknowingly (Exec. Order No. 13950, 2020). Divisive concepts are further defined as positions that people should receive discrimination based on race and/or gender, treat people disrespectfully based on race and/or gender, or that morality is pre-determined by race and/or gender (Exec. Order No. 13950, 2020). Further divisive concepts are ideas which hold that people should be responsible for past actions committed by members of their same race and/or gender, be made to feel any form of emotional upset due to their race and/or gender, and lastly, that the idea of merit is fundamentally racist or sexist (Exec. Order No. 13950, 2020).

Definitions of divisive concepts retain focus at the individual level, thus reject a critique of racism and sexism as a structure woven throughout society. Further, although the term reverse racism is not directly stated, it is fueled through this mis-positioning of the history of racism and sexism in the U.S. Both the OMB letter and Executive Order attempt to de-legitimize the robust intellectual tradition of CRT as propaganda, and UC School of Law Deans draw comparison to the era of McCarthyism and the Red Scare (Chemerinksy et al., 2020).

Though revoked under the Biden administration (Exec. Order No. 13985, 2021), Executive Order 13950 (2020) signals a deep commitment to capitalize upon and mis-tell events to suit a grand narrative that education focused on diversity, equity, inclusion, CRT, anti-racism and naming of white supremacy simply fuels division and creates a non-existent problem across the post-racial state of the U.S. This position is supported by the definitions of divisive concepts, particularly the second definition which washes away U.S. origins in slavery. Instead, the founding generation's belief "that all men are created equal" as stated in the Declaration of Independence is positioned as righteous and true in the U. S. (U.S. Declaration of Independence, 1776, para. 2).

Another of the definitions of divisive concepts upholds ideas of merit and hard work, a falsely presumed good will and success flowing from good work afforded to everyone, and dismisses the realities of structural, gendered racism despite the title "Combating Race and Sex Stereotyping" (Exec. Order No. 13950, 2020). As Abolitionist Esquire points out, the three-fifths compromise in the U.S. Constitution, the *Dred Scott v. Sanford* (1857) decision by the Supreme Court and continued anti-Black violence into the present show the Declaration of Independence (1776) woefully, purposefully limited in its conceptualization and acknowledgement of who is a person and how they should be treated.

Continuing the practice of mis-telling events, Executive Order 13950 (2020) also relies on narratives about U.S. leaders, such as President Abraham Lincoln, to discredit critical inquiry on the realities of racism. On Lincoln and the Emancipation Proclamation, for example, the lens of interest convergence reveals motivation less to do with ending the generational horror of enslavement than the political goal to keep the Union intact (Bell, 1980). In correspondence to Horace Greeley, Lincoln (1862) stated that while he wished for the freedom of enslaved people,

regarding the power of the presidency, he described saving all, none, or some enslaved people as would best achieve the goal of preserving the Union. Bell (1980) also highlights this letter to explore how moral arguments are insufficient to realize racial justice in law. The point here is to demonstrate that the very foundation of the arguments against racial justice education point to historical figures, such as Lincoln, as pillars of enlightenment, yet are themselves connected to slavery. In sum, the wave of suppression attempts propels the great myth of America as equal and just, yet stem from anti-Black foundations.

Executive Order 13950 (2020) also distorts history to support colorblind narratives, and twists the history of Dr. Martin Luther King, Jr., for example. A broader focus on changing the meaning of events such as the Civil Rights Movement to suit narratives working to uproot that history, emerges. This is especially evident in the text in favor of Proposition 209 in California in which the authors rejoice that the Civil Rights Movement worked to end racial discrimination, yet they also propose language for reverse racism while calling for unity (Wilson et al., 1996). Sadie also noticed this broad pattern, offering that anti-affirmative action cases are:

...part of a concerted effort that is having some success to roll back the progress that has been made to lower the barriers to education for African Americans in particular. It's also part of the general amnesia if you would, or the purposeful ignorance of this country's legacy of racism and racial violence and economic violence against African Americans.

Sadie's reflection on the effort "*to roll back the progress that has been made to lower the barriers to education for African Americans*" reflects CRT's origins as legal scholars and activists also collectively realized this pattern in the 1970s (Delgado & Stefancic, 2017). The widespread success of a campaign of "*purposeful ignorance*" requires control of the narrative, of

which Executive Order 13950 is a prime example, among many. The equity gag orders, proposed across U.S. states, are positioned to attempt to achieve this control. These orders exist as part of a larger history of challenges to the centrality of race in U.S. society, from affirmative action challenges in the Courts to state propositions. These orders are arguably a continuation or even new interpretation of the roll back Sadie identifies.

Equity Gag Orders

Though challenges to race-conscious admissions are distinct as bills to stifle the “un-American” teachings of CRT and the 1619 Project are distinct, they operate in a space which delegitimizes the reality of racism and gain momentum from mis-telling of history. Further contributing to an expanded timeline which includes the OMB letter and Executive Order 13950, Republican lawmakers across states introduced legislation to further suppress CRT and social justice teachings, in which the language of “divisive concepts” functions as a blueprint (AAPF, 2021). The point of law school graduates as the decision makers and structural power wielders gains a dangerous momentum through these widespread and coordinated legislative actions.

The African American Policy Forum (AAPF) (2021) labels these attempted bans as equity gag orders and catalogues their status across states, such as passed or withdrawn. Yet, even if the bills fail or actions taken to reverse, their impact is enduring because they extend the long history of leveraging the legal system to maintain structural racism. The AAPF (2021) through the #TruthBeTold campaign chronicles the relevant bills across states including information on the number of bills (1-4), affected sectors (e.g. public K-12 educational institutions, public higher education institutions, state government entities), and the status of each (e.g. passed, withdrawn, referred, vetoed, died in committee). Impacted states include Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Iowa, Kentucky, Louisiana, Maine,

Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wisconsin (AAPF, 2021).

It is also worth noting actions across states currently without bans and the effect on climate. A June 2021 tweet captures a request from the Office of the Provost to a department chair at Pittsburg State University to confirm if CRT is taught in any courses, and if so, which (Perry, 2021). Such a request to inventory CRT courses produces a deeply hostile environment in the context of state actions to ban CRT. Again, another underscore marks the relationship between law, politics, and higher education.

Higher education institutions must respond to these bills and engage possible challenges to their operations, such as how they respond to acts of discrimination. For example, in 2013 an external review of the University California Los Angeles, known as the Moreno Report, investigated the campus racial climate and made a series of recommendations to address discrimination against Faculty of Color (Moreno et al., 2013). The follow up to this report, the Moreno Recommendations Implementation Committee (2021) assessed actions since 2013 and provided a series of recommendations, including calling upon UCLA to “investigate racial and ethnic discrimination, mandate anti-discrimination training, and enforce accountability” (p. 7). The success of such a recommendation could be severely challenged by law makers who seek to control content committed to equity in public higher education. While California is not currently included among the list of states with equity gag orders, the process of institutional review and the content of this recommendation is widely applicable to institutions.

These attempted bans build fear and gather support though a mis-telling about CRT as “un-American.” Definitions of divisive concepts reject examining racism and sexism as

structures and disregard the effects on people who experience micro and macroaggressions and structural oppression daily, as well as the specific experience of anti-Blackness. Ban efforts rely on the belief that colorblindness is a just and beneficial outcome for students and dismisses across all levels of education students' understandings and experiences, as well as their willingness to engage their positionality and the world around them. These ban attempts again underscore the power of law and lawmakers to influence popular opinion, restrict information in educational settings, and create additional barriers further cementing the structural violence which educators, scholars and activists work to uproot.

Considering the specific targeting of CRT in the equity gag orders, I am reminded of Sadie's reflection that CRT is a radical position in law school, noting a classmate whose "*ideas were just so far left,*" and her perception of her law school classmates broadly as "*more social justice oriented than they were radical politics oriented.*" This conceptualization of CRT as radical pushes the boundaries of the political ideological spectrum, even as the majority of East University students report their political ideology as liberal or extremely liberal. Revisiting the earlier discussion of mission statements and HBCUs' focus on social transformation, how would the higher education landscape change if institutions prioritized CRT and related works in law school and across the entirety of the institution? Would such a practice of targeting CRT in higher education endure?

The Role of Educators

On the pattern of bold positions (Ladson-Billings, 1998), the reflections of two Black women teachers of social studies and citizenship highlight a disconnect between notions of citizenship and enduring anti-Blackness (Vickery, 2015). Their reflections provide a model to recognize insufficiencies within standard curriculum, and I wonder how their teaching practices,

as well as the practices they inspire in students, would be stifled under the widespread ban attempts. As educators, Mrs. Dennis and Mrs. Herman incorporated their personal histories and critical perspectives to move beyond district standard curriculum to empower students to invest in their communities, reject deficit narratives, and recognize the connections between past and present structural injustices, ultimately creating new definitions of citizenship (Vickery, 2015). Both educators incorporated the teachings of Black Feminist Thought into their practice and disrupted dichotomous, otherizing narratives about citizenship to empower their students (Vickery, 2015).

I highlight this example as both Mrs. Dennis and Mrs. Herman dismissed citizenship as inapplicable to themselves as Black women, positioning the concept as a means to determine whiteness (Vickery, 2015). Mrs. Herman specified both the 3/5ths compromise and the *Dredd Scott* (1857) decision as informing her understanding that citizenship is exclusive to white people (Vickery, 2015, p. 168). As discussed in Chapter Two, the original U.S. Census legitimized white respondents as free and citizens via dichotomies: Black, white and free, enslaved (Allen et al., 2019).

Citizenship as American connects back to Shelby's discussion in EDP-1 of her criminal law professor's expectation that students would agree that "*flag burning was a morally culpable crime that should be punishable by the law.*" Shelby describes how "*this being a Historically Black Institution, nobody raised their hand*" to which the professor commented, detrimentally to the classroom climate, "*He can't believe he's in a room full of Americans.*" While Black people's relationship to notions of citizenship and American symbols of patriotism such as the flag are undoubtedly varied, EDP participants, particularly Abolitionist Esquire and Sadie, express mistrust stemming from centuries of anti-Blackness.

Again, the framing of divisive concepts fuels public misperception about CRT, the 1619 Project, and equity trainings as counterproductive and dangerous because these bodies of scholarship reject notions of the U.S. as a land of colorblind access and opportunity. To be un-American is thus to undo these grand narratives and dare to center race, racism, and power. The process of “undo” should also include a “redo,” and educators like Mrs. Dennis and Mrs. Herman provide a model to incorporate their understandings of the world into curriculum and invite students to do the same. This process expands the transformative power of education. Educators in higher education settings broadly, and law schools specifically, can do the same.

The Personal Impact: Threats to Educators

In the context of these actions we must ask: why target education? One answer, the focus on education demonstrates its power to disrupt. Targeting the information available to students underscores the power and importance of education to expose students to new ideas especially ideas which challenge the status quo. Specific to higher education settings, pressing questions include: What is the relationship between equity gag orders and academic freedom? Would scholars, administrators, and students working to uproot racism be limited in their teaching, research, service, programing, and tenure and advancement opportunities?

Law makers recent attacks on CRT extend to the scholars and practitioners who conduct this work. Media chronicles the horrific harassment and threats of violence and death Scholars of Color and Black women scholars receive as a result of their work and their existence (Gluckman, 2020; Embrick & Brunnsma, 2017). Again, the warning by Ladson-Billings (1998) that scholars must defend their beliefs and work rings true, and the use of terms including “pilloried” and “vilified” are particularly relevant in the era of social media which creates opportunity for unparalleled access to a scholar’s work and personal information (p. 22).

For example, media chronicled the events between Nikole Hannah-Jones and the University of North Carolina Chapel Hill. Amidst the context of conservative backlash to the 1619 Project, the UNC Chapel Hill Board of Trustees failed to approve tenure for Nikole Hannah-Jones, the project's founder (Hannah-Jones & LDF, 2021). The events unfolding across media, though the Board of Trustees later extended an offer of tenure via a split vote, this original failure to act moves against recommendations for Hannah-Jones' tenure by the faculty, dean, provost and chancellor (Hannah Jones & LDF, 2021; Hannah-Jones et al., 2021; Stripling, 2021). The political implications of this case are particularly salient given that the Republican controlled legislature and Republican connected system-level board appoints Board of Trustees members (Stripling, 2021). The power spheres of politics, law, and higher education connected, and a Black woman scholar and her scholarship committed to racial justice excluded (Settles et al., 2020). Black women faculty face penalization and career derailment through epistemic exclusion, especially if their work is committed to identifying and changing systems of oppression, race and racism, and the specifics of anti-Blackness, which equity gag orders will further deepen (Settles et al., 2020).

The 1619 Project centers slavery, race, and Black people within U.S. history, offering 1619, the year the first enslaved African people were violently brought to the U.S., as equally foundational as 1776 (Hannah-Jones, 2019). As the 1619 Project is also marked for law makers' bans, this move to deny Hannah-Jones tenure – the recipient of numerous awards and honors including the 2020 Pulitzer Prize for Commentary and MacArthur Fellowship (Hannah-Jones, n.d.) – is as unsurprising as it is painful.

This case reflects the pervasive pattern in which Black faculty are denied tenure and must then inventory their mental, emotional, physical, and financial status with choices: pursue legal

counsel, share publicly, and/or seek another path, all of which Hannah-Jones choose to do (Hannah Jones & LDF, 2021; Hannah-Jones et al., 2021). An update, Hannah-Jones announced she will join the faculty at Howard University as the inaugural Knight Chair in Race and Reporting, with tenure (Hannah-Jones et al., 2021). Across the higher education landscape, HBCUs are far more successful in the tenure and promotion of Black faculty, and much work remains to increase the overall tenure of Black women faculty (McLewis et al., 2021). To reaffirm the message in Dr. Walter Allen's 2021 interview with Fox Soul Report (2021), HBCUs are the original model for institutional commitment to educational equity, diversity, and inclusion.

Recommendations: Plotting a Course Forward

It is necessary to retell the story of this work and its importance. Law schools profoundly inform the larger society as a main source of training and education for decision makers including judges, policymakers, educators, elective officials, and Supreme Court Justices. Again, I underscore Patton's (2016) insights that these decision makers enter and complete their higher education careers at elite historically white institutions with exclusionary and racist histories, and without prompts to engage race and racism substantially and meaningfully.

The events happening at law schools also reflect the larger society. Law schools across the U.S. issued statements addressing both the 2020 summer of protest and the systemic violence past and present which threatens Black lives, including the previously introduced letters by Dean Bullock (2020) at Texas Southern University's Thurgood Marshall School of Law and Holley-Walker (2020) at Howard University School of Law. A repository of these letters of solidarity and anti-racism statements are available through the Law Deans Antiracist Clearinghouse Project (Conway et al., 2021). Historically white law schools must act on the commitments across these

letters, beginning with an abandonment of colorblind ideologies, an active naming of anti-Black racism in the law, and deep dive into harmful institutional practices and policies, as well as the law school climate. I broaden my conceptualization of recommendations as it is not the sole responsibility of HBCUs to prioritize Black students' education and well-being. In the following I prioritize the recommendations and actions of law students and law school leadership committed to antiracism, as they are best positioned to identify institutional needs and a path forward.

Recommendations from Law School Students

How can law schools reject the racelessness identified by Patton (2016), the perspectivelessness identified by Crenshaw (1988), and be responsive to social and political contexts in the U.S.? Harvard law students Tyler Ambrose, Zarinah Mustafa, and Sherin Nassar (2020) offer an expansive set of recommendations grouped into four categories, which I will discuss in connection to EDP focal participants' reflections.

