

9-2022

## #IncludeTheirStories: Rethinking, Reimagining, and Reshaping Legal Education

Leslie P. Culver

*University of Utah, SJ Quinney College of Law, Leslie.culver@law.utah.edu*

Elizabeth A. Kronk Warner

*University of Utah, elizabeth.warner@law.utah.edu*

Follow this and additional works at: <https://dc.law.utah.edu/ulr>



Part of the [Civil Rights and Discrimination Commons](#), [Human Rights Law Commons](#), [Law and Gender Commons](#), [Law and Race Commons](#), and the [Law and Society Commons](#)

---

### Recommended Citation

Leslie P. Culver & Elizabeth Kronk-Warner, #IncludeTheirStories: Rethinking, Reimagining, and Reshaping Legal Education, 2022 ULR 709 (2022). DOI: 10.26054/0d-z41p-bb0f

This Article is brought to you for free and open access by Utah Law Digital Commons. It has been accepted for inclusion in Utah Law Review by an authorized editor of Utah Law Digital Commons. For more information, please contact [valeri.craigle@law.utah.edu](mailto:valeri.craigle@law.utah.edu).

#INCLUDETHEIRSTORIES: RETHINKING, REIMAGINING,  
AND RESHAPING LEGAL EDUCATION

Leslie P. Culver\* & Elizabeth Kronk-Warner\*\*

LEE E. TEITELBAUM UTAH LAW REVIEW SYMPOSIUM  
NOVEMBER 5–6, 2021

On January 23, 2021, Professor Alexa Chew of the University of North Carolina School of Law tweeted, “Does this already exist: A law journal symposium w papers adding race/gender/etc context for ‘core’ 1L casebook cases? The papers would be written for a law student audience + symposium issue could be a free study aid/companion for 1Ls.”<sup>1</sup>

Weeks later, the *Utah Law Review* issued their proposal call for the 2021 Lee E. Teitelbaum symposium. The tweet and the symposium call seemed almost symbiotic. In response, a small group of faculty and administrators at the University of Utah S.J. Quinney College of Law seized the opportunity to explore the question Professor Chew posed. Our proposal was accepted, and, albeit cliché, the rest was (and will shape) history. We are so appreciative of the *Utah Law Review*’s willingness to pick up the call and grapple with these important issues.

The entire world was shaken by the events of 2020—a year that the historians will pen with infamy. Along with a global health pandemic that tested both human frailties and social infrastructures, the world witnessed the devastation of George Floyd, an African American man, dying under the knee of Derek Chauvin, a White male police officer. The nation erupted. As 2020 ended, many organizations and institutions clamored both to process ethnic divides and injustices, and to gain tools and skills to create meaningful change and lasting impact. Legal education was one such institution. During the summer and fall of 2020, much was written and

---

\* © 2022 Leslie Patrice Culver. Professor (Clinical) of Law at the S.J. Quinney College of Law at the University of Utah. I am grateful to the excellent work of the *Utah Law Review*, particularly symposium editor Amanda Fuller, and the talented Media/Events and IT team who were instrumental in the success of this symposium. I am also grateful to the academic colleagues and legal practitioners around the country who served as panelists—your talent, expertise, and transparency brought necessary awareness and access to difficult issues. Thank you!

\*\* © 2022 Elizabeth Kronk Warner. Jefferson B. & Rita E. Fordham Presidential Dean and Professor of Law at the S.J. Quinney College of Law at the University of Utah. Dean Kronk Warner is so thankful for the excellent work put into the conference and this symposium issue by the student editors of the *Utah Law Review*. Special thanks to Amanda Fuller who served as the symposium editor.

<sup>1</sup> Alexa Chew (@aznchew), TWITTER (Jan. 23, 2021, 7:28 AM), <https://twitter.com/aznchew/status/1352986450829205504> [<https://perma.cc/L7BK-G5A3>].

discussed about the ways in which law faculty might pedagogically teach “race,”<sup>2</sup> racism, and related inequities, in the classroom.

