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Embracing and Making Change in Legal Education: Serving the Law Students of Today and Tomorrow

Danielle M. Conway

Penn State Dickinson Law, dzc5647@psu.edu

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Embracing and Making Change in Legal Education: Serving the Law Students of Today and Tomorrow

Danielle M. Conway

I. Introduction

I consider this particular invitation an honor because my experience—both as a leader in law schools and as an officer in the U.S. Army—has taught me that my colleagues who have trained as operational experts in their chosen disciplines are responsible for the success of every mission. The disciplines of Student Services and Part-Time Division Programs, Academic Support, Balance in Legal Education, Minority Groups, and Pre-Legal Education and Admission to Law School have taken center stage in how this country's programs of legal education are delivered successfully in a new era of human existence.

II. In the Service of Change in Law Schools

In 2020 and now, we face the effects of a global pandemic,¹ protests and a movement against racial injustice;² we continue the struggle to resist voter

Danielle M. Conway is Dean and Donald J. Farage Professor of Law at Penn State Dickinson Law. The following are her keynote remarks delivered Jan. 6, 2021, for the 2021 AALS Joint Section Program of the Sections on Student Services and Part-Time Division, Academic Support, Balance in Legal Education, Minority Groups, and PreLegal Education and Admission to Law School. The author thanks the leaders of the AALS Sections who joined together to produce the program and who invited her to deliver these keynote remarks. Special thanks to her colleague, Jeffrey Dodge, who serves as Associate Dean for Academic and Student Services at Penn State Dickinson Law. Associate Dean Dodge was instrumental in surveying the professional staff experts to obtain their written statements about the expansion of their portfolios resulting from the pandemic, the protests against racial inequality, and the 2020 election cycle and its aftermath. Finally, the author thanks her faculty colleagues—Laura Ax-Fultz and Trezlen Drake—Associate Dean of the H. Laddie Montague, Jr., Library and Instruction and Outreach Librarian, respectively, for their research and citation support. Of course, all errors are her own.

1. *WHO Director-General's Opening Remarks at the Media Briefing on COVID-19 - Mar. 11, 2020*, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.
2. Larry Buchanan et al., *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

suppression in our elections;³ and we stare down those who are hellbent on assaulting the rule of law from within and outside of our institutions.⁴ We have succeeded thus far in our mission because of your commitment to serve as the backbone of the legal academy. I do not pander to you in stating this loudly and clearly.

Frederick Douglass, when writing about his part in discerning and affecting history during the final road to disunion (1859–1861), said that “nations are taught less by theories than by facts and events.”⁵ This statement has nearly perfect application to the American law school and your place in it because you, as a group, were among the first responders to the facts and events that were set before us. YOU:

- Spun on a dime to lead our institutions in service to our students⁶

“Of all the coursework impacted by the pandemic, our clinical programs were most challenged. Yet we successfully shifted to virtual delivery of clinical teaching and service and even expanded these services. We launched a new postgraduate fellowship program for students to work in our clinics, which, among other projects, developed an online platform allowing victims of domestic violence to file an application for a protective order from their phone; it also managed the local nonprofit community’s hotline referrals for tenant eviction defense. Preserving and expanding opportunities for students to give back to the community kept learning real in a virtual environment.”

Barbara Glesner Fines, Dean, & Rubey M. Hulen Professor, University of Missouri Kansas City School of Law

and...

“At the Sandra Day O’Connor College of Law, we had to quickly transition to allow our students the ability to choose the path that was the best for their individual situation. This included a grading structure for spring that allowed for student choice and dual ranking systems. For the fall 2020 and spring 2021 academic semesters, we were able to offer every student for every class period