To the question of how law schools can center race in criminal law curriculum, Ambrose, Mustafa, and Nassar (2020) first call for honesty. This includes legitimization of the position for which *Abolitionist Esquire* is named: *I don't believe in prison reform. I believe in prison abolition*. The authors also call for space to be created for students to incorporate their personal experiences, an active disruption of perspectivelessness. I believe this recommendation to be especially powerful in redistributing power, as any action, especially legal action, should not be examined absent their effects on people. *Abolitionist Esquire's* reflections on the machinery of the law connects to a larger narrative of harm which can and should inform his practice and be relevant to both the classroom and academic theory. This process of "democratizing voice"

expands knowledge and is a practice of radical teachers (Cumberbatch & Trujillo-Pagán, 2016, p. 84).

Second, Ambrose, Mustafa, and Nassar (2020) call for greater racial and ethnic diversity in law school faculty. Like the theme “intersectionality as buzzword” identified by Harris and Patton (2019, p. 357), in which an extremely limited one to three mentions of intersectionality characterized many articles in their analysis, Ambrose, Mustafa, and Nassar (2018) call for diversity in this context to avoid buzzword status. Law schools must also create transparency in the tenure process (Ambrose et al., 2018) to illuminate and change patterns of inequitable tenure processes for Women of Color law faculty (Deo, 2019). As tenure considers teaching, research, and service, on the latter Deo (2019) documents how the work of changing the institutional climate and supporting law students’ academic journeys factors less in tenure decision processes, ultimately deemed less valuable.

Ambrose, Mustafa and Nassar (2020) also call for the institutionalization of CRT and related anti-racist work. A connection to EDP-1, participants describe East University’s faculty as largely encouraging the discussion of race and racism in the classroom, compared to peers at institutions who deem this irrelevant to the goal of passing the bar. Practices described by Valerie such as the faculty member reversing the order of the case book to ground the class in critical theories including CRT is one form institutionalizing anti-racism work. The recommendation to institutionalize CRT is especially timely given the equity gag order attempts.

Third, Ambrose, Mustafa, and Nassar (2020) broaden the scope of addressing racism to the entirety of the law school, such as within property law. This scope can be further extended to incorporate information from fields including education, sociology, history, Black studies, and

more. This expanded knowledge can refine concepts in legal research and practice, as in the example of the applicability of CRT across disciplines.

The final recommendation offers a message of hope for the future of law schools (Ambrose et al., 2020). The authors' vision of lawyers as social engineers links to the previously introduced history in Chapter One of the plan to end legal segregation. Abolitionist Esquire's belief in "*a duty to do all I can to make society function in a way that is as equitable as possible*" and Sadie's "*responsibility to find a place to serve the underserved*" through her "*very fine legal education*" advances this hope. This set of recommendations by Harvard University law students prompts law schools to incorporate purposeful, meaningful discussions about race and racism into their foundation and to examine their role in the movement for racial justice.

Recommendations from Law School Leaders

Plotting a course forward in response to the current socio-political climate, Black women law professors also call for race and racism to be focal in legal curriculum, informed by the effects of COVID-19 on Communities of Color, the ongoing loss of Black life to police violence, the global organizing of the #BlackLivesMatter movement, as well as moves to suppress Black voters (Stewart, 2021). *Diverse Education* reported how Camille Gear Rich, Associate Provost of Diversity and Inclusion, and Professor of Law and Sociology at the USC Gould School of Law sent a memo to colleagues in response to these events, which ultimately resulted in the creation of "Race, Racism and the Law" as a required course beginning in 2024 (Stewart, 2021).

Also featured is Virginia Listach, Director of Law Clinics, M. Joy Clemons Endowed Professor, and Clinical Professor at the Southern University Law Center (SULC). Professor Listach describes how law students participate in the Marshall-Brennan Constitutional Literacy Project to teach legal advocacy to high school students, with an emphasis on voting rights

(Stewart, 2021). This example connects to Sadie’s discussion of participating in civil rights focused clinics and working on “*issues that are important to Black people*”. Sadie also describes how on Constitution Day she and her peers worked with students and “*were active in those activities to talk about what the Constitution really means*”. We can again refer to Abolitionist Esquire’s discussion of the Constitution:

The Constitution sets the rules for everything. So if in the Constitution we're regarded as 3/5ths and people try and, you know, play semantics, but at the end of the day, those people playing semantics, they weren't talking about your ancestors, you know, they're talking about our ancestors.

These examples show the power of law schools, particularly when rooted in racial justice mission such as SULC, to disrupt the myth of righteous, noble, and raceless foundational U.S. documents.

The final professor featured, Sonia Gipson Rankin, Assistant Professor of Law at the University of New Mexico (UNM) Law School, describes how in response to the recent protests the law school organized a virtual teach in focused on anti-Black police violence, a social justice book club, and a student organization titled “Law Students for Equity & Inclusion” (Stewart, 2021). Rankin affirms law students expressed need for curriculum focused on social and racial justice and responsive to the broader U.S. climate (Stewart, 2021). These actions across law schools and the specific actions by Black women law professors to change the law school provide space to collectively reject anti-Black racism and counter the traditional expectation of a perspectiveless (Crenshaw, 1988) and raceless legal education (Patton, 2016).

Law Deans Antiracist Clearinghouse Project.

This movement is reflected in the Law Deans Antiracist Clearinghouse Project, a living project updated with resources and statements as they emerge, established by Black women law school deans: Angela Onwuachi-Willig, Boston University School of Law; Kim Mutcherson, Rutgers Law School; Carla D. Pratt, Washburn University School of Law; Danielle Holley-Walker, Howard University School of Law; and Danielle M. Conway, Penn State Dickinson Law. The project is organized into phases beginning with listening to the people impacted by racial violence (Conway et al., 2021).

The learning phase includes materials well positioned to inform calls to center race and racism in law school curriculum. Materials draw from a variety of sources including books such as *The Fire Next Time* by James Baldwin (1962) and *Ain't I A Woman: Black Women and Feminism* by bell hooks (1981); articles including *Whiteness as Property* by Cheryl Harris (1993) and *Demarginalizing the Intersection of Race and Sex* by Kimberlé Crenshaw (1989); *Say Her Name: Resisting Police Brutality Against Black Women* by the AAPF and the Center for Intersectionality and Social Policy Studies (Williams et al., 2015); websites such as the NAACP Legal Defense and Educational Fund; music such as *The Revolution Will Not Be Televised* by Gil Scott Heron (1971); and art, including the University of Maryland David Driskell Center for the Study of the Visual Arts & Culture of African Americans & the Africana Diaspora (2021) (Conway et al., 2021). The choice to incorporate such a rich variety demonstrates how intentional action requires multiple sources of information and expression, an acknowledge that complex issues cannot and should not be addressed singularly. This act also opens space to communicate across disciplines and connects to histories such as the Black Arts Movement.

The leading phase highlights the Penn State Dickinson Law Faculty Resolution (2020), unanimously adopted, in which faculty outline a series of recognitions including that racism as perpetual and generational; the deep wrong that is police brutality and the resulting emotions including outrage, sadness and helplessness; the need to act in solidarity with Black people; and a commitment to support students, staff, faculty of color, as well their families, and by extension the greater community (Dickinson Law Faculty, 2020). The Antiracist Clearinghouse law deans highlight this resolution as a template for law schools to begin the process of redefining themselves in a model committed to legal equity (Conway et al., 2021).

The audit reporting phase offers a series of guiding question for law deans who must examine their law schools with the goal of ending systemic racism including anti-Black police violence (Conway et al., 2021). Among many deeply thought-and-action provoking questions, the law deans inquire on faculty and student demographics as achieving representation, faculty members anti-racism pedagogies, bias in hiring, and the availability of institutional funding for Black students and if such funding will be named for a Black life ended by police violence (Conway et al., 2021). Further, the law deans highlight antiracist actions across law schools including the Scholar Strike for Racial Justice and Teach-In, as well as the Law school Anti-Racist Coalition Teach-In.

The iterative phase seeks to confirm that actions continue to align with solidarity and antiracism statements (Conway et al., 2021). The authors provide further examples of solidarity and antiracism statements from law school deans across the U.S., including the letters from leaders across HBCUs. In the letter titled *Statement on the Death of George Floyd*, the deans, faculty, and staff at North Carolina Central University (NCCU) School of Law (2020b) reflect on their historical mission and origins in segregation as Black students could not attend the

University of North Carolina Chapel Hill. In this letter, NCCU School of Law (2020b) leaders commit to contextualizing the law within the historic and enduring realities of racism.

Time, as a broad focus in this work given the longitudinal nature of the Educational Diversity Projects emerges here as well. Though presented linearly, the Antiracist Clearinghouse law deans did not specify actions as second, third, etc. Rather, the process is ongoing and circular, as is social justice work.

A Higher Education Model to Address Law School Climate

Building upon the recommendations to law schools to change how the study of race and racism is incorporated into legal curriculum, law schools must also examine and redefine their climate to successfully implement antiracist actions (Ambrose et al., 2020; Conway et al., 2021). Scholars identify hostile racial and gender campus climates in elite historically white law schools (Allen & Solórzano, 2001; Guinier, Fine & Balin, 1994, Moore, 2008). Hurtado, Milem, Clayton-Pedersen, and Allen (1998) offer a model for higher education institutions to examine and enhance their campus climates for racial and ethnic diversity including addressing (a) the institutional legacy of inclusion or exclusion; (b) structural diversity; (c) the psychological dimension; and (d) the behavioral dimension. This model can be applied to law schools, especially in combination with recommendations from students and law school leaders, such as the Law Deans Antiracist Clearinghouse.

First, colleges and universities must examine their institutional history of inclusion or exclusion (Hurtado et al., 1998). This recommendation aligns with the audit reporting phase of the Law Deans Antiracist Clearinghouse and the practice of asking questions which target concerns including where power lies within law schools. Example questions could include: What is the legal history of segregation and exclusion? What are the origins of the institution and the

specific relationships to land and government (i.e. land-grant institutions)? Who are the original and continuing institutional leaders? What are the concerns of alumni and current students, faculty, and staff regarding the racial climate? To examine patterns of inclusion Hurtado et al. (1998) highlight the importance of programs dedicated to the success of Students of Color; offices dedicated to equity, diversity and inclusion; commitments to affirmative action and more. Further, the authors highlight HBCUs and Tribal Colleges and Universities as examples of institutions whose mission is to educate students historically excluded from higher education, by law and/or practice, and therefore created a model to inform the higher education landscape.

The second area, structural diversity, describes how institutions must work to increase the representation of Students, Faculty, and Staff of Color. Examinations of flagship institutions and Black-serving institutions across the top twenty states with the largest Black populations reveals the extremely low representation of Black student enrollment and presence of Black faculty with tenure or on the tenure-track (Allen et al., 2018; McLewis et al., 2021). Examination of HBCUs reveal a different pattern, as HBCUs account for approximately 2% of higher education institutions (de Brey et al., 2021b, c) yet enroll and graduate more Black students (Allen et al., 2018), and consistently hire more Black faculty than HWIs (McLewis et al., 2021).

Narrowing to the field of law, in Chapter One: Introduction, data from the Bureau of Labor Statistics, the American Bar Association, and the U.S. Department of Education National Center for Education Statistics reveal the drastic underrepresentation of Black people in both the legal profession and across the law school enrollment landscape. The question from Sadie's friend, "*Aren't you tired of being the only Black person in the room?*" speaks to a long history of Black exclusion from historically white spaces and the pervasiveness of tokenism. The Law Deans Antiracist Clearinghouse cautions against mistaking tokenism for representation by

providing institutional leaders the prompt to examine if demographics are representational (Conway et al, 2021). Similarly, while the question “*Wouldn’t you like to go someplace where race is not a factor*” by Sadie’s friend employs colorblind language, the premise is that by completing her legal education at an HBCU, Sadie will not be tokenized by her race and gender.

On addressing structural diversity among law faculty, Deo (2019) chronicles the severe underrepresentation of Women of Color in legal academia and the barriers to their success on the tenure-track, such as extensive service obligations which detract from publishing and the (false) belief in their ineptitude by students as reflected in course evaluations. Institutions committed to changing the structural diversity of their campuses will need to abandon myths of race and gender neutrality in processes such as faculty hiring.

The third area Hurtado et al. (1998) recommend for institutional focus toward improving campus climate is the psychological dimension, which “involves individuals’ views of group relations, institutional responses to diversity, perceptions of discrimination or racial conflict, and attitudes toward those from other race/ethnic backgrounds than one’s own” (p. 289). Power is among the most important factors contributing to one’s understanding of the campus climate, determined by one’s positionality and position in relationship to the institution (Hurtado et al., 1998). The power of hostile campus climates created by gendered anti-Black racism is well documented in research on racial battle fatigue, a constant summation of micro and macroaggressions (Smith et al., 2016; Corbin, Smith, & Garcia, 2018). Racial battle fatigue characterizes a wide set of stress responses including sadness, anxiety, anger, depression, hopelessness and more (Smith et al., 2016). The letters from the law school deans across Florida A&M University, Howard University, North Carolina Central University, Southern University,

Texas Southern University, and the University of the District of Columbia are a collective acknowledgement of racial battle fatigue as they respond to the trauma of police violence.

Finally, the behavioral dimension of this campus climate model examines interactions across groups on campus (Hurtado et al., 1998). Cross-racial interaction is a focus in literature, particularly given the Court's conceptualization of the benefits of diversity in *Grutter* (2003), and how cross-racial interaction may dissolve racial stereotypes (Chang et al., 2004; Chang et al., 2006; Chang, 2007). Dynamic diversity emerges as way to explore interactions across groups within specific contexts and respond to critiques of critical mass as amorphous when absent a specific number (Garces & Jayakumar, 2014). Like Hurtado et al.'s (1998) model, dynamic diversity engages the historical legacies of inclusion or exclusion to understand the campus racial climate (Garces & Jayakumar, 2014).

Smith et al. (2016), in their study of racial battle fatigue experienced by Black men on historically white campuses, also highlight Hurtado et al.'s (1998) the four-dimensional model to examine campus climate. Rather than an individual level process, to undo racism requires a full investigation into the very structure of higher education institutions (Smith et al., 2016).

A Thumbnail Sketch of Law School Enrollment Trends and a Portrait of Hope

Li, Yao and Liu (2020a) show that the overall trend in law school enrollments is decline, with a decrease of nearly 25% from the enrollment peak of a decade prior. However, a testament to the interconnectedness of higher education to law and politics, in 2016 law school applicants increased by approximately 11%, resulting in a 3% increase in attendees (Li et al., 2020a). The authors highlight this time point as the "Trump bump." As 2016 is the year of Trump's inauguration, this application increase is a display of the power of the narrative of education as a

change agent and belief in law to affect, and ideally improve daily lives, amidst the barrage of oppressive rhetoric and violent acts during the administration.

Li, Yao and Liu (2020a) report modest declines in the enrollment of Black law students, increases in the enrollment of Latinx students, and large declines in Asian American and white student enrollment. However, patterns of enrollment are neither race nor gender neutral as Black and Latinx students disproportionately attend lower or unranked law schools without ABA accreditation, as well as lower rates of bar exam passage and employment (Li et al., 2020a, b). Women of Color in particular are concentrated among lower-ranked institutions (Li et al., 2020a, b). Asian American student enrollment in law school, the focus of the research by Li, Yao and Liu (2020a), reveal a larger enrollment decline than all other racial and ethnic groups. The authors expect the number of Asian Americans lawyers to also begin to decline in 2030.