This symposium was a response to those laudable efforts. It gathered scholars and practitioners who have been deeply engaged in this work to examine historical roots of the legal profession and discuss best practices for exploring ethnic, gender, and related inequities alongside our law students. It is well established that the legal profession and legal education neither reflect the community they serve nor swiftly respond to the social shifts within the broader society.<sup>3</sup> As 2020 grossly revealed, ethnic partiality and division are aches we have yet to really confront and bear. For example, the casebook method format of legal education continues to model Christopher Langdell’s Gilded Age curriculum, a proscriptive framework steeped in objectivity and intentionally withdrawn from both history and human experiences.<sup>4</sup>

---

<sup>2</sup> Co-author Leslie Culver puts this term in quotations intentionally. The term “race” is widely known as a social construct. *See, e.g.*, Ian F. Haney López, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. CIV. RTS.-CIV. LIBERTIES L. REV. 1, 3 (1994) (examining the “role of law in reifying racial identities . . . . By embalming in the form of legal presumptions and evidentiary burdens” society’s prejudices on certain marginalized communities, thus “making law a prime instrument in the construction and reinforcement of racial subordination”); EDUARDO BONILLA-SILVA, *RACISM WITHOUT RACISTS: COLOR-BLIND RACISM AND THE PERSISTENCE OF RACIAL INEQUALITY IN AMERICA* 8, 248 (5th ed. 2018) (“There is very little formal disagreement among social scientists in accepting the idea that race is a socially constructed category. This means that notions of racial difference are human creations rather than eternal, essential categories. As such, racial categories have a history and are subject to change.” (citations omitted)). Despite the social construction of this term, it continues to be used in discussion of diversity, equity and inclusion. This author suggests and uses the term “ethnicity” in its place.

<sup>3</sup> *See, e.g.*, A.B.A., *PROFILE OF THE LEGAL PROFESSION* 13 (2021), <https://www.americanbar.org/content/dam/aba/administrative/news/2021/0721/polp.pdf> [<https://perma.cc/543L-WG2F>] (“The legal profession has been very slow to diversify by race and ethnicity over the past decade . . . . White men and women are still overrepresented in the legal profession compared with their presence in the overall U.S. population. In 2021, 85% of all lawyers were non-Hispanic whites, a decline from 88% a decade ago. By comparison, 60% of all U.S. residents were non-Hispanic whites in 2019.”); Helia Garrido Hull, *Diversity in the Legal Profession: Moving from Rhetoric to Reality*, 4 COLUM. J. RACE & L. 1, 3 (2013) (“America is becoming more diverse. For the first time in history, ethnic minorities make up more than half (50.4%) of all children born in this country. Non-Hispanic whites are projected to become a minority group by 2042. Further, it is estimated that 20.5% of the workforce is currently comprised of persons with disabilities. These changes in demographics warrant changes to the legal profession. Yet, the legal community remains critically out of touch with changing demographics. The profession is still comprised primarily of white males, much as it was throughout its entire history, and there is little hope that change is imminent. Indeed, the American Bar Association (ABA) has openly acknowledged that current efforts to obtain diversity within the profession are likely to fail.” (citations omitted)).

<sup>4</sup> *See, e.g.*, Leslie Patrice Culver, *(Un)Wicked Analytical Frameworks and the Cry for Identity*, 21 NEV. L.J. 655, 682–83 (2021) (discussing work by Professor Teri McMurtry-

The selected cases, even if they describe the ethnicity and gender of the plaintiff or defendant, for example, rarely invite critical thinking as to how that party's identity impacted their interaction with the legal system.<sup>5</sup> Further still, as faculty, we recognized the need to be better equipped to thoughtfully engage with these questions, whether or not our students raised them. It is time that both critical thought and brave engagement become the norm in legal education.

Many legal scholars have exposed this glaring gap in legal education for years.<sup>6</sup> In fact, a few law schools have grappled with race-silent neutrality within the 1L

---

Chubb that exposes the Langdell method of legal education as a “sanitary response to an ‘Industrial America’ that needed ‘legal protections [for capitalism] to survive’”).