3. Vann R. Newkirk, II, *Voter Suppression is Warping Democracy*, THE ATLANTIC (July 17, 2018), <https://www.theatlantic.com/politics/archive/2018/07/poll-prri-voter-suppression/565355/>; Adam Hill, *The Voting Disaster Ahead: Intentional Voter Suppression and Unintentional Suppression of the Vote Will Collide in November*, THE ATLANTIC (June 30, 2020), <https://www.theatlantic.com/politics/archive/2020/06/voter-suppression-novembers-looming-election-crisis/613408/>.
4. Jeffrey Toobin, *Ending Trump’s Assault on the Rule of Law*, NEW YORKER (Sept. 28, 2020), <https://www.newyorker.com/magazine/2020/10/05/ending-trumps-assault-on-the-rule-of-law>.
5. DAVID W. BLIGHT, FREDERICK DOUGLASS: PROPHET OF FREEDOM 310 (2018).
6. During the presentation, I read bullet for bullet the list of services provided by administrative staff professionals. In preparing these written remarks for publication, I asked my colleague Associate Dean Jeffrey Dodge to reach out to 2021 AALS program attendees to ask them to provide contextual narratives that summarized the services they provided to our law students and recent graduates during the pandemic. I included their responses under the relevant bulleted description of student service and support.

the ability to attend remotely or in person, with both modalities allowing for the same top-tier-level student experience.”

Loni Ann Burnette, Senior Director of Academic Services and Student Life, Sandra Day O'Connor College of Law

- Served on and led emergency management and crisis committees

“With little notice or time to prepare, many institutions took the notion of a virtual law school from a not-too-distant concept to an immediate necessity. Administrative teams created community and accessible resources and flawlessly transformed in-person modalities into virtual workspaces. Counseling and office hours were increased, integrated electronic chat groups and presentations were introduced, and enhanced social interactions to foster community and mental well-being became commonplace. The coronavirus pivot revolutionized law school participation and navigation, all while cultivating a new wave of budding practitioners. While there are obstacles and challenges, these are achievements that mark a profound evolution for the betterment of the student, environment, and profession.”

Reginald McGahee, Associate Dean of Student Affairs and Admissions, Howard University School of Law

- Established robust access to counseling and psychological services

“We hired three new independent-contractor counselors to serve our students, increasing to a team of five in total, with an emphasis on expanding services to students of color, Native students, and the LGBTQ community. We established new online telehealth services to allow us to serve students remotely during the day, in the evenings, and on weekends. Finally, we suspended any copays for counseling services, so students will have barrier-free access to services.”

Lynn LeMoine, Dean of Students, Mitchell Hamline School of Law

and...

“Within hours of the law school’s closure last fall, the Fordham Law School Office of Professionalism began sending regular messages to students (as well as staff, faculty, and recent graduates) highlighting the various counseling and psychological services available through the University Counseling Center, state and local lawyers’ assistance programs, and online service providers, as well as free resources for cultivating mental health and wellness during quarantine. Fordham Law also liaised with the Counseling Center to enhance those resources by creating virtual law student support groups, rolling out an online mental health screening and support program, and delivering virtual workshops on topics including stress and crisis management, fostering

connection while social distancing, and navigating racial trauma and police brutality. Finally, the Office of Professionalism actively engaged in outreach to staff and faculty, advising on best practices for supporting students, promoting the available mental health and wellness resources, and helping to reduce the stigma surrounding mental health treatment.”

Jordana Alter Confino, Director of Professionalism; Adjunct Professor of Law, Fordham Law School

- Led pandemic safety protocols, including testing, contact tracing, and quarantine/isolation processes; mapped building spaces to facilitate physical distancing; procured personal protective equipment; established clothing and food pantries; supervised administrative staff; and leveraged technology assets to provide equipment to students, while planning Wi-Fi hot spots in adjacent parking lots

“As Penn State Dickinson Law’s designated Pandemic Safety Officer (PSO), I worked closely with university officials to create a facilities plan that aligned with CDC and Department of Health guidelines, evaluated all spaces in our facilities for social distancing capability, aligned space use alterations with academic delivery objectives, managed the COVID-19 testing processes and PPE inventories, and oversaw access to our clothing closet and food pantries to support student needs. In addition, I worked one on one with students to address internet access needs, found local library resources to set up Wi-Fi hot spots, and promoted publicly available internet resources in the community, including those created in parking lots by our fabulous IT department. It was only through the management and support of our essential personnel in the tech services area that we were able to effectively execute the facilities, signage, and heightened cleaning requirements of our plan. Serving as the PSO has required me to be a counselor, comforter, and steady leader during this time of uncertainty.”