HBCU Enrollment

Moving from the overall decline in law school enrollment in previous years, another trend has recently emerged: the increase in applications at Historically Black Colleges and Universities in 2020. For example, Morgan State University (2021) reported record undergraduate and graduate applications, with a 58.5% increase in undergraduate applications compared to 2019, as well as 9.6% increase in graduate applications. This trend reflects 2020 as a year of a global pandemic, protest, and conversation about race.

Morgan State University (2021) highlights a series of factors contributing to the rise in applicants, some of which include the availability of programs specific to Morgan State, standardized test optional practices, and the barrier-reduction response during Covid-19 including the waving of application fees. The institution also reflects on the context of increased national attention on HBCUs and broader movements for racial justice, including the

#Blacklivesmatter movement. As well, the historic settlement to begin to address historic funding inequities across HBCUs in Maryland is undoubtedly a factor (Morgan State University, 2021).

A Final Reflection

Both Abolitionist Esquire and Sadie express an enduring interest in the law, plans to continue to work in the field of law, and an unchanged desire to leverage their “*fine legal education*” as Sadie states, to better the lives of Black people. Abolitionist Esquire seeks to disrupt and abolish racist symbols, documents, and the prison system. Sadie seeks to return to her home state, located in the southern U.S., to build the case for reparations and to practice trusts and estates work. In returning home, perhaps Sadie will inspire a new generation of Black women lawyers, just as Lawyer Sampson inspired her.

Prior to conducting interviews with focal participants I wondered if they would still work in the field of law, and if they ever were or continue to be guided by the belief in law as a source of power as well as the historical tradition of leveraging the law as tool for change. Sadie and Abolitionist Esquire both make very clear their understanding of the law as rooted anti-Black racism. I believe their education from East University, which foregrounds race in the law, continues to propel them both.

The perspective of the law as a master’s tool emerged as a through-line (Lorde, 1984), encapsulated by Abolitionist Esquire, “*So that’s what I say. I’m an abolitionist. Although I work and I function in the system that’s my ultimate goal.*” Indeed, Bell (1992) suggests Black people abandon the idea “that law, through racial equality, can lift them out of this trap” (p. 377). Rather, Bell (1992) advances “Racial Realism,” a lens with which to collectively examine how white supremacy reproduces and maintains itself, even in the face of what appears to be

progress. The adoption of the language of the Civil Rights Movement in Proposition 209 is an example of white supremacy's metamorphosis. I understand Racial Realism and Abolitionist Esquire's statement as an invitation to envision new symbols, knowledges, practices, ideas, joys, and unknowns for Black people. Racial realists, like Bell (1992) and Patton (2016), through this acknowledgement provide space for us to affirm our continued commitment to disrupting and dismantling racism, white supremacy, and anti-Blackness across systems of power including law and higher education.

Future Research

Given the longitudinal, national scope of the Educational Diversity Project, future research, while maintaining the original focus on diversity in law schools, can expand across institutional types and create new research questions in response to ongoing legal challenges and current social and political climates. This expansion (EDP-3), informed by the reflections of focus group (EDP-1) and focal participants (EDP-2), could maintain many of the same survey domains as previous EDP-1 surveys, with modifications to reflect the passage of time. Potential domains include background characteristics (e.g. race, gender, undergraduate and graduate institutions, student loan debt), career activities (e.g. career changes, changes in areas of legal interests), experiences (e.g. with peers, community), perspectives or social attitudes (e.g. politics), and future plans (e.g. personal and professional goals). Focus group interviews and continued conversations with focal participants could especially ground the study in current contexts – social, political, economic, historical, legal and more. EDP-3 would provide space for participants to reflect on how their legal education, their work, and their social perspectives inform and are informed by each other across time.

Additionally, EDP interviewed law faculty to explore their understandings of diversity in relation to their teaching. Areas for exploration include how law faculty define and enact their pedagogies, make decisions about their curriculum including which materials and perspectives to include, and how they encourage or discourage discussions of oppression in the law. Deo (2019) calls for greater focus on Women of Color law faculty and their unique experiences navigating the law school climate, particularly the tenure and promotion process.

On student loan debt acquired during participants' undergraduate, graduate, and law school careers, Sadie's discussion of rejecting the possibility of repaying loans while eligible for social security and Abolitionist Esquire's expression of debt nightmares are resounding. These reflections warrant a deeper dive into the longitudinal impacts of student loan debt burdens – mental, emotional, financial and more – especially given larger narratives about future high incomes in select careers. This topic should also connect to institutional funding and patterns of inequitable distribution across institutions within the same state, with a focus on HBCUs (Allen et al., 2018).

Future research could also expand the project's scope to explore law students' perspectives and experiences at for-profit institutions. For profit law schools have been spotlighted in media given the closure of Charlotte School of Law, the movement to a nonprofit institution in the example of Atlanta's John Marshall Law School, and denial for nonprofit status by the ABA in the example of Florida Coastal School of Law (ABA, 2021; Ward, 2021). As well, findings by Li, Yao and Liu (2020a, b) on the concentration of Women of Color, Black and Latinx students at unaccredited law schools, a brief search reveals several for-profit institutions. Several questions include: How do students navigate these accreditation shifts? How do students navigate debt repayment and employment?

Research must especially center Black law students and their understandings of anti-Blackness in the law amidst ongoing police violence toward Black lives, a global pandemic, and oppressive political administrations and ideologies. Several potential questions include how do Black law students engage and make meaning of the law? How do Black law students understand their positionality within their legal education and careers? In what ways do they plan/not plan to utilize their legal education? What are their goals and motivations for pursuing a legal education and career?

Another area for future research includes the how the equity gag orders, even if withdrawn, or otherwise fail affect the climate across state institutions. Focal points include the institutional response to the bills, the availability of courses on CRT, the impact on professors' pedagogies, as well as the hiring and tenure landscape within and beyond law schools.

Summary

This chapter opens with a summary of two key episodes of HBO's *Insecure* involving Molly, a lawyer at a corporate law firm, to explore the racialized power dynamics between partners and associates, and as a way to further connect to Sadie's reflections on working in a law firm. I also discuss the surge of legislation attempting to ban Critical Race Theory across states. This trend especially underscores Patton's (2016) insights that law schools produce leaders largely unprompted to meaningfully examine race and racism in the law and therefore contribute to the perpetuation of racist cycles.

This chapter engages recommendations by law students to law schools on how to incorporate race into criminal law curriculum. As well, recommendations from law school leaders including the Law Deans Antiracist Clearinghouse Project provide a dynamic model for institutional change informed by knowledge across fields such as the visual arts. Together, these

recommendations, as well as higher education models for institutional change, work to fundamentally shift the culture and climate of law schools. My goal in this chapter is to position findings within the current social, political, and legal climate.

Chapter 7: Summary

On the importance of this work, it is necessary to revisit the guiding positions explored in Chapter One. First, higher education institutions and law schools touch nearly all, if not all, aspects of society and are themselves microcosms of society. Second, law schools (and broader, schools across any field) must engage their historical and ongoing relationship to race and racism, especially the ways the latter is facilitated through laws and political structures. Within this position is the call for educational institutions to actively work against narratives of colorblindness, which propel California's Proposition 209 for example, and un-Americanness, which fuel equity gag orders sweeping across the U.S. This can take shape through foregrounding critical theories in legal curriculum, in the example of East University, as well as the many recommendations provided by law students and law school leaders in Chapter Six.

Third, EDP operates on the fundamental premise that law school graduates are powerful actors and decision makers. Patton (2016), who advances a critical race theory of higher education, paints a picture in which government leaders including the Supreme Court Justices (plus law firm leaders, law school leaders, government leaders and more), graduated from elite law schools unprompted about the centrality of race and racism in society. Given the compositional changes to the federal courts and Supreme Court, Patton's (2016) propositions on the interconnectedness of higher education to white supremacy must inform the future of higher education.

Fourth, a social change mission and model is available through Historically Black Colleges and Universities. A review of mission statements across the law schools and the reflections from EDP 1 and 2 participants show the impact of this model on participants' critical understandings of their role in creating new ideas, documents, and life circumstances, such as in

Sadie's goal to do "*the intellectual work of structuring the case for reparations*" and Abolitionist Esquire's plan for "*a new flag, a new constitution, a new national anthem.*"

In this conclusion, I will add a fifth position, higher education institutions, law schools specifically, and broader federal and state governments must work to rectify, as Sadie states, "*this country's legacy of racism and racial violence and economic violence against African Americans.*" One area for redress is the extreme funding inequities to HBCUs evident in the Morrill Land Grant Acts and which persists into the present. This must also include an address of the student loan debt incurred by Black students. To take inspiration from Abolitionist Esquire, how can such inequitable funding structures and loan debt be abolished versus reformed? It cannot be the responsibility of students, like Sabrina in EDP-1, to ensure funding for her peers, it must be on broader power structures. These guiding positions set the stage to engage EDP-1 and EDP-2 findings.

EDP Research Questions

EDP-1 launched immediately following *Grutter v. Bollinger* (2003) at the University of Michigan Law School, and in response to the framing by the Supreme Court, asked whether or not educational benefits flow from a diverse student body, and if they do exist: (a) what is the nature of these educational benefits? and (b) in what ways do race and other factors impact how these benefits manifest? The totality of EDP findings resoundingly affirms the importance of racial and ethnic diversity in law schools as well as the importance of race in U.S. society (Daye et al., 2009; Daye et al., 2012).

EDP-2 invites participants to consider their lives before, during, and beyond law school. Inquiries include: (a) the impact of attending law school on participants' lives; (b) the meaning they make of the law, their work, and the impact of both; and (c) the ways they center social

justice in their lives. In an overarching answer to these research questions, Abolitionist Esquire's and Sadie's reflections on their legal education and work center the history of Black people in the U.S. Both participants specified their understandings of anti-Black racism in the law, as well as how this knowledge informs their professional decisions.

Through extending the work of the Educational Diversity Project, EDP-1 participants' reflections from their first, second, and third years at East University Law School are placed in conversation with EDP-2 focal participants' reflections on the experiences which led them to law school, events during law school, and the time since graduation. EDP-1 themes include: 1) (Un)Supportive Environment, 2) Rejecting Racelessness and Deficit Perspectives on HBCUs, and 3) Higher Education Debt. EDP-2 themes include: 1) The Importance of a Name: Early and Ongoing Interests in Law, 2) The Cost of a Legal Education and Career: Financial and to Self, and 3) Power and Hierarchy.

EDP-1 Findings Summary

Beginning with the EDP-1 first-year survey, a focus on political ideology and debt illuminates the reflections shared in EDP-1 and 2 focus groups and interviews. In the EDP-1 survey, half of Black students indicate their political beliefs as either extremely liberal or liberal, followed by over a third who identify as moderate or middle of the road. Few Black student respondents indicate their political beliefs as conservative or that they have not given it much thought. On higher education debt, a prominent theme throughout the study, approximately one third of Black students did not report educational debt. Yet, Black students account for 27.9% of all students within the highest debt category of \$50,000, despite being only 11.2% of the total first-year sample. Black women specifically are extremely indebted, accounting for one-fifth of the people who report \$50,000 or more in higher education debt. At East University, the majority

of EDP-1 participants in both the survey and focus groups are Black women. Politically, the majority of students identify as either liberal or extremely liberal. The majority of students are also highly indebted.

EDP-1 research questions center the importance of diversity in law schools, examining whether, how, and what educational benefits flow from a diverse student body. On diversity at East University, in the theme “Rejecting Racelessness and Deficit Perspectives on HBCUs,” Rebecca dismissed the myth of a monolithic HBCU educational experience when people advised her to choose a law school elsewhere than East University, as she also attended an HBCU for her undergraduate education. Rebecca states: *“But honestly, I don’t think I could have gotten a more diverse experience anywhere else because these people are just, they’re different in their own ways, and so I do think this is a diverse environment.”* As well, I am unsurprised by Rebecca’s description during EDP-1 focus groups that students who devalue the historical mission of HBCUs assume they will be at the top of the class for no reason other than their belief that HBCUs, and Black students, lack academic rigor. This assumption characterizes Sadie’s story in EDP-2 of the lawyer advising her to not apply to East University. *“We don’t even recruit there,”* encapsulates this widespread and false belief in Black individual and institutional inferiority.

On rejecting racelessness, students describe how East University School of Law is distinct from the majority of law schools through its focus on race in the law. Rob describes *“there is the standard which you get from any law school, and then there’s the perspective that pertains specifically to minorities and underserved populations that you may not get at another law school.”* Valerie and Vivian describe the reasonable person standard as a white man, with Vivian elaborating *“the ‘reasonable prudent person’ is based on what most judges in the U.S. are going to think. And the majority of the judges in the U.S. are white male.”* Thus, through

unpacking falsely objective and race-neutral standards, law students draw connections to power and the way it is embodied. This example contrasts with Valerie's discussion of her peers at different law schools:

...when topics come up about disproportionate minority confinement or any of those other things that are relevant to groups of color, that the students somewhat just push it under the carpet, or they just want to move on to what the law is, what's going to be on the Bar exam, you know whatever.

Within this theme, an underlying motif illuminates the power of faculty members to choose how to foreground discussions of social issues within their pedagogy and curriculum. One example, Valerie describes a professor who flipped the order of the case book, the chapter on critical theories including CRT and feminism now front and center as a frame for students continued legal education.

Moving into the theme of "Un/Supportive Environment," Shelby describes an example of the power of faculty to do the precise opposite and ignore the history of race, and specific history of anti-Blackness, in the establishment of the U.S. In Shelby's story, when students disagreed with the professor, a white man, on the moral culpability of flag burning he stated that "*He can't believe he's in a room full of Americans.*" This created a hostile space which stifled students' expression.

The theme "Un/Supportive Environment" also explores students' perceptions of the gender climate. Pablo states: "*It depends on your professor, but there are only a handful of professors here, not even a handful, like a half of a handful who, like, actively incorporate gender issues into their class discussions.*" This sense of gender as absent in classroom discussions is juxtaposed by its omnipresence as an unaddressed factor of climate. Rebecca

describes the prevalence of men in faculty and leadership positions and in the portraits lining the halls. Paz describes *“I’ve never experienced maleness, or male privilege or male gender... or gender issues the way I’ve experienced at this school, ever.”* EDP-1 participants’ reflections on gender illustrate the need for purposeful engagement with the campus climate.

“Un/Supportive Environment” illuminates the complexity of climate at East University. EDP-1 participants reflect on the space as both supportive and competitive. Vance’s expectation of a more *“cutthroat”* environment and *“paper chase”* contrasts with Regina’s descriptions of leaning toward peers to offer advice such as *“focus on this for his class or don’t this in there or do this in there.”* Participants’ reflections convey a genuine sense that peers help facilitate each other’s successes, as well as the importance of institutional systems to ensure students do not *“slip through the cracks”* through *“one-on-one personal support,”* as Vivian states. The thread of contrasting ideas is strongly present as students began to negotiate social justice goals with economic incentives, as Pablo states:

You know like they promote this thing we’re supposed to get out there and do this and do so much, you know, better for our society and our community. And I just think they also at that same time they kind of juggle the idea like making sure you get in with a good firm, make a lot of money. So, you know, it’s just interesting to see.