<sup>5</sup> See, e.g., Deborah Zalesne, *Racial Inequality in Contracting: Teaching Race as a Core Value*, 3 COLUM. J. RACE & L. 23, 23 (2013) (“Contract is an area of private ordering, but it is courts that invalidate or legitimize the use or allocation of power between or among parties to a contract. Unspoken assumptions about power—who has it, who may use it, and how it may be used—are embedded in contract law and theory. These assumptions may conceal bias, stereotypes, and cultural preferences in a court’s final decision. An analysis that presumes neutrality on the part of the court and autonomy on the part of the parties overlooks the various advantages and handicaps that people bring with them to each transaction, some of which may be the result of the social identity of the parties.”); Kevin R. Johnson, *Integrating Racial Justice into the Civil Procedure Survey Course*, 54 J. LEGAL EDUC. 242, 242 (2004) (demonstrating how issues of race, class, and gender can be “neatly” integrated into the “traditional” casebook on Civil Procedure, implying such marginalized stances are not intuitively included); Portia Pedro, *A Prelude to a Critical Race Theoretical Account of Civil Procedure*, 107 VA. L. REV. ONLINE 143, 143 (2021), <https://www.virginialawreview.org/articles/a-prelude-to-a-critical-race-theoretical-account-of-civil-procedure/> [<https://perma.cc/6PT2-PR2V>] (“I posit that a dearth of critical thought interrogating the connections between [civil] procedure and the subjugation of marginalized peoples might be due to the limited experiences of [civil] procedural scholars; a misconception that [civil] procedural rules are a technical, objective, neutral area; and avoidance of discussion of race or other aspects of identity unless there is a case, material, or scholarly topic that meets an unreasonably high standard.”).

<sup>6</sup> See Kathryn M. Stanchi, *Resistance Is Futile: How Legal Writing Pedagogy Contributes to the Law’s Marginalization of Outsider Voices*, 103 DICK. L. REV. 7, 11 (1998) (“[L]egal writing pedagogy may contribute to the marginalization of certain groups by focusing on audience and socializing them into the culture and language of law.”); Lucille A. Jewel, *Bourdieu and American Legal Education: How Law Schools Reproduce Social Stratification and Class Hierarchy*, 56 BUFF. L. REV. 1155, 1158 (2008) (relying on Pierre Bourdieu’s theory on class as a theoretical framework for researching issues of class in legal education, and being rightly concerned that if she “teach[es] [her] students how to master the upper-class culture of the law, there is still no guarantee that the legal profession will return the favor and accept [her] students as bona fide members”); Anastasia M. Boles, *Seeking Inclusion from the Inside Out: Towards a Paradigm of Culturally Proficient Legal Education*, 11 CHARLESTON L. REV. 209, 214 (2017) (arguing for a cultural shift in legal education requiring “palpable changes to the law school environment” to “actively work towards more inclusive, supportive, and diverse law school environments”); Alexi Nunn Freeman & Lindsey Webb, *Positive Disruption: Addressing Race in a Time of Social Change Through a Team-Taught, Reflection-Based, Outward-Looking Law School Seminar*, 22 U. PA. J.L. & SOC. CHANGE 121, 124–125 nn.9–17 (2018) (providing an expansive list of legal

curriculum and created diversity reading lists.<sup>7</sup> But, however elusive a goal, we, the legal academy, have not yet arrived at an inclusive curriculum, so the conversation must continue. It is not enough to create an external reading list hoping law students will self-engage. The voices and perspectives of others must be embedded into the very fabric of the classroom discussion as a normative practice.

As former practitioners, scholars, and representatives of traditionally marginalized communities (in our case, Black and Native), we have had a long-standing interest in openly confronting racism and ethnic partiality in legal education and the broader legal profession. We have been intentional during our time in the academy to be ethnically and culturally visible both in the courses we teach and in our scholarship. To be sure, this visibility comes at a cost, particularly when we were the only one, or one of few—an isolation each of us bore during our time in the legal profession and academy.<sup>8</sup> This cost bears on our emotions, it bears on our mental health, it bears on our spirit. As we stand in front of the classroom, present in form, and teaching laws and analytical processes judged by our students as “truth,” we are simultaneously reminded that though our communities were present in history, they are largely absent in the recorded pages of the casebooks. For our stories are not often tales of power or of generational inheritance. Even where our communities may be present in the casebooks, our ethnicity or cultural experiences are redacted, or so minimized that novice law students may not think to question whether such marginalization was significant to the legal outcome.