Jeffrey A. Dodge, Associate Dean for Academic & Student Services and Assistant Professor of Law, Penn State Dickinson Law

- Coordinated with information technology and facilities management to ensure that your teams had the proper office equipment to work from home; and established new bookings protocols and leveraged technology for a seamless transition to virtual academic support advising and bar exam readiness advising

“When D.C. abruptly closed its registration filing period, in consultation with the Dean’s Office, I provided talking points and strategies to inspire positive outcomes for WCL students affected by this disruption. When D.C. reopened

its bar application period and announced an online bar exam, I quickly inquired about the use of campus facilities for bar studies and space for recent graduates to take the exam due to concerns students raised regarding testing environments and Wi-Fi connectivity.

In response to weekly and sometimes daily bar exam changes, my team counseled students on the decision process to delay or continue bar preparation while assisting with the modification of study plans and strategies in preparing for the bar exam. To increase engagement and outreach to individual students, my team, with the assistance of faculty and staff volunteers, launched the Bar Coaches Initiative. This program was specifically designed to proactively engage students by offering encouragement and support throughout the bar examination period. Bar Coaches communicated biweekly with students to offer individualized support, study strategies, and referrals to our office resources.

Supplemental bar exam resources included bar prep advising/strategies; individualized bar preparation study plans; essay and MPT simulations, debriefs, and feedback; virtual bar exam study breaks; professor bar exam office hours; and mock bar exams. In response to the extended bar examination period this summer, the office expanded bar prep services, and Bar Coaches continued to work with recent graduates while also gearing up to work with current students preparing for virtual learning.”

Joni Wiredu, Senior Director of Academic Excellence and Professorial Lecturer, American University Washington College of Law

- Planned virtual graduations

“At GSU, in addition to creating virtual commencement greetings for the spring 2020 class, we have developed and implemented (starting in October 2020) a personalized hooding ceremony that allows for a safe way to recognize each graduate with a limited number of loved ones. Each graduate walks out with commencement pictures and memories of personalized attention to end their legal education experience.”

Alexis Martinez, Associate Dean for Student Affairs, Georgia State University College of Law

- Developed complementary academic success programs to facilitate remote teaching and learning

“As legal education went remote, so did externships! We partnered with the state bar association group and National Institute of Trial Advocacy to provide supplemental work for students when COVID-19 first hit. We held a virtual continuing legal education session right before summer 2020, training over 400 supervisors on working with students remotely, and we published manuals and tipsheets for both students and supervisors on best practices for remote work.”

Alexi Freeman, Associate Dean of Diversity, Equity and Inclusion and Director of Social Justice Initiatives; Professor of the Practice, University of Denver Sturm College of Law

- Researched and wrote manuals, blogposts, essays, and articles about these crises and their impacts on our communities

“I published a blog this summer in response to the televised killing of George Floyd, titled ‘Despicable Us.’ The following is an excerpt from my blogpost: ‘[A]s lawyers, we have a special responsibility for the quality of justice. As legal educators we are molding the next generation of lawyers. A generation that should be shaped with more than our thoughts and prayers. Last week the world witnessed a modern-day lynching by knee, with the assailant face to camera and hands in pocket. This horrific and callous homicide and all events in its aftermath will not be brought to justice on social media or in the courts of public opinion.

If the Constitution that we are all sworn to uphold means anything, then lawyers, law professors, judges, prosecutors, clerks, and peace officers will put to use their advocacy skills, training, and public reach to bring about the justice that has continued to elude people who look like George Floyd, Philando Castile, Botham Jean, Sandra Bland, Tamir Rice, Michael Brown, Alton Sterling, and others. Unless we use our voices and our knowledge of policy, procedure, and statutory construction to protect people who jog, play in public playgrounds, drive luxury autos, travel by car with their children, and eat dinner or sleep in their own apartments, we will have progressed too far down a path of constitutional disregard.”⁷

Marsha Griggs, Director of Academic Support and Bar Readiness, Washburn School of Law

- Advocated for changes in grading, probationary, and examination policies; negotiated with vendors on behalf of students and graduates

“I advocated for changes to our grading and probation policies and crafted language to include in the school’s revised probation policy to ensure that a pass/fail grading policy did not unfairly impact students on academic probation. I also drafted new remote exam policies, contracted with a vendor to have exams proctored remotely, and held Zoom Q&A sessions for both

7. Marsha Griggs, *Despicable Us*, L. SCH. ACAD. SUPPORT BLOG (JUNE 1, 2020), https://lawprofessors.typepad.com/academic_support/2020/06/despicable-us.html.

students and faculty to promote understanding of the new exam processes and software.”