Pablo’s discussion of law firm employment, income, and expectations to leverage his legal education to build *“better for our society and our community”* is one of many examples of how EDP-1 themes, while distinct, begin to inform one another, as well as inform EDP-2 findings.

The final EDP-1 theme engages debt, particularly as law students such as Tim took on loans in order to simply live, pay rent and purchase groceries: *“it’s not like I’m starving or anything.”* On this idea of debt and law firm employment, Susie describes:

I think that a lot of us would take different career paths if we knew that our loans would be paid for after law school is done, and to go to [East University...] and work for one of the big 10 firms just seems sort of disingenuous in some ways.

Susie's line connecting career decisions, debt, and law firm employment is another area for future follow-up, particularly as it informs the high debt/high income narrative EDP-2 focal participants explore. Law firm employment emerges as a primary means to overcome extreme law school debt, a motivation challenged in Sadie's reflections.

EDP-2 Findings Summary

Given the focus in EDP-2 on inviting participants to move through time, both Abolitionist Esquire's and Sadie's opening discussions of how they became interested in law informed the overall interview, an origin point from which their understanding of the law and their roles within it flow. In the theme "The Importance of a Name: Early and Ongoing Interests in Law," Abolitionist Esquire's origin point focused on the images of attorneys on TV including Johnnie Cochran and Thurgood Marshall, sparking with certainty "*I was always going to go to Black schools.*" Expanding, Abolitionist Esquire knew that "*because I was raised the way I was raised, I was gonna be in this liberation struggle.*" The early point of childhood also emerged in Sadie's interview. The name of the only Black woman lawyer in her town, Lawyer Sampson, inspired fear and respect, a threat of "*I'm going to get Lawyer Sampson on you.*" The admonishment by Sadie's principal, "*You sound like a lawyer*" took on the meaning of speaking up for her friends, and in the future, people who can benefit from her legal education.

To the EDP-2 inquiry of how law school impacted participants' life path, one answer is the monumental student loan debt they incurred, explored in the theme "The Cost of a Legal Education and Career: Financial and to Self." Sadie's and Abolitionist Esquire's discussion of

debt was markedly different. Sadie describes working at a law firm, making \$200,000 a year, and when she eventually left the law firm, adjusted her financial life across all areas with the exception of her loans. Sadie's refusal to "*be eligible for social security and potentially using social security money to pay off student loans*" paints the picture of lifelong, prohibitive debt. EDP-1 findings reveal the extreme loan debt burden on Black students, particularly Black women, who not only incurred debt, but debt of the highest amounts.

On the connection between law firm employment and debt, Sadie recalls the extreme disregard and disrespect for her knowledge, time and boundaries, as well as the power of the white male partner block to create hostile climates characterized by illegal actions. Sadie predicts that the model will eventually fail, as "*except for the money it makes no sense.*"

The emotional, professional, and financial impact of loans is confirmed in the ABA's 2020 Student Loan Debt Survey in which participants, unprompted, utilized the open-ended space to share how their loans cause mental and emotional stress, including anger and depression (ABA Young Lawyers Division, 2020). Abolitionist Esquire's characterization of debt as nightmares gains full form in his discussion of annual amounts paid, deferment, compound interest, and yet, very little movement in the original loan amount.

The Foundation of Social Transformation from Law School

A second answer to how law school impacted EDP-2 participants' lives, they learned the law at an institution whose mission is to educate Black students and strive for social transformation, this foundation informs their work. In the overarching theme, *Power and Hierarchy*, Sadie describes examining civil rights cases during law school and shares her understanding of anti-Blackness in U.S. history and the present:

Many times the folks who are filing these cases are not trying to find...if they were Black, then they would not even have a place in the court. They would never have gotten very far. So I think that it's part of a concerted effort that is having some success to roll back the progress that has been made to lower the barriers to education for African Americans in particular. It's also part of the general amnesia if you would, or the purposeful ignorance of this country's legacy of racism and racial violence and economic violence against African Americans. And the legacy of slavery that permeates every single aspect of this society.

The foundation of attending East University flows into participants' responses to EDP-2 questions about their understandings of the law, their work, and the ways they center social justice in their lives. Both Abolitionist Esquire and Sadie utilize their "*fine legal education,*" as Sadie States, to improve the lives of Black people. Both participants describe the need for structural changes to the U.S. legal system and their work to create this change. For example, Sadie states:

I've tended toward organizations that are focused on making sure that other people have advantages in law, other women, other minorities. But my goal is, and I'm thinking toward retirement, my goal is to do trust and estate work for people who don't have real trust and estates so that they can keep the little bit that they have.

Sadie's goal "*to do trust and estate work*" and "*the intellectual work of structuring the case for reparations*" is a move against hundreds of years of anti-Blackness in law manifest in housing, education, employment, and more. The case for reparations gained additional momentum through a report by the United Nations (UN) with four key points. First, "STEP UP: Stop denying and start dismantling"; second, "PURSUE JUSTICE: End impunity and build trust";

third, “LISTEN UP: People of African descent must be heard”; and fourth, “REDRESS: Confront past legacies, take special measures and deliver reparatory justice” (United Nations High Commissioner for Human Rights, 2021, p. 22-23). The latter call for reparatory justice names racism, dehumanization, the transatlantic slave trade and colonialism, and calls for states to end violence and enact formal apologies, truth-telling, and reparations (United Nations High Commissioner for Human Rights, 2021, p. 23).

On how Sadie centers social justice, her plans regarding trust and estate work as well as structuring reparations emanates from her understanding of slavery as “*America’s original sin*”:

It predated the founding of the Republic. But it under-girded, the ability to even create a Republic would not have existed if it had not been for slavery, which was the economic underpinnings of the industrial revolution in the 19th century. It was for the shipbuilding industry in the 17th and 18th centuries. So as far back as this country has existed, if it were not for the unpaid efforts of Africans that were brought to this country and the ability of every other ethnic group to come to this country and distinguish themselves by the fact that they are not African, and then therefore being able to jump over Africans or step over African Americans in order to get onto the rung and pull themselves up and you know, live the American dream. So the underpinnings of this entire society and this entire country is based upon that.

Abolitionist Esquire is also grounded, propelled to action even, by this same knowledge as evidenced by his name. He describes his mission, the “*duty to do all I can to make society function in a way that is equitable as possible,*” a rejection of becoming a “*proprietor of people’s pain.*” The questions of what meaning participants make of the law and how they center social justice are deeply intertwined for both participants. The meaning, in sum, is that America is built

upon and continues to benefit from anti-Blackness as a structure. Abolitionist Esquire's work flowing from his legal education informs and is informed by the goal "*to end the legal slavery which is permitted in the Constitution under the 13th amendment*" and further cemented by the Supreme Court decision in *Dred Scott* (1857):

But ultimately what it means is that I want to abolish the entire system. So what that would take to do would be a new declaration of independence for this country declaring the country independent of white supremacy as the norm, as the foundation of this nation, which was written into the Declaration of Independence through their declaration that all men are created equal while holding Africans as slaves.

On how deeply his meaning-making about the law is tied to work as a lawyer:

You know, you can't tell me we've come any distance and all the symbols are the same as when my people were completely enslaved. So now, only those who are criminal convicts are enslaved. But it's still a lot of people when you add it all up.

Responses to EDP research questions are informed by the key belief held by CRT scholars as well as by both Abolitionist Esquire and Sadie: Racism is enduring, structural, and foundational to the United States.

Though the Court's decision in *Dred Scott* (1857) was invalidated, racism does not cease to exist at the overturn of a racist ruling when racism is foundational. Yet, the narrative of the founding fathers as visionaries, as writers of the U.S. Constitution and as seekers of freedom and independence persists in the symbolism of U.S. currency, flags, holidays and more. A readily available example, Presidents' Day commemorates the birthday of George Washington, a slave-owner (Merriam-Webster, 2021b; Wilder, 2013). It is these particular symbols that Abolitionist Esquire seeks to abolish in the U.S. and create a new, in the example of "*South Africa where they*

changed from apartheid, where they now have a new flag, a new constitution, a new national anthem.” Abolitionist Esquire’s goal to create new symbols and structures, such as the Constitution, importantly pushes the imagination forward and disrupts notions of sacrality. This practice of creating a new requires departures from the status-quo story and active connection building between past and present, a process vehemently opposed in the example of equity gag orders.

Sadie’s comments on the “*concerted effort*” to rollback civil rights gains as well as the “*general amnesia*” and “*purposeful ignorance of this country’s legacy of racism and racial violence and economic violence against African Americans*” underscore the pervasiveness of these challenges. Cumberbatch and Trujillo-Pagán (2016), in a discussion of social media movements for racial justice including the #BlackLivesMatter movement and their relationship to radical teaching, also comment on this “*general amnesia*” as “*historical amnesia*” (p. 80). The authors call to place the present in conversation with history including a disruption of narratives of a post-racial state. The authors also position social media as an archive to Black lives lost and space for students to engage, document, reframe, challenge, learn, share and more on social justice. Cumberbatch and Trujillo-Pagán (2016) reflect on the power of radical teachers to disrupt oppressive frames. In Valerie’s story in EDP-1, the law professor who switched the order of the case book to forefront the chapter on social theories including critical race theory and feminism is an example of a radical teacher.

Law professors can, and perhaps do, incorporate social media into their teaching as a means to ground cases within the social, political, historical, economic context from which they emerge. #Staymadabby is a prime example of how social media can expand and challenge narratives about race in admissions decisions and disrupt colorblindness in law. Radical teachers

will continue to face uncertainty within the broader movement to implement equity gag orders across states.

Even if the equity gag orders fail to become/remain law, they are successful in changing public opinion, and doing so within the legal and political context of several of the most conservative courts on record (Manning et al., 2020). As Sadie warns: “*So the next generation is going to be a very tough generation for people who are looking to even try to maintain some of what we’ve been able to accomplish. So yes, I’ve noticed it and I’m keeping track of it.*” Related, Abolitionist Esquire refers to challenges to race-conscious admissions, and by extension, the broader movement to undercut the importance of race in society and ignore the realities of anti-Black racism, as “*more manifestation of white supremacist thought.*”

As stated by Abolitionist Esquire in his reflection on the challenge issued by the president of his undergraduate institution, also an HBCU, he must “*fight racism wherever it rears its ugly head.*” Sadie advances a message of hope that no matter where you are “*you’ll make a difference*” and “*they will know that you were there and that you were a [East University] student.*” This message of hope also signifies the movement in time between EDP-1 and 2, as students, now graduates, leverage “*the advantage of a very fine legal education*” provided by East University Law School to impact lives and create structural change, including the very legal and symbolic foundations of the U.S.

The institutional commitments to the education of Black people and pursuit of social transformation written into the mission statements of Florida Agricultural and Mechanical (A&M) University College of Law, Howard University School of Law, North Carolina Central University School of Law, Southern University Law Center, Texas Southern University

Thurgood Marshall School of Law, and University of the District of Columbia David A. Clark
School of Law transferred to and transformed the goals of graduates.

**THE EDUCATIONAL
DIVERSITY PROJECT**

EDP

AN EMPIRICAL ASSESSMENT OF RACE AND OTHER FACTORS

August 2004

Dear First-Year Law Student,

We invite you to participate in an important national study, and we thank you for considering this invitation.

The information that you are being asked to provide today is being collected as part of a national study of incoming law students at approximately 75 law schools in the United States. The study investigates the relationship between race (along with other factors) and educational diversity in the law school setting. Your participation will help us understand better the current attitudes, educational expectations, and career aspirations of incoming law students and, specifically, how these opinions and beliefs may relate to your experience in law school and beyond.

This study is being conducted by researchers at the University of North Carolina (Chapel Hill and Greensboro campuses) and the University of California, Los Angeles, and is funded by the Law School Admission Council. Your law school has agreed to be a part of this research effort, and its participation in this study has been approved under applicable Institutional Review Board requirements and procedures.

We greatly appreciate your participation in this important work. Identifying information will be requested to make subsequent follow-up studies possible. Your responses will be held in the strictest professional confidence. We assure you that only aggregate data will be reported for this study and that only the researchers for this study will have access to your responses.

Thank you for contributing to our collective knowledge about this critical public policy question.

Sincerely,

Charles E. Daye, J.D. School of Law, University of North Carolina, Chapel Hill
Abigail T. Panter, Ph.D. Department of Psychology, University of North Carolina, Chapel Hill
Walter R. Allen, Ph.D. Graduate School of Education and the Department of Sociology
University of California, Los Angeles
Linda F. Wightman, Ed.D. Department of Educational Research Methodology
University of North Carolina, Greensboro

Instructions

- This survey has several parts and covers a wide range of topics, including your background, your family context, your attitudes, your educational expectations, and your career aspirations.
- Please use a pencil or black or blue pen.
- Your responses will be read by an optical mark scanner. When completing ovals, please fill in each oval entirely. When writing responses, please write as clearly as possible and use the provided spaces and/or boxes.

Correct: ●

Incorrect: ✓ ⊗ ⊙

- If you need to change your answer, erase cleanly any stray marks or "X" out marks if in pen.
- Remember: Your responses will be kept completely confidential by the researchers. Only the study researchers for The Educational Diversity Project will have access to your specific responses.
- When you have completed the survey, please flip through the pages of the booklet to be sure you have completed all parts. Then, please put your booklet and consent forms in the provided envelope, seal it, and return.

We appreciate your participation in this national study of incoming law students!!

The Educational Diversity Project: An Empirical Assessment of Race and Other Factors

Please print your name and permanent/home address—one letter or number per box. [These data will only be used for follow-up studies and linking to Law School Admission Council databases; Only the study researchers will have access to these data for the purposes of this study. Your identifying information will not be released.]

NAME:	FIRST	MI	LAST	When were you born?		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
ADDRESS:	<input type="text"/>					
	CITY, STATE:			MONTH	DAY	YEAR
SOCIAL SECURITY NUMBER:	<input type="text"/>	<input type="text"/>	<input type="text"/>	PHONE: <input type="text"/>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>			
EMAIL ADDRESS:	<input type="text"/>					

[Fill in month, day, and year; e.g., June 8, 1975 = 06 08 1975]

Section A. Student Background. In this first section, we are interested in learning about some of your general background characteristics.

<p>A-1. What is your gender? [Mark <u>one</u>.] <input type="radio"/> Male <input type="radio"/> Female</p> <p>A-2. What is your ethnic background? [Mark <u>all</u> that apply.]</p> <p><u>African American/Black (non-Hispanic)</u></p> <p><input type="radio"/> African American/Black <input type="radio"/> Haitian <input type="radio"/> Caribbean, not Puerto Rican or Cuban [Jamaican, Dominican Republic] <input type="radio"/> African Black <input type="radio"/> All Other non-Hispanic Black</p> <p><u>Asian/Pacific Islander</u></p> <p><input type="radio"/> Chinese <input type="radio"/> Japanese <input type="radio"/> Korean <input type="radio"/> South Asian [e.g., Indian, Pakistani, Sri Lankan] <input type="radio"/> Southeast Asian [e.g., Filipino, Indonesian, Vietnamese] <input type="radio"/> Pacific Islander [e.g., Hawaiian, Guamanian, Samoan] <input type="radio"/> Other Asian/Pacific Islander</p> <p><u>Hispanic/Latino</u></p> <p><input type="radio"/> Mexican/Mexican American <input type="radio"/> Cuban <input type="radio"/> Puerto Rican <input type="radio"/> Central American [e.g., Guatemalan, Nicaraguan, Panamanian] <input type="radio"/> South American [e.g., Brazilian, Colombian, Ecuadorian] <input type="radio"/> Spanish, Portuguese, Cape Verdean <input type="radio"/> Other Caribbean <input type="radio"/> Other Hispanic</p> <p><u>Other</u></p> <p><input type="radio"/> White (non-Hispanic), including Caucasian, North African <input type="radio"/> American Indian, Aleutian, Native Alaskan or Eskimo <input type="radio"/> Arab American <input type="radio"/> Middle Eastern <input type="radio"/> Other, please specify _____</p>	<p>A-3. What is your nationality? [Mark <u>one</u>.] <input type="radio"/> Citizen of the United States <input type="radio"/> Permanent resident of the U.S., non-citizen <input type="radio"/> Dual citizen, please specify countries _____ <input type="radio"/> Visa, please specify _____ <input type="radio"/> Other, please specify _____</p> <p>A-4. Where were you born? [Mark <u>one</u>.] <input type="radio"/> United States <input type="radio"/> Other, please specify _____</p> <p style="text-align: center;">→ If not born in the U.S., at what age did you come to the U.S.? [Fill in: e.g., 8 years of age = 08] <input type="text"/> Age</p> <p>A-5. Where did you live the majority of the time when you were growing up? [Mark <u>one</u>.] <input type="radio"/> Moved around a lot <input type="radio"/> Rural or country area <input type="radio"/> Small town <input type="radio"/> Small city [under 1 million residents] <input type="radio"/> Suburb of a city <input type="radio"/> Large city [1-2 million residents] <input type="radio"/> Very large city [over 2 million residents] <input type="radio"/> Military base or reservation <input type="radio"/> Other, please specify _____</p> <p>A-6. What is your current marital status? [Mark <u>one</u>.] <input type="radio"/> Single <input type="radio"/> Separated/Divorced <input type="radio"/> Married <input type="radio"/> Widowed <input type="radio"/> Civil Union <input type="radio"/> Other, please specify _____</p> <p>A-7. What is your current age? [Fill in; e.g., 25 years of age = 25.] <input type="text"/> Age</p>	<p>A-8. What is your religious preference? [Mark <u>one</u>.] <input type="radio"/> Atheist or Agnostic <input type="radio"/> Baptist <input type="radio"/> Buddhist <input type="radio"/> Catholic <input type="radio"/> Church of Jesus Christ of Latter-day Saints <input type="radio"/> Eastern Orthodox <input type="radio"/> Episcopalian <input type="radio"/> Hindu <input type="radio"/> Jewish <input type="radio"/> Lutheran <input type="radio"/> Methodist <input type="radio"/> Muslim <input type="radio"/> Nondenominational Christian <input type="radio"/> Pentecostal or Holiness <input type="radio"/> Presbyterian <input type="radio"/> Other Protestant, please specify _____</p> <p><input type="radio"/> Other Non-Protestant, please specify _____</p> <p><input type="radio"/> No religious preference</p> <p>A-9. To what extent do you consider yourself to be a spiritual person? [Mark <u>one</u>.] <input type="radio"/> Not at all spiritual <input type="radio"/> Slightly spiritual <input type="radio"/> Moderately spiritual <input type="radio"/> Very spiritual <input type="radio"/> Extremely spiritual</p> <p>A-10. When it comes to politics, how do you usually think of yourself? [Mark <u>one</u>.] <input type="radio"/> Extremely liberal <input type="radio"/> Liberal <input type="radio"/> Moderate or middle of the road <input type="radio"/> Conservative <input type="radio"/> Extremely conservative <input type="radio"/> Haven't thought much about it</p>
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Section A. Continued.

A-11. What is your sexual orientation?

[Mark one.]

- Bisexual Transgender
 Gay/Lesbian Prefer not to say
 Heterosexual
 Other, please specify _____

Your Education

A-12. Describe your high school. [Mark one.]

- Public
 Private, non-boarding
 Private, boarding
 Home school

A-13. In what month and year did you earn your bachelor's degree?

[Fill in; e.g., May 2003 = 05 2003. Note: If you earned more than one bachelor's degree, please report the month and year for the first degree you were awarded.]

Month (MM)

Year (YYYY)

A-14. Which college/university awarded your bachelor's degree?

[Fill in. Note: If you earned more than one bachelor's degree, please report the institution that awarded the first one.]

A-15. Where did you receive most of your pre-college education? [Mark one.]

- United States
 Other, please specify _____

A-16. Other than your enrollment in law school, what is your highest level of completed formal education?

[Mark one.]

- Bachelor's degree
 Second/additional Bachelor's degree
 Some graduate school
 Master's Degree [e.g., MSW, MBA, MPH, MA, or other MA]
 Doctorate [e.g., PhD, EdD]
 Professional degree [e.g., MD, DDS]
 Other, please specify _____

A-17. At what age did you first seriously think about attending law school?

[Fill in; e.g., 8 years of age = 08; if you don't remember, mark "don't remember" below.]

Age

- Don't remember; don't know

A-18. a. In what month and year did you take the Law School Admission Test (LSAT) most recently?

[Mark the month below and fill in the year.]

- June
 Sept/Oct
 December
 February Year (YYYY)

b. What LSAT score did you receive?

[Fill in score.]

LSAT Score

Your Work and Current Expenses

A-19. Do you plan to attend law school...?

[Mark one.]

- Full-time?
 Part-time?

A-20. Do you plan to attend law school...?

[Mark one.]

- In a day program?
 In an evening program?

A-21. Not counting summers and school vacations, did you work for pay an average of 20 hours or more per week while enrolled in a full course load at your undergraduate college/university? [Mark one.]

- No
 Yes, during one of my undergraduate years, I worked 20+ hours per week.
 Yes, during two of my undergraduate years, I worked 20+ hours per week.
 Yes, during three of my undergraduate years, I worked 20+ hours per week.
 Yes, during four of my undergraduate years, I worked 20+ hours per week.
 Yes, during five or more of my undergraduate years, I worked 20+ hours per week.

A-22. Not counting summers or school vacations, do you intend to work for pay, either full-time or part-time, during the upcoming year in law school? [Mark one.]

- No, I will not be working for pay.
 Yes, I will have a part-time job for pay.
 Yes, I will have a full-time job for pay.
 I haven't yet decided whether or not I will work for pay this year.

A-23. Do you have primary financial responsibility for any of the following individuals? [Mark all that apply.]

- Yourself
 Your spouse/partner
 Your children
 Your parents
 Other relatives
 Non-relatives
 I do not have primary financial responsibility for any of the above individuals.

A-24. As of July 1, 2004, how much did you owe for educational expenses? Give the total amount in loans that you borrowed and you were legally obligated to pay back and as of July 1 had not yet paid back.

[Mark one; NOTE: Include loans from educational institutions, banks, credit unions, loan companies, loan programs, family, friends, and other sources.]

- No debt
 Less than \$5,000
 \$5,001 - \$10,000
 \$10,001 - \$20,000
 \$20,001 - \$30,000
 \$30,001 - \$40,000
 \$40,001 - \$50,000
 More than \$50,000

A-25. Was there a specific work experience that influenced your decision to go to law school?

[Mark one.]

- No [If no, go to question B-1.]
 Yes [If yes, please complete parts A and B.]

→ **a. If yes, was this experience paid or volunteer?** [Mark one.]

- Paid experience
 Volunteer experience

→ **b. If yes, please tell us your job title, the organization where you worked, and where the job was located.** [Fill in job title, organization, and location.]

Job Title: _____

Organization: _____

City, State _____

Section B. Family Background. We are now interested in knowing a bit about your family background and the context that may have affected your decision to attend law school.

B-1. What was your family situation before you reached age 18? [Mark one.]

- I had no parents/guardians. → Skip to question B-2.
- I had one parent/guardian. → Please complete the column below for Parent/Guardian 1 only.
- I had two parents/guardians. → Please complete columns for Parent/Guardian 1 and Parent/Guardian 2.
- I had more than two parents/guardians. → Please choose the two parents/guardians with whom you lived the longest and complete both columns.

	About Parent/Guardian 1	About Parent/Guardian 2
a. This person is... [Mark <u>one</u> per parent.]	<input type="radio"/> Male <input type="radio"/> Female	<input type="radio"/> Male <input type="radio"/> Female
b. How is this person related to you? [Mark <u>one</u> per parent.]	<input type="radio"/> Biological parent <input type="radio"/> Adoptive parent <input type="radio"/> Step parent [spouse/partner of biological parent] <input type="radio"/> Other guardian, please specify _____	<input type="radio"/> Biological parent <input type="radio"/> Adoptive parent <input type="radio"/> Step parent [spouse/partner of biological parent] <input type="radio"/> Other guardian, please specify _____
c. What is the highest level of education that this person completed? [Mark <u>one</u> per parent.]	<u>High School or Less</u> <input type="radio"/> Grade school or less <input type="radio"/> Some high school <input type="radio"/> High school diploma or equiv. <u>College</u> <input type="radio"/> Some college <input type="radio"/> Associate's degree <input type="radio"/> Bachelor's degree <input type="radio"/> Second/additional Bachelor's degree <u>Post College</u> <input type="radio"/> Some graduate school <input type="radio"/> Master's Degree [e.g., MSW, MBA, MPH, MS, or other MA] <input type="radio"/> Doctorate [e.g., PhD, EdD] <input type="radio"/> Professional degree [e.g., MD, JD, DDS] <u>Other</u> <input type="radio"/> Do not know <input type="radio"/> Other, please specify _____	<u>High School or Less</u> <input type="radio"/> Grade school or less <input type="radio"/> Some high school <input type="radio"/> High school diploma or equiv. <u>College</u> <input type="radio"/> Some college <input type="radio"/> Associate's degree <input type="radio"/> Bachelor's degree <input type="radio"/> Second/additional Bachelor's degree <u>Post College</u> <input type="radio"/> Some graduate school <input type="radio"/> Master's Degree [e.g., MSW, MBA, MPH, MS, or other MA] <input type="radio"/> Doctorate [e.g., PhD, EdD] <input type="radio"/> Professional degree [e.g., MD, JD, DDS] <u>Other</u> <input type="radio"/> Do not know <input type="radio"/> Other, please specify _____
d. Which occupation did this person hold for the longest time? [Mark <u>one</u> per parent.]	<input type="radio"/> <u>Homemaker</u> [did not work for pay outside the home] <input type="radio"/> <u>Private household worker</u> [private cook, maid, child care worker] <input type="radio"/> <u>Service worker, except private household</u> [custodian, policeman, waitress/waiter/server, food service worker, nursing or dental assistant, recreation service worker, elevator operator, door person] <input type="radio"/> <u>Professional or technical worker</u> [teacher, nurse, accountant, stockbroker, social worker, artist, lawyer, doctor, computer programmer, clergy] <input type="radio"/> <u>Manager or administrator, except farm</u> [bank officer, office manager, inspector, restaurant/sales manager] <input type="radio"/> <u>Sales worker</u> [insurance/real estate agent, sales clerk or representative, cashier] <input type="radio"/> <u>Clerical worker</u> [bank teller, mail carrier, library assistant, receptionist/ secretary/ word processor, bookkeeper, dispatcher] <input type="radio"/> <u>Skilled worker or craftsperson</u> [carpenter, electrician, machinist, mechanic, foreman, sheet metal worker] <input type="radio"/> <u>Operator, except transport</u> [assembler, machine or textile operator, clothing presser] <input type="radio"/> <u>Transport equipment operator</u> [taxi, truck, or bus driver, delivery person, train conductor] <input type="radio"/> <u>Farm or farm manager</u> <input type="radio"/> <u>Laborer</u> [outdoor services worker, garbage collector, warehouse worker, unskilled factory worker] <input type="radio"/> <u>Other, please specify</u> _____	<input type="radio"/> <u>Homemaker</u> [did not work for pay outside the home] <input type="radio"/> <u>Private household worker</u> [private cook, maid, child care worker] <input type="radio"/> <u>Service worker, except private household</u> [custodian, policeman, waitress/waiter/server, food service worker, nursing or dental assistant, recreation service worker, elevator operator, door person] <input type="radio"/> <u>Professional or technical worker</u> [teacher, nurse, accountant, stockbroker, social worker, artist, lawyer, doctor, computer programmer, clergy] <input type="radio"/> <u>Manager or administrator, except farm</u> [bank officer, office manager, inspector, restaurant/sales manager] <input type="radio"/> <u>Sales worker</u> [insurance/real estate agent, sales clerk or representative, cashier] <input type="radio"/> <u>Clerical worker</u> [bank teller, mail carrier, library assistant, receptionist/ secretary/ word processor, bookkeeper, dispatcher] <input type="radio"/> <u>Skilled worker or craftsperson</u> [carpenter, electrician, machinist, mechanic, foreman, sheet metal worker] <input type="radio"/> <u>Operator, except transport</u> [assembler, machine or textile operator, clothing presser] <input type="radio"/> <u>Transport equipment operator</u> [taxi, truck, or bus driver, delivery person, train conductor] <input type="radio"/> <u>Farm or farm manager</u> <input type="radio"/> <u>Laborer</u> [outdoor services worker, garbage collector, warehouse worker, unskilled factory worker] <input type="radio"/> <u>Other, please specify</u> _____
e. What job did this person have for the longest time? [Give position title & business.]	Position Title: _____ Type of Business: _____	Position Title: _____ Type of Business: _____

Section B. Continued.

Your Family Context

B-2. When you were growing up, was a language other than English spoken in your household? [Mark one.]

- No [If no, go to question B-3.]
- Yes [If yes, please continue with parts a, b, and c.]

→ **a. If yes, what language was that?**
[Fill in; if more than one language other than English spoken in your home, please choose the most frequently spoken language.]

→ **b. If yes, do you feel that you speak English at least as well as or better than other languages you speak?** [Mark one.]

- No, I speak another language better.
- Yes, I speak English better.
- The same. I speak English and the other language about the same.

B-3. Thinking about the time when you were in high school...

a. Compared with American families in general at that time, what was your family income? [Mark one.]

- Far below average
- Below average
- Average
- Above average
- Far above average

b. What dollar figure best fits your family household annual income at that time? [Mark one.]

Below \$100,000

- Below \$10,000
- \$10,000-\$49,999
- \$50,000-\$99,999

Between \$100,000-\$299,999

- \$100,000-\$149,999
- \$150,000-\$199,999
- \$200,000-\$299,999

Over \$300,000

- \$300,000-\$399,999
- \$400,000-\$499,999
- Over \$500,000

Other

- Don't know; unable to estimate

B-4. Do you disagree or agree with the following statements? [Mark one for each question.]

	Disagree	Agree	Don't Know/NA
a. When I was growing up, most of my neighbors were of my same racial or ethnic background.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. My parents preferred that we did not socialize with people from racial or ethnic backgrounds that were different from ours.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. At my high school, most of the <u>other students</u> were of my same racial or ethnic background.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. During my high school years, most of my <u>close friends</u> were of my same racial or ethnic background.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. During high school, I was more "academically minded" than most of my immediate friends.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

B-5. How often, while you were growing up, did your parents or primary guardians say or do things to... [Mark one for each question.]

	Never	Seldom	Somewhat Often	Often	Very Often
a. Encourage you to be proud of your ethnicity and culture?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Promote your awareness of your culture and history?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Talk about the value of diversity?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Talk about ethnic and cultural bias?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Encourage your educational goals?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Your Interactions and Beliefs

B-6. How closely do you identify with other people who are of the same racial and ethnic descent as yourself? [Mark one.]