*Katie Jones, Director of Academic Support & Assessment, Lincoln Memorial University
Duncan School of Law*

- Processed course adjustments for students

“In the midst of this global pandemic, we were all facing many new and different challenges. Yet during this time, the most basic of our support strategies became even more valuable. For example, course adjustments and schedule changes ensured that students received the individualized help they needed. We adjusted credits, reduced course loads, provided extensions, and restructured graduation plans. This is the work we always do with students, but during this pandemic it took on greater significance. We discovered that these small adjustments helped all of our students to keep moving forward.”

Sherry Abbott Niang, Associate Dean for Student Affairs, University of Maine School of Law

- Wrote survey instruments to collect, aggregate, and analyze data to inform administrative decisions

“The pandemic moved most (though not all) of our students off campus, creating new patterns and uncovering unique needs. We took the lead on survey projects because we know how to ask these questions and our students know we truly listen to their responses. When we had to learn new coding techniques along the way, our library colleagues stepped up and helped us fill a knowledge gap no one would have expected six months beforehand.”

*J. Trent Kennedy, Coordinator of Residence Life & Student Housing, Georgetown University
Law Center*

- Facilitated safe student travel on campus or on excursions to return home

“Because in-person graduation ceremonies were unavailable, it was important for us to find safe ways to distribute diplomas to our students. Some students received their diplomas via a drive-through pickup arrangement, while other students received their diplomas via mail or front-porch delivery from the Assistant Dean of Students. This allowed us to maintain safe movement and travel for community members on and off campus.”

Darren Nealy, Assistant Dean of Students, The Ohio State University Moritz College of Law

- Counseled students on learning styles in the remote teaching and learning environment

“During the global pandemic, I have directed much focus to meeting with students to ascertain best practices that can be implemented to complement various learning styles. Much of my work has focused on identifying different study methods that complement memorization and application. I have facilitated workshops and engaged in one-on-one meetings with students focusing on how to (1) identify concrete study practices, (2) create and implement personalized study schedules, and (3) best utilize assessments when studying. I have also met with the faculty to discuss the various types of assessments that are conducive to online learning.”

Titichia Jackson, Assistant Professor of Lawyering Skills & Director of Academic Success and Bar Passage, Penn State Dickinson Law

- Assisted your colleagues in keeping tabs on students and their progress to ensure well-being

“We reinstated a process of ‘random check-ins’ by e-mailing first-year students and asking for a Zoom meeting. This engagement allowed for casual connection, but in some instances prompted extended, profound exchanges about a student’s challenges and provided opportunities to address them. This also had the effect of providing space for ‘not-so-random’ check-ins if we learned a student was missing class or indicating some level of distress.”

David Jaffe, Associate Dean for Student Affairs, Washington College of Law, American University

- Led faculty training on formative assessment and remote teaching modalities

“In the fall 2020 semester, Regent allowed students to choose to take on-campus classes online for reasons related to COVID-19. The law school administration, therefore, worked closely with our University IT Department to upgrade many law school classrooms to be ‘Zoom-friendly’ such that remote students could see and hear the professor and students in the classroom; the students in the classroom, in turn, could see and hear the remote students. The law school administration also conducted training for the law faculty on this new technology so that professors could set up Zoom sessions for their classrooms, learn how to ‘share screens’ and conduct other features, and adjust the camera views in the classroom to maximize remote students’ level of participation.”

L.O. Natt Gantt, II, Professor and Associate Dean for Academic Affairs, Regent University School of Law

- Advocated for diploma privilege or changes in jurisdiction cut scores

“In March 2020, I published a co-authored white paper that forewarned of the pandemic’s impact on traditional bar exam administration. The paper was widely cited, and ultimately all but a small handful of jurisdictions adopted one or more of the proposals in the white paper. I also published several other short articles addressing the crisis and advocating for reasonable reform that will protect our new law graduates and the public. My works were published in *Northwestern Law Review Online (Of Note)*, *Harvard Law Journal Blog*, *Bloomberg Law Insight*, and *Law.com*. I wrote and published a law review article, ‘An Epic Fail,’⁸ that in real time chronicled the bar exam chaos of 2020. My article was finalized and available electronically (due to journal print delay) in October 2020; it provided an up-to-date summary of all jurisdictions’ handling of pandemic bar exam administration AND highlighted and advocated on behalf of the handful of jurisdictions that had adopted licensure alternatives, like diploma privilege, supervised practice, or a state-based remote exam.”

Marsha Griggs, Associate Professor, Director of Academic and Bar Passage, Washburn School of Law

- Intervened with state boards and courts to educate about the impact of the intersecting crises on students and graduates

“During the 2020 global pandemic, I immediately revamped Drexel Kline School of Law’s summer supplemental program. By hiring four adjuncts as graders, we were able to extend the program from six to twelve weeks and transition to an online structure. We advocated for specific requests, like additional time for recent graduates on the state performance component, and the allowance of paper use by test-takers. In collaboration with members of the PA Bar Taskforce and the Philadelphia Bar Association Academic Committee, I brainstormed ways to provide quiet spaces for examinees. We were able to ultimately secure multiple unoccupied spaces in various law firm offices. Fortunately, in Pennsylvania, the Board of Law Examiners and Executive Director were responsive to the input and feedback from their constituents. Last, specifically for Drexel Kline’s recent grads, I produced videos on the topics of ‘How to Prepare for an Online Bar Exam’ and ‘What to Tell Your Family about Studying for the Bar,’ and I co-hosted sessions with our Career Strategies Office on coping with the anxiety and depression associated with uncertainty.”

Yolanda D. Ingram, Assistant Teaching Professor and Director of Bar Support, Drexel University Thomas R. Kline School of Law

- Interfaced with bar associations, employers, and alumni to raise funds for and to promote awareness of the extent of the emergency needs of students

“I worked with Inns of Court, Task Force on Lawyer Well-Being, and alumni to raise awareness about the financial and emotional impact of COVID-19 and

8. Marsha Griggs, *An Epic Fail*, 64 *How. L.J.* 1 (2020).

racial injustice on students and created mentorship programs aimed at giving students an additional lifeline into the profession.

I collaborated on a NALP Task Force to create ‘A Guide to Well-Being in the Recruitment Process,’ which has been shared with employers nationally in an effort to elevate employer understanding and compassion around the emotional, financial, and personal challenges our law students face. I worked closely with endowment donors and alumni to create KU Law’s first emergency student fund, which provides funds to students unable to pay for food, housing, technology needs, and mental health counseling as a result of the extraordinary circumstances caused by COVID-19.”

Leah Terranova, Assistant Dean for Academic & Student Affairs, University of Kansas School of Law

- Counseled students on coping with tragedies and loss

“The challenges of law school are hard enough without the added weight of grief and loss. Supporting law students who experienced loss, through COVID-19 or other losses, required a unique level of care, and at Villanova it meant extending CARITAS in all circumstances—CARITAS with respect to class attendance, granting assignments, rescheduling exams, finding additional financial emergency support, connecting to counseling resources, listening with empathy, providing space for vulnerability, and opening your whole heart to whatever emotions the students are going through so they know that someone cares.”

Nancy A. Whalen, Director of Student Affairs, Villanova University Charles Widger School of Law

and...

“An international student feared she had COVID-19 and reached out to me in a panicked e-mail. I called her and she was crying, pretty much paralyzed with fear. I stayed on the phone with her that evening for more than two hours, helping her devise a plan because she has no support system in this country, even offering to drive forty minutes to her home to get her to a testing facility.”