- Not at all closely
- Not very closely
- Somewhat closely
- Very closely

B-7. How close do you feel, in your ideas and feelings about things, to other people of the same racial and ethnic descent as yourself? [Mark one.]

- Not at all close
- Not very close
- Somewhat close
- Very close

B-8. If you could choose, how much time would you like to spend with other people who are of your same racial and ethnic group? [Mark one.]

- None
- A little
- Some
- A lot

B-9. Do you think what happens generally to people of your same racial or ethnic group in this country will have something to do with what happens in your life? [Mark one.]

- No [If no, go to question C-1.]
- Don't know [If don't know, go to question C-1.]
- Yes → **If yes, will it affect you not very much, some, or a lot?** [Mark one.]
 - Not very much
 - Some
 - A lot

Section C. Your Experiences. In this section we would like to learn about the types of experiences you have had during your lifetime and during college. Please answer the questions below.

C-1. People are concerned about fair treatment of others and other equality issues today. Thinking about your own experience, do you feel you have ever experienced discrimination or adverse treatment . . . [Mark one for each question.]

a. Due to your race or ethnicity...

During your years as an undergraduate? No Yes, a Little Yes, a Lot

In the work environment?

During the law school admission process?

In your daily life?

b. Due to your gender...

During your years as an undergraduate? No Yes, a Little Yes, a Lot

In the work environment?

During the law school admission process?

In your daily life?

c. Due to another personal characteristic...

During your years as an undergraduate? No Yes, a Little Yes, a Lot

In the work environment?

During the law school admission process?

In your daily life?

d. Did you answer "yes, a little" or "yes, a lot" to any of the questions in part c? [Mark one.]

No
 Yes → **If yes**, to which personal characteristic did you refer?

C-2. In your experience, how often have the following happened to you? [Mark one for each question.]

	Never	Less Than Once a Year	A Few Times a Year	A Few Times a Month	At Least Once a Week	Almost Everyday
a. You are treated with less courtesy than other people.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. You are treated with less respect than other people.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. You receive poorer service than other people at restaurants or stores.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. People act as if they think you are not smart.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. People act as if they are afraid of you.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. People act as if they think you are dishonest.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. People act as if they're better than you are.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. You are called names or insulted.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. You are threatened or harassed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. You are followed around in stores.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. You have been subjected to discrimination in a public place or setting because of your race or ethnicity.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. You have been subjected to discrimination in a public place or setting because of your gender.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

C-3. While growing up, how often were there problems with muggings, burglaries, assaults, or anything else like that in your neighborhood? [Mark one.]

Never Seldom Somewhat Often Often Very Often

C-4. While growing up, how often were drugs sold and/or used in your neighborhood? [Mark one.]

Never Seldom Somewhat Often Often Very Often

C-5. While growing up, there was a strong "sense of community" in my neighborhood. [Mark one.]

Strongly Disagree Disagree Neither Disagree Nor Agree Agree Strongly Agree

Section C. Continued.

C-6. Please answer the following questions about your experiences with discrimination.

<p>a. Have you ever been <u>unfairly</u> stopped, searched, questioned, physically threatened or abused by the police? [Mark <u>one</u>.] <input type="radio"/> No [If no, go to part b.] <input type="radio"/> Don't Know [If don't know, go to part b.] <input type="radio"/> Yes → → →</p>	<p>If yes, what do you think was the <u>main</u> reason for this experience? [Mark <u>one</u>.] <input type="radio"/> Your Ancestry/National Origins <input type="radio"/> Your Age <input type="radio"/> Your Gender <input type="radio"/> Your Height or Weight <input type="radio"/> Your Race <input type="radio"/> Your Shade of Skin Color <input type="radio"/> Other, please specify _____</p>	<p>If yes, how often has this happened to you? [Mark <u>one</u>.] <input type="radio"/> Seldom <input type="radio"/> Somewhat often <input type="radio"/> Often <input type="radio"/> Very often</p>
<p>b. Have you ever been <u>unfairly</u> discouraged by a teacher or advisor from continuing your education? [Mark <u>one</u>.] <input type="radio"/> No [If no, go to part c.] <input type="radio"/> Don't Know [If don't know, go to part c.] <input type="radio"/> Yes → → →</p>	<p>If yes, what do you think was the <u>main</u> reason for this experience? [Mark <u>one</u>.] <input type="radio"/> Your Ancestry/National Origins <input type="radio"/> Your Age <input type="radio"/> Your Gender <input type="radio"/> Your Height or Weight <input type="radio"/> Your Race <input type="radio"/> Your Shade of Skin Color <input type="radio"/> Other, please specify _____</p>	<p>If yes, how often has this happened to you? [Mark <u>one</u>.] <input type="radio"/> Seldom <input type="radio"/> Somewhat often <input type="radio"/> Often <input type="radio"/> Very often</p>
<p>c. Have you ever moved into a neighborhood where neighbors made life difficult for you or your family? [Mark <u>one</u>.] <input type="radio"/> No [If no, go to part d.] <input type="radio"/> Don't Know [If don't know, go to part d.] <input type="radio"/> Yes → → →</p>	<p>If yes, what do you think was the <u>main</u> reason for this experience? [Mark <u>one</u>.] <input type="radio"/> Your Ancestry/National Origins <input type="radio"/> Your Age <input type="radio"/> Your Gender <input type="radio"/> Your Height or Weight <input type="radio"/> Your Race <input type="radio"/> Your Shade of Skin Color <input type="radio"/> Other, please specify _____</p>	<p>If yes, how often has this happened to you? [Mark <u>one</u>.] <input type="radio"/> Seldom <input type="radio"/> Somewhat often <input type="radio"/> Often <input type="radio"/> Very often</p>
<p>d. Have you ever received service from someone such as a plumber or car mechanic that was worse than what other people got? [Mark <u>one</u>.] <input type="radio"/> No [If no, go to part e.] <input type="radio"/> Don't Know [If don't know, go to part e.] <input type="radio"/> Yes → → →</p>	<p>If yes, what do you think was the <u>main</u> reason for this experience? [Mark <u>one</u>.] <input type="radio"/> Your Ancestry/National Origins <input type="radio"/> Your Age <input type="radio"/> Your Gender <input type="radio"/> Your Height or Weight <input type="radio"/> Your Race <input type="radio"/> Your Shade of Skin Color <input type="radio"/> Other, please specify _____</p>	<p>If yes, how often has this happened to you? [Mark <u>one</u>.] <input type="radio"/> Seldom <input type="radio"/> Somewhat often <input type="radio"/> Often <input type="radio"/> Very often</p>
<p>e. For <u>unfair</u> reasons, have you ever not been hired for a job? [Mark <u>one</u>.] <input type="radio"/> No [If no, go to question C-7.] <input type="radio"/> Don't Know [If don't know, go to question C-7.] <input type="radio"/> Yes → → →</p>	<p>If yes, what do you think was the <u>main</u> reason for this experience? [Mark <u>one</u>.] <input type="radio"/> Your Ancestry/National Origins <input type="radio"/> Your Age <input type="radio"/> Your Gender <input type="radio"/> Your Height or Weight <input type="radio"/> Your Race <input type="radio"/> Your Shade of Skin Color <input type="radio"/> Other, please specify _____</p>	<p>If yes, how often has this happened to you? [Mark <u>one</u>.] <input type="radio"/> Seldom <input type="radio"/> Somewhat often <input type="radio"/> Often <input type="radio"/> Very often</p>

C-7. As people go through life, they may experience adverse interactions or conflicts, based on race, involving a person of a different racial background. Do you believe that you have ever experienced such adverse interactions or conflicts? [Mark one.]

- No [If no, go to question C-8.]
 Yes → **If yes, how likely would you be to respond to such adverse interactions or conflicts in the ways listed below?**

I would... [Mark <u>one</u> for <u>each</u> question.]	Not at All Likely	Not Very Likely	Moderately Likely	Very Likely	Extremely Likely
a. Try to do something about it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Accept it as a fact of life.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Confront the situation right away.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Work harder to prove them wrong.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Realize that I brought it on myself.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Talk to a friend <u>of my same race</u> about it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Talk to a friend, <u>regardless of race</u> , about it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Consider carefully the point of view that was expressed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Get mad and/or express anger.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Pray about it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Mull it over and ruminate about it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Find something to do to take my mind off of it.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Feel depressed.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section C. Continued.

Your College Experience

C-8. During your undergraduate years, how often did you...
[Mark one for each question.]

	Never	Seldom	Some- what Often	Often	Very Often
a. Discuss racial issues?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Have close friends from a different racial/ethnic group?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Date someone from a different racial/ethnic group?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Study with someone from a different racial/ethnic group?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Take ethnic studies courses?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Take women's studies courses?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Attend racial/cultural awareness programs?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Miss class due to employment responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Miss class due to family responsibilities?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Meet with faculty outside of class?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

C-9. During your years as an undergraduate, did you . . .
[Mark one for each question.]

	No	Yes
a. Participate in an ethnic/racial student organization?	<input type="radio"/>	<input type="radio"/>
b. Hold an office in a student organization (not including student government)?	<input type="radio"/>	<input type="radio"/>
c. Participate in a study abroad program?	<input type="radio"/>	<input type="radio"/>
d. Have a roommate of a different race/ethnicity?	<input type="radio"/>	<input type="radio"/>
e. Participate in student government?	<input type="radio"/>	<input type="radio"/>
f. Modify your views on an important political issue due to discussions with someone from a different racial/ethnic background than you?	<input type="radio"/>	<input type="radio"/>

C-10. During college, how much interaction on campus did you have with . . .
[Mark one for each question.]

	Not Very Much	Some	A Lot
a. Asian American students?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Hispanic/Latino students?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. African American students?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Native American students?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. White students?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

C-11. During college, was there at least one mentor or faculty member who had a strong positive impact on your intellectual or personal development? [Mark one.]

- No [If no, go to question D-1.]
- Yes → **If yes, please think about the one mentor or faculty member during college who had the most impact on you.**

a. What was this mentor's or faculty member's sex? [Mark one.]

- Male
- Female

b. What was this mentor's or faculty member's race? [Mark one.]

- African American/Black
- American Indian, Aleutian, Native Alaskan or Eskimo
- Asian/Pacific Islander
- Hispanic/Latino
- White (non-Hispanic)
- Other, please specify _____
- Don't know

c. What is the main reason this mentor or faculty member had an impact on you? [Mark one.]

- The quality of the classroom teaching
- Showed a personal interest in me outside of class
- Took my academic work seriously and encouraged my academic development
- Other, please specify _____

Section D. Your Perspective. In this section we would like to learn about your attitudes and beliefs on a number of different topics. Please answer the questions below.

D-1. To what extent do you disagree or agree with the following statements? [Mark <u>one</u> for <u>each</u> question.]	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree
a. Rehabilitation is more effective than long incarceration for minor drug offenses.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. The law should allow consideration of race in university admissions decisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. People at the bottom of the economic scale are probably lazier than those at the top.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. In America today, every person has an equal opportunity to achieve economic success.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. The United States should employ military force to bring democracy to societies dominated by dictators.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Because Irish, Italians, Jews, and many other minorities overcame prejudice and worked their way up, Blacks should do the same without any special favors.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Government should only attempt to ensure that people have equal opportunity, but it should not attempt to enforce equal outcomes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. The President of the United States sometimes has to make tough decisions about war and should be supported in those decisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. A citizen should be allowed to burn the American flag as an expression of free speech.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Governmental benefits such as healthcare and welfare should be an entitlement for all American citizens.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Governmental benefits such as healthcare and welfare should be available to non-documented immigrants.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Immigrants today are a burden on our country because they take our jobs, housing, and healthcare.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. English should be the official language of the United States.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. To meet the heightened security needs of our country, the United States should have the right to detain individuals without providing access to lawyers and/or pressing formal charges.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. To combat terrorism, the American government should have access to travel, credit, and medical records of all U. S. citizens.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. In the U. S., the interests of ordinary, hardworking citizens are not adequately represented in the political process.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. In the corporate world, women executives are promoted to the highest levels of the organization at the same rate as are men.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r. People should marry other people from their same racial and ethnic group.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
s. The pursuit of social justice is a critical need in American society.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
t. I believe that the police in my community tend to treat one or more races unfairly.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
u. There are always some people whose ideas are considered bad or dangerous by other people. Consider a person who believes that blacks are genetically inferior. Such a person should be allowed to teach in a college or university.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
v. I believe that the college admissions process is fair with respect to <u>race</u> .	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
w. I believe that the college admissions process is fair with respect to <u>economic status</u> .	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
x. I believe that the college admissions process is fair with respect to <u>family background</u> .	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section D. Continued.

D-2. Some people believe that Blacks have been discriminated against for so long that the government has a special obligation to help improve their living standards. Others believe the government should not be giving special treatment to Blacks. What is your opinion on this, or have you not made up your mind?

The Government... [Mark one.]

Should Not Be Giving Special Treatment to Blacks
 Neutral
 Has a Special Obligation to Help Blacks

I haven't made up my mind on this.

D-3. Which opinion below best agrees with your view on abortion? [Mark one.]

- Abortion should never be permitted.
- Abortion should only be permitted in the case of rape, incest, or when the woman's life is in danger.
- Abortion should be permitted for reasons other than rape, incest, or danger to the woman's life, but only after the need for abortion has been clearly established.
- A woman should always be able to obtain an abortion as a matter of personal choice.

D-4. Gay and lesbian couples should receive the same rights and benefits that heterosexual couples receive for: [Mark one for each question.]

	Strongly Disagree	Disagree	Neither Disagree Nor Agree	Agree	Strongly Agree
a. Health care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Legal marriage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Parental rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Pension coverage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

D-5. How would you rate the state of race relations in the United States these days? [Mark one.]

Very Bad
 Bad
 Neither Good Nor Bad
 Good
 Very Good

No opinion

D-6. Race relations in the United States are getting... [Mark one.]

Worse at a fast pace
 Worse at a slow pace
 Neither getting worse nor getting better
 Better at a slow pace
 Better at a fast pace

No opinion

D-7. Based on the events of September 11th 2001 (the date of the terrorist attacks on the World Trade Center and the Pentagon), do you think the immigration laws of the United States should be tightened to restrict the number of immigrants from Arab or Muslim countries into the United States? [Mark one.]

No, they should be loosened a lot
 No, they should be loosened some
 No, they're about right
 Yes, they should be tightened some
 Yes, they should be tightened a lot

No opinion

D-8. How much discrimination do you think there is against these different groups in our society today? [Mark one for each question.]

	None at All	Only a Little	Some	A Great Deal	Don't Know
a. American Indians/Native Americans	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Asians	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Atheists	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Blacks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Devout Christians	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Fundamentalist Christians	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Gays and lesbians	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Hispanics/Latinos	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Immigrants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Jews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Muslims	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Older adults	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. People who cannot read	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. People with disabilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. People who are poor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. People on welfare	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. Whites	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r. Women	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

D-9. For each of these current federal government programs, indicate whether you feel the program should be cut back, kept about the same, or expanded. [Mark one for each question.]

	Cut Back	Kept About the Same	Expanded	Don't Know
a. Aid for education	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Defense spending	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Economic aid to other nations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Gathering intelligence information about other countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Health care	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Homeland security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Military aid to other nations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Programs to combat violence and crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Social security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section E. Educational Expectations. In this section we would like to understand your ideas and thoughts about education in general, your learning tendencies, and your academic expectations during law school.