Laura Shepherd, Associate Dean for Student & Academic Services/Chief Equity Officer, William & Mary Law School

- Held your respective communities together

“At Miami Law, I see that we have done about ninety percent of the items on this list. This has been a time that has called upon us to be our best selves in student affairs. But more importantly, we have had to normalize our own struggles and model our coping strategies for our students. This may be the most important lessons that we teach them: about self-care and resilience in times of great struggle. I particularly want to share a book that our faculty

compiled about their own strategies for well-being, titled “The key to my well-being now is...”⁹

Janet Stearns, Dean of Students, U Miami School of Law

and...

“My community held itself together. The students immediately started a mutual aid group; my staff started meeting weekly and launched a professional development series and a reading group; my faculty met weekly to learn how to develop online courses and to most equitably assess student learning; my student affairs staff hosted meditations and reflections and information sessions and counseling sessions and parties; my alumni joined our Public Interest Law Association for our annual fundraiser with a DJ who made us all smile for the first time in months; students launched a bail fund for colleagues arrested in the protests. My job was to communicate our pride in how they were supporting each other and that we knew the hardships they were all facing by writing almost daily for the first few months and then weekly after that, acknowledging the strength they need to face their own illness, family illness, the stress and hardship of living with essential workers, loss of part-time work and summer jobs, the threat of eviction, loss of in-person community, the stress of living in a city where the only sounds for months were wailing sirens. And to end each note with: We’re here for you.”

Mary Lu Bilek, Dean, CUNY Law School

After highlighting these acts of professionalism, leadership, and service to others, the more common-sense question to ask is: What didn’t you do? This is a real question. Here is what you did not do:

- You did not kvetch or bemoan your position in the legal academy
- You did not pattern your leadership after the stereotypes and structures that define your position as somehow “less than” that of faculty or, in my case, deans
- You did not turn off your screens or refuse to serve
- You did not implore your colleagues to see you
- Most important, you resisted rationalizing racism, sexism, antisemitism, nativism, heterosexism, classism, cisgenderism, and ableism in supporting students

And why is this last point so important? It is important because you are the last line of defense for students, and you have advocated for students to fulfill their dreams of becoming lawyers.

As important as it is to facilitate students’ dreams, it is even more important to disrupt the American legal system, including and especially how we teach,

9. UNIV. MIAMI SCH. L. FAC. & ADMINISTRATORS, WELLNESS WEEK BOOKLET 2020, <https://miami.app.box.com/s/7pjhqulqhrhx2z0j2k2t09b5yz2owp20>.

learn, and serve students in law schools across this nation. As just one lever of disruption, I will discuss the vision and the implementation of the AALS Law Deans Antiracist Clearinghouse Project.¹⁰ As well, I will discuss the ideas I have about your role in building anti-racist law schools, but I fully expect to listen to your thoughts and reactions on what you determine your role is in transforming law schools and the legal profession into anti-racist institutions committed to serving the public good.

III. A Vision for Change

The AALS Law Deans Antiracist Clearinghouse Project was borne out of the ongoing American tragedy that is racism and oppression.¹¹ Let me recount some of the facts and events from 2020, of which, if Frederick Douglass were here with us today, he would tell us of their impact on the alteration of history at this moment.

On January 20, the first COVID-19 case in the United States was confirmed.¹² On February 23, Ahmaud Arbery was corralled by three white men and murdered.¹³ On March 11, the World Health Organization declared a pandemic.¹⁴ On March 12, the U.S. stock market plummeted.¹⁵ Dreadfully ironic, two events intersected on March 13: Breonna Taylor was murdered in her apartment by white plainclothes police officers at 12:40 a.m.,¹⁶ and later that day President Trump declared a national emergency... due to the pandemic.¹⁷ And—the tipping point for millions of people all along our human diaspora—on May 25, we all watched for eight minutes and forty-six seconds (8:46) as George Floyd was murdered by Minneapolis Police Officer Derek Chauvin, aided by Officers Alexander Kueng, Thomas Lane, and Tou Thao.¹⁸