E-1. To what extent do you disagree or agree with the following statements? [Mark one for each question.]					
	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree
a. Class time should not be used to discuss racial issues.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. A more racially diverse student body can challenge all students to think about different viewpoints.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. A more diverse student body hinders students' ability to work together.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. I believe that I am a more effective critical thinker when I consider carefully points of view other than my own.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Racial diversity on campus will improve students' abilities to work and get along with others after graduation in an increasingly diverse society.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. My own ability to work and get along with others has been enhanced significantly by interactions that I have had with others from a different racial/ethnic background than my own.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. My educational experience has been enhanced significantly by being exposed to diverse points of view expressed in the classroom.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. It is important that courses reflect cultural differences such as the needs and strengths of low-income groups.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E-2. Diversity among students enrolled in my law school will... [Mark one for each question.]					
	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree
a. Enhance my learning and educational experiences in law school generally.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Improve my understanding and ability to work with others in law school by increasing my interactions with individuals who differ from me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Improve my ability to interact with diverse individuals in the profession after law school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Improve my ability to interact with diverse individuals in society generally after law school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E-3. I believe that I learn best when... [Mark one for each question.]					
	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree
a. I can participate in class [e.g., by speaking or defending a relevant point during a discussion].	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. I am in a classroom with 50 students or more.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. I can listen to the points of view of others and reflect on them before speaking.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. I know what questions will be asked in advance.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. I have the opportunity to "think on my feet" and give a quickly reasoned response.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. I can use a diagram, model, or other visual device to analyze a concept.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. I have my ideas challenged and sharply critiqued in discussion.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. I am able to apply what I am learning by working on finding practical solutions to problems.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. I am able to connect concepts that I am learning to problems or experiences that I have encountered before law school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
E-4. Thinking about your last year of college, please indicate how often you did the following: [Mark one for each question.]					
	Never	Sometimes	Often	Very Often	
a. I came to class without completing readings or assignments.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
b. I prepared two or more drafts of a paper or assignment before turning it in.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
c. I contributed to class discussions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
d. I chose to work in a study group with other students.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
e. I actively debated students in the class if I didn't agree with their viewpoints.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
f. I had serious conversations with students who are very different from me in terms of their religious beliefs, political opinions, or personal values.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
g. I had political debates with my friends and/or family.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
h. I used email to communicate with a faculty member.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
i. I discussed assignments with a faculty member.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
j. I talked about career plans with a faculty member or advisor.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
k. I attended lectures, seminars, or colloquia that were not required for my courses.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
l. I engaged in a sustained and mentored research experience with a faculty member [e.g., thesis/honors project, independent research].	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

Section E. Continued.

Law School Expectations

E-5. Realistically, at the end of the first year of law school, I believe that my class rank will be in the: [Mark one.]

- Top 5%
- Top 10%
- Top quarter
- Top half
- Bottom half
- Bottom quarter

E-6. During my first year of law school, I expect to have to work many more hours than my classmates to keep up with the demands of law school. [Mark one.]

- | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Strongly Disagree | Somewhat Disagree | Neutral | Somewhat Agree | Strongly Agree |

E-7. In law school I expect to encounter some students who will not be as qualified as others due to admissions based on ... [Mark one for each question.]

	No	Yes	Don't Know/NA
a. Affirmative action	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Family connection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Gender-based factors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Geographical origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. In-state (or out-of-state) quotas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. International status	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Learning disability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Legacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Physical disability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Political beliefs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Political connection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

E-8. During law school, I expect to participate in: [Mark one for each question.]

	No	Yes	Don't Know/NA
a. Law Review	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Other journal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Moot Court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Student government	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. A group related to my academic interests [e.g., International Law Club]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. A legal fraternity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. A group related to my social interests [e.g., Domestic Violence Prevention Club]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. A group promoting pro bono activities [e.g., community service]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. A group promoting my political interests [e.g., Reproductive Rights Organization]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. A group organized around my racial or ethnic identity [e.g., Asian Pacific American Law Students Association]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Other, please specify _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

E-9. As part of your legal education during law school, how likely do you think it is that you will receive formal classroom instruction on how to... [Mark one for each question.]

	Very Unlikely	Somewhat Unlikely	Somewhat Likely	Very Likely
a. Solve legal problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Perform legal research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Try a case in court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Argue a case on appeal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Work collaboratively with others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Interview clients	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Cross-examine witnesses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Write a legal brief	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Defend my point of view of the law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Mediate to solve disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Solve disputes using non-adversarial dispute resolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Understand how parties' cultural differences influence dispute-settlement behaviors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Work harmoniously with others notwithstanding our adversarial interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Interview jurors to assure that they are unbiased	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Understand the role of race in eyewitness identification	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. Identify and counteract invidious influences in the justice system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

E-10. For each of the following traits and attributes, please rate how you expect to compare with your first year classmates at the law school you are attending. [Mark one for each question.]

	Lowest 10%	Below Average	Average	Above Average	Highest 10%
a. Ability to work cooperatively	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Academic ability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Competitiveness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Emotional stability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Leadership capabilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Physical health	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Public speaking ability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Agreeableness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Self-confidence in academic situations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Self-confidence in social situations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Conscientiousness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Writing ability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Imagination and creativity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Emotional intelligence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Sense of humor	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. Physical attractiveness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. Honesty and integrity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Section F. Career Aspirations. In this final section, we would like to know your aspirations and future expectations about your career, after you have graduated from law school.

F-1. We are interested in your reasons for going to law school. How important were each of reasons in your decision to go to law school?
 [Mark one for each question.]

	Not at All Important	Slightly Important	Moderately Important	Very Important	Extremely Important
a. Influence of family, teachers, friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Expectation of intellectual stimulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Expectation of professional training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Desire to argue and debate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Prestige of profession	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Opportunity to be of service to society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Desire for varied work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Desire to go into politics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Desire to go into business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Desire to teach law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Desire to go into governmental service	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Desire to earn a lot of money	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Desire to influence public policy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Lack of power and influence in prior work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. An event or occurrence involving the legal system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. Experience I had working with lawyers in a legal setting or law office	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. Other, please specify _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

F-2. Which of these work settings would be most appealing for you as a place of employment during your first few years after graduating from law school? [Mark one.]

- Academic
- Prosecutor's office
- Public defender's office
- Large private firm [50+ attorneys]
- Mid-sized firm [11-50 attorneys]
- Small firm [10 or fewer attorneys]
- Solo practice
- Legislative office
- A government agency
- A public interest group [e.g., environmental group, civil rights group]
- Business or financial institution
- Other, please specify _____

F-3. At what point in your profession that will be your life's work will you consider yourself successful enough to relax and stop trying so hard to get ahead? When you are... [Mark one.]

- Doing well enough to stay in the profession
- Doing as well as the average person in the profession
- Doing a little better than the average person in the profession
- Doing much better than the average person in the profession
- Recognized as one of the top persons in the profession

F-4. What type of law do you expect to practice during your first few years after graduating from law school?

a. Please mark the areas in which you expect to spend 25% or more of your time practicing. That is, you may mark up to four areas.

- | | |
|--|---|
| <input type="radio"/> Administrative law | <input type="radio"/> Intellectual property law |
| <input type="radio"/> Bankruptcy law | <input type="radio"/> International law |
| <input type="radio"/> Computer law | <input type="radio"/> Labor law |
| <input type="radio"/> Corporate law | <input type="radio"/> Litigation |
| <input type="radio"/> Criminal law | <input type="radio"/> Personal injury |
| <input type="radio"/> Elder law | <input type="radio"/> Property law |
| <input type="radio"/> Environmental law | <input type="radio"/> Public interest |
| <input type="radio"/> Family law | <input type="radio"/> Real estate |
| <input type="radio"/> Health law | <input type="radio"/> Tax |
| <input type="radio"/> Immigration law | <input type="radio"/> Trusts and estates |

I do not yet have well-formulated ideas about the area of law in which I would like to work.

Other, please specify _____

b. If you could choose only one area of law from the one(s) you marked above in (a), what would you choose? [Fill in.]

Section F. Continued.

F-5. How important to you are each of these factors for a law-related job? [Mark <u>one</u> for each question.]	Not at All Important	Slightly Important	Moderately Important	Very Important	Extremely Important
a. Opportunity for intellectual stimulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Adversarial nature of work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Potential to work independently toward goals I set for myself	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Opportunity to work with a team of people	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Opportunity to earn a high income	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Potential to work for justice for all people	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Opportunity to have a wide variety of work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Opportunity to be a spokesperson for the rights of the powerless in society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i. Opportunity to balance career and family life	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Potential to have influence in the community	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Opportunity to participate in politics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Prestige of position	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
m. Opportunity for leadership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
n. Opportunity to handle important tasks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
o. Opportunity to be of service to society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
p. Opportunity to use speaking and writing skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
q. Opportunity to become an expert	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
r. Opportunity to have supportive supervision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
s. Having clear expectations about my job role	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
t. Potential to work for something I believe in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
u. Opportunity to have a challenging workload	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
v. Potential to have one or more helpful mentors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
w. Opportunity to make decisions about how work should be done.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
x. Opportunity to predict my job future	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
y. Having job security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
z. Other, please specify _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

F-6. After graduating from law school, I expect that my <u>gender</u> may limit my options for... [Mark <u>one</u> for each question.]	Strongly Disagree	Disagree	Neither Disagree Nor Agree	Agree	Strongly Agree
a. Invitations to interview for jobs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Job offers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Compensation packages for my job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. The type and quality of job assignments I receive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Productive interactions with law colleagues in my job setting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Timely promotions and professional advancement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

F-7. After graduating from law school, I expect that my <u>race</u> may limit my options for... [Mark <u>one</u> for each question.]	Strongly Disagree	Disagree	Neither Disagree Nor Agree	Agree	Strongly Agree
a. Invitations to interview for jobs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Job offers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Compensation packages for my job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. The type and quality of job assignments I receive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Productive interactions with law colleagues in my job setting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Timely promotions and professional advancement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- F-8. Rate your knowledge of the University of Michigan affirmative action cases. [Mark one.]
- Not at all knowledgeable [have very little to no awareness about the cases]
 - Slightly knowledgeable [have limited awareness of the cases, mainly from the news]
 - Moderately knowledgeable [followed the cases closely in the news, but have not read them]
 - Very knowledgeable [followed the cases closely in the news and read the cases]
 - Extremely knowledgeable [have read and studied the cases]

Thank you very much for participating in our study and providing your valuable time and responses!

Instructions for Returning Your Completed Survey

There are two ways that you can return your survey to us.

1. Please place your completed survey in the provided blank envelope, seal the envelope, and return to the person who distributed this survey at your law school; or
2. If you would like, you may mail your completed survey to:

Dr. Abigail T. Panter
The Educational Diversity Project
Department of Psychology
University of North Carolina
CB 3270, Davie Hall
Chapel Hill, NC 27599-3270

(We will reimburse you for your postage.)

NOTE: Your responses will be kept completely confidential. Only the study researchers for The Educational Diversity Project will have access to your data. The researchers will keep your data in a secure location and will not release any data with identifying information.

Thank you again for your help, participation, and support of this national study of first-year law students.

If you have any questions about this study, please feel free to contact:

Professor Charles E. Daye at cdaye@email.unc.edu

or

Professor Abigail T. Panter at panter@unc.edu

Educational Diversity Project
2005 Law Student Focus Groups Protocol

The purpose of today's focus group is to better understand your experience with diversity in law school. Please be assured that your responses will be held in the strictest professional confidence. Please also maintain the confidentiality of others in the group. Thank you in advance for your assistance.

First, we have an introductory question.

1. Please tell us your assigned name, race/ethnicity, hometown, and the undergraduate institution you attended.

Now let's talk about diversity and the law school experience.

2. Do you feel this law school campus is a diverse environment to learn about the law? If so, what are the advantages and disadvantages to having a racially diverse student body on your law school campus?
3. Do you think there are enough students like you at this law school to feel comfortable here? Being "like you" refers to people with a similar background and experiences.
4. Since starting law school, have you had contact or interaction with others who are from a different background than yourself? What type of contact? Is it more or less than when you were in college? Is it more or less than when you were in high school?
5. How, if at all, has diversity in the faculty affected your study of the law? How are professors of color different from white professors? How are female professors different from male professors?
6. Are any of you members of law student organizations, institutional programs, journals, or clinics specifically focused on race/ethnicity or gender? If so, please tell us why you joined and what your experience has been like.

I also have some questions about cases you may have covered in your classes.

7. In discussions of *Johnson v M'Intosh* or other cases in your Property class, did students or the professor explicitly raise the issue of how caselaw may have affected Native American property rights? Can you tell us how those discussions went?
8. In discussions of *People v Goetz*, where a man is charged with shooting four youth who approached him for money on a NY subway, or other cases in your Criminal Law class, did students or the professor explicitly raise the issue of how race and class may be implicated in the criminal justice system? How was the case discussed?
9. If your Criminal Law class covered the "reasonable person" standard (in *State v. Norman* considering the defendant's subjective view, or *State v. Kelly* which relies on "Battered Women's Syndrome" as an affirmative defense) or if it was covered in Torts, did students or the professor raise issues of race, class, or gender? How?

10. When discussing *Katzenbach v. McClung* (Ollie’s BBQ case), *Heart of Atlanta Motel*, or other Commerce Clause cases in Constitutional Law, did students or the professor explicitly include race? How were those discussions?
11. Which cases did you cover in Constitutional Law to explain fundamental rights? Did you read *Roe v. Wade* or any cases dealing with contraception or abortion rights? If so, did students or the professor explicitly include class or gender in the discussion of *Rust v. Sullivan*, *Harris v. McRae*, or *Maher v. Roe*? Tell us about the discussion.
12. If you covered voting rights in Constitutional Law (i.e., *Lassiter v. Northampton County Board of Elections* about literacy tests or *Harper v. Virginia Board of Elections* about poll taxes) did you focus on literacy requirements or poll taxes as applicable to all potential voters or was there a focus on how these were Southern efforts to disenfranchise African Americans? How was the discussion?
13. How were discussions you may have had about *Dred Scott* or *Plessy v. Ferguson*?
14. In discussions of *Brown v. Board of Education*, *Bakke v. UC Regents*, *Grutter v. Bollinger*, or other desegregation or affirmative action cases in Constitutional Law, did students or the professor explicitly raise issues of racial integration, legacy admits, or how women benefit from affirmative action? How were those discussions?
15. In discussions of *Loving v. Virginia* or other cases regarding right to marriage, did students or the professor explicitly raise issues of same-sex marriage? Did your class discuss *Romer v. Evans*, *Bowers v. Hardwick*, or *Lawrence v. Texas*, all cases involving gay and lesbian rights? If so, please describe those discussions.
16. In your Civil Procedure class, did you cover *Batson v. Kentucky* or *JEB v. Alabama* –prohibiting peremptory strikes in jury selection based on race and gender? How were those discussions?
17. Are there any other cases you can think of where you had a particularly noteworthy discussion of the topics we’ve covered today OR where you thought your class missed a unique opportunity to discuss race, gender, and/or sexual orientation?

Probes:

- Can you give an example?
- Did you talk about it with law school friends outside of class?
- Would you explain further?
- Would you say more?
- Is there anything else?
- Please describe what you mean.
- I don’t understand.
- Did you ever walk out of class saying, “I can’t believe he just said that!”

Educational Diversity Project
2006 Law Student Focus Groups Protocol

The purpose of today's focus group is to better understand your experience with diversity in law school. Please be assured that your responses will be held in the strictest professional confidence. Please also maintain the confidentiality of others in the group. Thank you in advance for your assistance.

First, we have an introductory question.

18. Please tell me your assigned name, race/ethnicity, gender, hometown, and the undergraduate institution you attended.

Now let's talk about your experience in law school generally.

19. Can you tell me how you chose your 2L classes and how they compare with your first-year coursework?
20. Which student organizations, institutional programs, journals, or clinics have you joined since starting law school? Please describe your involvement and experience.
21. Please characterize your relationships with the faculty here at the law school. Do you have especially strong relationships with any of them? Please elaborate.
22. Who or what do you rely on for support in law school? Support may include financial, emotional, intellectual, and other kinds of support.
23. Do you have a mentor –someone either inside or outside of the law school who you can trust for advice as you go through school? When and how did you meet this person? [What is this person's racial background and gender.]
24. Do you serve as a formal or informal mentor for a first year law student at your law school? How were those arrangements made?
25. Has the law school staff or administration asked you to recruit prospective students? Please tell me about any recruiting you may have been involved in.
26. Since starting law school, have you had contact or interaction with others who are from a different background than yourself? What type of contact?
27. Do you feel this law school campus is a diverse environment to learn about the law? If so, what are the advantages and disadvantages to having a racially diverse student body on your law school campus?
28. In which ways has law school been as you expected it to be? In which ways has it been different?

I also have some questions about your job search and experience.

29. Are you working for pay (including work-study) during the academic year? If so, please tell me about your job.
30. Where did you work this past summer? How did you get that job? Please tell me about your experience.
31. What are your plans for work this summer? How does that application process work?
32. Have you held or do you plan to take any internships or externships during law school or in the summer? Please tell me about those.
33. This is the end of my set of questions. Is there anything else you would like to add about your law school experience so far?

Probes:

- Can you give an example?
- Would you explain further?
- Would you say more?
- I don't understand.
- Did you talk about it with law school friends outside of class?
- Is there anything else?
- Please describe what you mean.

Educational Diversity Project
2007 Law Student Focus Groups Protocol

The purpose of today's focus group is to better understand your experience with diversity in law school. Please be assured that your responses will be held in the strictest professional confidence. Please also maintain the confidentiality of others in the group. Thank you in advance for your assistance.

First, we have an introductory question.

34. Please tell me your assigned name, race/ethnicity, gender, hometown, and the undergraduate institution you attended.

Now let's talk about your experience in law school generally.

35. Which student organizations, institutional programs, journals, or clinics have you joined since starting law school? Please tell us why you joined, and what your experience has been like.

2a. For those of you who are members of student groups, including race/ethnic-specific groups like BLSA or APALSA as well as other student organizations, can you share any particular benefits or drawbacks to being a member? [Make sure respondent specifies name of group.]

36. Please characterize your relationships with the faculty here at the law school. Do you have especially strong relationships with any of them? Is the faculty diverse?

3a. How, if at all, has it helped you to be part of a mentor relationship, whether with faculty or people outside of the law school and both as a mentor and a mentee? Has it harmed those of you without mentors or mentees?

37. Who or what do you rely on for support in law school? Support may include financial, emotional, spiritual, academic, or other kinds of support.

38. Since starting law school, have you had contact or interaction with others who are from a different background than yourself? What type of contact and where does it occur?

39. Do you feel this law school campus is a diverse environment to learn about the law? What do you think would have been different about your law school classes if they had been more diverse? Less diverse?

6a. How have you contributed to diversity at your law school?

6b. How, if at all, do you think the diversity you experienced in law school may help you after graduation?

40. Now that you are about to graduate, are you glad you made the decision to come to law school? Are you glad you came to this particular school? Why or why not?

7a. What would you say is the best thing about your law school? If you could change one thing, what would it be?

I also have some questions about your job search and experience.

41. Are you working for pay (including work-study) during the academic year? If so, please tell me about your job (hours, pay, experience, etc.).
42. Where did you work this past summer? Please tell me about it (hours, pay, experience, etc.).
43. What are your plans for work after graduation? Please tell me more about the job (expected hours, pay, experience, etc.).
44. This is the end of my formal set of questions for our last meeting while you are a law student. Is there anything else you would like to add about your law school experience? Either something about diversity that we did not cover or something you want to elaborate on?

Probes:

- Can you give an example?
- Would you explain further?
- Would you say more?
- I don't understand.
- Did you talk about it with law school friends outside of class?
- Is there anything else?
- Please describe what you mean.

Letter of Invitation to Participate

[date] 2020

Dear [Educational Diversity Project Participant or First and Last name],

When you began law school over ten years ago, you greatly helped our research team by completing surveys and focus groups for the Educational Diversity Project (EDP). We invite you to participate in a follow-up study and thank you for considering this invitation.

EDP investigates the relationship between race, key intersecting factors, and educational diversity in law schools. You contributed to the nation's first major longitudinal study on how law school experiences may have shaped your academic, professional, and personal choices, attitudes, and overall view of law school.

In previous EDP waves, you were asked to share information on:

- Your law school experiences, activities, and future plans;
- Your views about diversity at law school; and
- Your views on certain socio-political attitudes and yourself.

We now inquire on your reflections, perspectives, and experiences since law school.

Thank you for contributing to our collective knowledge about these critical questions. If you would like to participate, we ask that you complete a brief questionnaire and interview. You may complete all or some parts of the study. To participate in the questionnaire, please visit the link below. Your confidentiality will be maintained by means of assigning pseudonyms and codes.

If you have any questions, please do not hesitate to contact us at: Chantalj@ucla.edu or Educationaldiversityproject@gmail.com. Please also visit the EDP website at <http://edp.gseis.ucla.edu/>.

We would like to enter your name in a random drawing for gift cards. You may choose this option at the end of the questionnaire. Participation in the study is not required in order to participate in the drawing. If you would like to participate in the drawing please email us at the addresses provided. The approximate chance of winning is 1 in 4.

With the utmost appreciation and thanks,

Walter R. Allen, Ph.D.

Allan Murray Cartter Professor of Higher Education

Distinguished Professor Education, Sociology and African American Studies

Graduate School of Education and Information Studies

University of California, Los Angeles

Chantal Jones

Doctoral Candidate

Higher Education and Organizational Change

UCLA Graduate School of Education and Information Studies

Follow this link to the survey:

[Take the survey link]

Or copy and past the URL below into your internet browser:

[expanded link]

Follow the link to opt out of future emails:

[Click here to unsubscribe]

Questionnaire
Educational Diversity Project

Welcome to the Educational Diversity Project follow-up study. The goal of the following questionnaire is to ensure up to date contact information and invite you to interview. This questionnaire takes approximately 5 minutes to complete.

Your confidentiality will be maintained by means of assigning pseudonyms and codes.

You may save and continue later. If you have any questions or concerns, please contact: Chantalj@ucla.edu or Educationaldiversityproject@gmail.com.

If you agree to take this questionnaire, please click the link below to continue.

Name: (open response)

Race/Ethnicity: (open response)

Gender: (open response)

Email Address: (open response)

Phone Number: (open response)

Mailing Address: (open response)

In what city and state are you located? (open response)

Next Steps: Interview

Due to the national scope of the study, interviews will be conducted online via Zoom web conferencing software utilizing the email address you provided. Alternatively, you may indicate a preferred method of contact for the interview.

If you agree to participate in this study, you will receive an email shortly on scheduling the interview through Calendly, as well as the study information sheet which provides further details. The study information sheet is also included on the following page.

Interviews will be recorded and transcribed. You will have the option to review your transcript. You will also have the option to engage in a brief follow up to discuss themes from the overall study.

[study information sheet included]

Would you like to participate in this study? (Y/N)

Interviews will utilize a pseudonym in the reporting of findings to protect your privacy. If you would like to select your pseudonym, please provide the name in the field below. Otherwise one will be provided. (open response)

Would you like to review themes for accuracy and clarity? (Y/N)

If you prefer to utilize a videoconferencing platform other than Zoom (e.g. Skype, BlueJeans, etc.), please indicate the platform name and your screenname/username. (open response)

Do you prefer a phone call utilizing the number provided? (Y/N)

If you prefer another method of contact, please share any relevant details/contact information. (open response)

Please provide any additional information/concerns/questions. (open response)

Drawing

A random gift card drawing includes: 1 - \$200 gift card, 3 - \$100 gift cards, and 10 - \$50 gift cards. Participation in the study is not required in order to participate in the drawing, if you would like to participate in the drawing please email Chantalj@ucla.edu. The approximate chance of winning is 1 in 4.

Would you like to participate in the random drawing? (Y/N)

Thank you for completing this questionnaire. If you have any questions, please contact us at Chantalj@ucla.edu or Educationaldiversityproject@gmail.com.

**UNIVERSITY OF CALIFORNIA LOS ANGELES
STUDY INFORMATION SHEET**

The Educational Diversity Project a Decade into the Future:
Law School Graduates, Qualitative Analysis, and Critical Race Theory

Chantal Jones and Dr. Walter Allen, from the Graduate School of Education and Information Studies at the University of California, Los Angeles (UCLA) are conducting a research study.

You were selected as a possible participant in this study because you participated in the Educational Diversity Project between 2004 and 2007. Your participation in this research study is voluntary.

Why is this study being done?

EDP studies the impacts and benefits of diversity in educational settings such as law schools, and its continuing effects into the future. A decade has passed since your previous participation and we invite you for a follow-up.

What will happen if I take part in this research study?

If you volunteer to participate in this study, the researcher will ask you to do the following:

- Complete a brief questionnaire, approximately 5 minutes, to ensure updated contact information and participate in a single, 30 minute to one-hour, one-on-one semi-structured interview. Interviews will inquire on both your law school and continuing experiences and perspectives with respect to diversity, career, aspirations, the law, etc. (e.g. How did you come to attend law school? How do you define diversity?)
- You will have the option to review your interview transcript for accuracy and clarity.
- You will also have the option to briefly meet to review themes/findings for accuracy and clarity.
- Participation will be online.

How long will I be in the research study?

Total participation will take between approximately less than one to two hours. The Educational Diversity Project is a long-term study. If you agree to be contacted, future follow-ups may include focus groups and surveys.

Are there any potential risks or discomforts that I can expect from this study?

Any risk associated with this study is minimal and may include discomfort resulting from describing past experiences. Information on local counselors, hotlines, online resources, and further resources provided as needed.

Are there any potential benefits if I participate?

You will not directly benefit from your participation in the research. The results of the research may inform higher education and further contribute to understandings of diversity.

What other choices do I have if I choose not to participate?

- There is no penalty if you choose not to participate.

Will I be paid for participating?

- You will have the option to enter a random drawing for gift cards: 1 - \$200 gift card, 3 - \$100 gift cards, 10 - \$50 gift cards.
- Participation in the study is not required in order to participate in the drawing.
- The approximate chance of winning is 1 in 4.

Will information about me and my participation be kept confidential?

Any information that is obtained in connection with this study and that can identify you will remain confidential. It will be disclosed only with your permission or as required by law. Confidentiality will be maintained by means of assigning pseudonyms and codes. Data will be kept on password-protected secure servers and will be encrypted. Data will be stored for future use by the research team and only the research team will have access.

What are my rights if I take part in this study?

- You can choose whether or not you want to be in this study, and you may withdraw your consent and discontinue participation at any time.
- Whatever decision you make, there will be no penalty to you, and no loss of benefits to which you were otherwise entitled.
- You may refuse to answer any questions that you do not want to answer and still remain in the study.

Who can I contact if I have questions about this study?

- **The research team:**

If you have any questions, comments or concerns about the research, you can talk to the one of the researchers. Please contact:

Chantal Jones

Doctoral Candidate, Higher Education and Organizational Change

UCLA Graduate School of Education and Information Studies

Chantalj@ucla.edu

Faculty Sponsor:

Dr. Walter Allen

Distinguished Professor Education, Sociology and African American Studies

UCLA Graduate School of Education and Information Studies

wallen@ucla.edu

- **UCLA Office of the Human Research Protection Program (OHRPP):**

If you have questions about your rights as a research subject, or you have concerns or suggestions and you want to talk to someone other than the researchers, you may contact the UCLA OHRPP by phone: (310) 206-2040; by email: participants@research.ucla.edu or by mail: Box 951406, Los Angeles, CA 90095-1406.

Interview Scheduling

Subject: EDP Scheduling the Interview

Hello,

Thank you for your interest in the Educational Diversity Project. The study information sheet seen in the questionnaire is attached. Please select a meeting time via Calendly at the following link: <https://calendly.com/chantalj/educationaldiversity-project-interview-1>. You will have the option to select your time zone.

The interview will be conducted via Zoom. You will receive a confirmation with information on how to access Zoom, including your meeting ID.

Please let me know if I can provide any information or assistance.

Thank you,

Attachment:

EDP Study Information Sheet

Semi-Structured Interview Protocol

I. Semi-structured interview questions:

Researcher: Date, time. Please state your assigned name and the law school you attended.

1. How did you come to be interested in the law and attend law school? Please describe the experiences and processes that lead you there.
 - a. Where did you complete your undergraduate studies? What was your major?
2. Thinking back to law school, what were your areas of legal interest? How, if at all, have your interests changed over time since law school?
3. Thinking back to law school, what moments are the most important and why?
 - a. Who is involved (if anyone else)? Where do they occur?
4. How would you describe the effect, if any, of having attended law school (you can take this from any perspective you like)?
5. Do you feel that your law school was a diverse place to learn the law (however you choose to define diversity)?
 - a. How, if at all, has this definition of diversity changed over time for you?
 - b. What was the impact of law school diversity on:
 - i. Your perspectives and career
 - ii. Would you like to discuss additional areas?
6. In thinking about law school, could you envision a different way of teaching and learning about the law or do you prefer maintenance of existing processes? Please describe.
7. As you participate previously in EDP, you may recall questions about classroom discussion of cases and if race, gender, class, and sexual orientation was or was not central to the conversation. Extending into the future, how does your work engage these topics (if at all)? Please describe.
8. Please describe your employment since law school (including outside of law) beginning with your current/most recent place of employment.
 - a. How would you describe the work you do?
 - b. How does this work align with your interests – legal or otherwise?
9. How did the steps taken after law school align/differ/change from what you imagined or expected?
10. Are you a member of any organizations?
11. Do you have any remaining educational debt?
12. EDP in the past inquired about your understandings/reflections on cases such as *UC Regents v. Bakke* and *Grutter v. Bollinger*. Moving forward in time, there have been new cases including *Fisher v. University of Texas at Austin*, and the events at Harvard University and University of North Carolina Chapel Hill. Are you familiar with these cases, and if so, would you please share your thoughts on their development and impact?
13. How would you define and make sense of the following and why:
 - a. Your role as a legal professional/someone who attended law school
 - b. Equity
 - c. Would you like to define or describe anything else?

14. We have discussed how you came to be interested in law, your law school experiences, and your present experiences and perspectives. With these in mind, what are your goals and next steps?
 - a. Career
 - b. Life
 - c. Would you like to discuss any additional areas?
15. Would you like to revisit any previous questions?
16. Do you have any questions, or would you like to share any additional information?
 - Would you give an example?
 - Would you explain further?
 - Would you say more?
 - Is there anything else?
 - Please describe what you mean.

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