10. *Law Deans Antiracist Clearinghouse Project*, ASSOC. AM. L. SCH. (Deans Danielle M. Conway, Kimberly Mutcherson, Angela Onwuachi-Willig, Carla Pratt, and Danielle Holley-Walker curators., 2021), <https://www.aals.org/antiracist-clearinghouse/>.
11. *Id.*
12. Michelle L. Holshue et al., *First Case of 2019 Novel Coronavirus in the United States*, 382 *NEW ENG. J. MED.* 929 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7092802/>.
13. *Ahmaud Arbery Shooting: A Timeline of the Case*, *N.Y. TIMES* (June 24, 2020), <https://www.nytimes.com/article/ahmaud-arbery-timeline.html>.
14. *WHO Director-General's Opening Remarks*, *supra* note 1.
15. David J. Lynch et al., *U.S. Stock Market Suffers Worst Crash Since 1987, as Americans Wake up to a New Normal of Life*, *WASH. POST* (Mar. 13, 2020, 12:07 AM EST), <https://www.washingtonpost.com/us-policy/2020/03/12/markets-stocks-today-coronavirus/>.
16. Ta-Nehisi Coates, *A Beautiful Life*, *VANITY FAIR*, Sept. 2020 at 72, 74.
17. *President Trump Declares State of Emergency for COVID-19*, *NAT'L CONF. OF STATE LEGISLATURES* (Mar. 25, 2020), <https://www.ncsl.org/ncsl-in-dc/publications-and-resources/president-trump-declares-state-of-emergency-for-covid-19.aspx>.
18. Evan Hill et al., *How George Floyd Was Killed in Police Custody*, *N.Y. TIMES* (Nov. 5, 2020) <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.

Against the backdrop of the coronavirus global pandemic—which is disproportionately impacting Black and brown people¹⁹—the heightened social movement demanding racial equality²⁰ following the cascade of murders I just recited, and an impending presidential election in which voter suppression remains on full display,²¹ I knew that I had to act to channel the pain caused by these societal catastrophes in the only way I knew how ... to advocate with my power to educate. I also knew I could not tackle this monster alone.

Working with four Black women law deans, I co-curated the AALS Law Deans Antiracist Clearinghouse Project.²² A defining feature of this project is the collective voice spoken by my sister deans with a chorus of deans at over 200 law schools,²³ unapologetically proclaiming condemnation for the violence against Black and brown bodies²⁴ while pledging to teach and learn accordingly to anti-racist principles.²⁵ Yet, proclaiming condemnation and pledging to teach and learn on an anti-racist foundation does not convert to tearing down a rotten structure to transform it into the promise that is the rule of law.

IV. Implementing Change

The AALS Law Deans Antiracist Clearinghouse Project is a first step in exploring a process to implement anti-racist platforms throughout American law schools. If you attended the AALS virtual awards ceremony, you heard the five Black women law deans discuss the five phases of engaging as anti-racists, both as individuals and as members of our institutions.²⁶ Dean Angela Onwuachi-Willig discussed the listening phase as a time and opportunity to center the voices and experiences of others whose very lives are imperiled by racism.²⁷

19. William F. Marshall, III, *Coronavirus Infection by Race: What's Behind the Health Disparities?*, MAYO CLINIC (Aug. 13, 2020), <https://www.mayoclinic.org/diseases-conditions/coronavirus/expert-answers/coronavirus-infection-by-race/faq-20488802>; *Health Equity Considerations and Racial and Ethnic Minority Groups*, CTR. FOR DISEASE CONTROL AND PREVENTION (Apr. 19, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html>.
20. See Buchanan et al., *supra* note 2.
21. See sources cited in *supra* note 3.
22. *Law Deans Antiracist Clearinghouse Project*, *supra* note 10.
23. *Id.*
24. *Id.*; see also *Faculty Resolution*, PENN STATE DICKINSON LAW (June 2, 2020), <https://dickinsonlaw.psu.edu/sites/default/files/2020-06/faculty-resolution.pdf>.
25. *Faculty Resolution*, *supra* note 24.
26. American Association of Law Schools, *Awards Ceremony: 2021 AALS Annual Meeting*, YOUTUBE (Jan. 5, 2021), <https://www.youtube.com/watch?v=cMOoBT0Zkm4>; see also *Law Deans Antiracist Clearinghouse Project*, *supra* note 10.
27. *Awards Ceremony*, *supra* note 26.

Dean Danielle Holley-Walker spoke of the learning phase as a means of empowering colleagues to engage with anti-racist theory and practice;²⁸ not just viewing the website, but earnestly incorporating the wisdom from the resources into our lives, our curriculum, our teaching, our scholarship—into the framework of our institutions.

I discussed the leadership phase in which deans and administrators can step into the breach to anticipate and preempt inequities that have existed since the time that lawyering was professionalized and law schools were visioned as the gatekeepers to the profession.²⁹

Dean Mutcherson described the commitment required of leaders to establish a practice of auditing one's institution to erect processes to evaluate the extent to which law schools are engaging with, assessing, and implementing anti-racist decisions and processes.³⁰

Finally, Dean Pratt discussed the significance of iterating for whom our anti-racist work is being done and imploring our leaders and institutions to test and retest our solutions to meet the needs of our intended beneficiaries.³¹

V. My View as a Dean About Your Role in Building Anti-racist Institutions

You are leaders, and I expect that you show up every day as such. You should be, if you are not already, confident that you play a most vital role in American law schools by sheer virtue of your expansive portfolios. You should be in regular, if not constant, conversation with colleagues, especially your dean, about promoting anti-racist ideals and actions.

But this work is not yours alone. I also expect those in power and those, like me, who are in proximity to power, to acknowledge that American caste is real and persists in large part because the American system of laws reinforces structures that perpetuate human hierarchy.³² And if our legal system is complicit, it stands to reason that American law schools are complicit.

I acknowledge the system of caste in our law schools, and I have resisted it from the moment I entered the legal academy in 1996 as a legal research and writing instructor. I am not alone in this resistance. Outgoing AALS

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. See, e.g., Cornel West, *Foreword*, in *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* xi (Kimberlé Crenshaw et al. eds., 1995) (explaining that critical race theory is a “comprehensive movement in thought and life—created primarily, though not exclusively, by progressive intellectuals of color ... to confront critically the most explosive issue in American civilization: the historical centrality and complicity of law in upholding white supremacy (and concomitant hierarchies of gender, class, and sexual orientation).”).

President and Dean of UIC John Marshall Law School Darby Dickerson has courageously stated: “We in the legal academy also have a caste system.”³³

If caste robs you—smart, hardworking, committed experts doing the necessary student development work in law schools—just think about how such a system will continue to harm the most vulnerable in society. Consequentially, the very students we profess to teach and that we send forth into the profession will have caste embedded in their minds and in their souls. Our next generation of lawyers will leave our institutions firmly indoctrinated by caste.

I want to disrupt this caste system. I want to expose its underbelly. I want to take bold action to resist it and then eradicate it first from our law schools, then from our profession, and finally from our society. I want you to use the process set out in the AALS Law Deans Antiracist Clearinghouse Project to inform your work, and I want you to encourage your colleagues to use it to inform theirs.

More than that, I want you to continue to iterate solutions so that we can build trust relationships and coalitions to tackle the many challenges that will be thrown along our path to transformation in the legal academy. I want you to work with me and others to be so much more than single-issue advocates in service to our students. I need you to lead when others cannot, and I want you to know that I brand you as the leaders who will prepare the next generation of justice warriors.

VI. Your Views About Your Role in Building Anti-racist Institutions

I long to hear your views about what I have discussed so far. But before I relinquish the podium, I want to leave you with two thoughts: First, I see you; and second, I acknowledge and state unreservedly that, in 2020, Student Services experts, Part-Time Division experts, Academic Support experts, experts in Balance in Legal Education, experts from the Minority Groups Section, and Pre-Legal Education and Admission to Law School experts—all of you—lifted onto your backs the communities that make up our academy, and you got us here to this moment. Please know that I depend on you to accomplish the mission, and whether or not others in my position say it as loudly and clearly as I am saying it... they, too, depend on you for mission success.

Thank you for inviting me to deliver my keynote remarks in honor of your service to the legal academy. As well, thank you for seeing me.

33. Darby Dickerson, *2020 AALS Presidential Address: The Power of Words*, ASSOC. AM. L. SCH. (2021), <https://www.aals.org/about/publications/newsletters/aals-news-winter-2020/2020-aals-presidential-address/>.