Professor Chew’s January 23, 2021 tweet reminded us that though we may often be the only representation (or one of few) of our community in our legal academic space, not only are we visible, but our students need to learn how the law has interacted (or has failed to interact) with marginalized communities.<sup>9</sup> In this current movement of cultural awareness as a norm, the failure to include our stories

---

scholars who have advocated for “a richer curriculum that better reflects the racial underpinnings and impacts of our laws and legal system”); see L. Danielle Tully, *The Cultural (Re)Turn: The Case for Teaching Culturally Responsive Lawyering*, 16 STAN. J. C.R. & C.L. 201 (2020) (proposing culturally responsive lawyering as an orienting framework for legal education in response to the American Bar Association’s (ABA) accreditation standards that require learning outcomes to demonstrate competencies for legal practice).

<sup>7</sup> For information on what law schools are specifically doing, see *Law Deans Antiracist Clearinghouse Project*, ASS’N AM. L. SCHS., <https://www.aals.org/about/publications/anti-racist-clearinghouse/> [<https://perma.cc/5N33-E5EQ>] (last visited Dec. 21, 2021).

<sup>8</sup> See generally, e.g., Elizabeth Kronk Warner, *Living in Two Worlds*, 73 RUTGERS U.L. REV. 933 (2021) (discussing some of Elizabeth Kronk Warner’s experiences as one of few Native women in the legal academy); Leslie P. Culver, *White Doors, Black Footsteps: Leveraging “White Privilege” to Benefit Law Students of Color*, 21 J. GENDER, RACE & JUST. 37 (2017) (discussing some of Leslie Culver’s experiences as one of few Afro American women in law school and at her Big Law firm); Leslie P. Culver, *The Rise of Self Sidelining*, 39 WOMEN’S RTS. L. REP. 173, 216–18 (2018) (discussing some of Leslie Culver’s feelings of marginalization as an Afro American law professor, and the intersection of that ethnicity coupled with teaching legal writing, an academically marginalized post).

<sup>9</sup> Chew, *supra* note 1.

not only renders us invisible, but also renders our students ill-prepared. If law students fail to understand how the law interacts with all groups of people or fail to understand counterarguments (e.g., cultural defenses), they will be less successful in their legal careers. Additionally, without understanding the realities of Others within the United States (or at least having an awareness that other realities exist), our current students will become attorneys who struggle to effectively communicate with and represent their clients. Our goal with the symposium was to highlight ways in which intellectual discussion of historically marginalized identities can be included in core 1L casebooks and courses, and further into upper-level courses not traditionally beckoning awareness of such identities (e.g., business law, family law, environmental law). We were honored to bring together interdisciplinary academics, including law deans, communication scholars, and legal practitioners to take an innovative look at practical and pedagogical steps toward rethinking, reimagining, and reshaping the legal curriculum in efforts to #IncludeTheirStories. We felt that an interdisciplinary look at these issues was incredibly valuable in thinking through how we might accomplish our shared goals.

The symposium was thoughtfully layered, with day one focused on laying the foundation for the history of exclusion in the legal profession and how we embrace the discomfort in ourselves and our students while engaging in difficult dialogue. Our keynote speaker was Danielle Conway (Dean of Penn State Dickinson Law). With that foundation laid, day two opened with remarks by Professor Meera Deo (Southwestern Law School, Law School Survey of Student Engagement Director), who set the stage for diverse representation as priority both in the classroom and in casebooks, after which the panelists offered practical tools and pedagogical theories for such inclusion.

Our wonderful panelists, listed below in presentation order, were refreshingly vulnerable as they shared their abundant research and anecdotes on these topics in varying degrees. We remain grateful to each of these individuals for how their remarks enriched the audience—which included faculty from across the country, our S.J. Quinney College of Law students and alumnae, practitioners, and, as a special guest, the wife of the symposium namesake, Ms. Herta Teitelbaum. We recognize and appreciate that we are the beneficiaries of their hard work. We are also grateful for the hard work of the *Utah Law Review*, particularly symposium editor Ms. Amanda Fuller, and our talented Media/Events and IT teams, for their dedication to the success of this symposium.<sup>10</sup>

The two-day symposium began on November 5th with a session titled, “Grappling with Our Legal History of Exclusion.”<sup>11</sup> The purpose of this session was

---

<sup>10</sup> The symposium, held on November 5th and 6th of 2021, was titled, *#IncludeTheirStories: Rethinking, Reimagining, and Reshaping Legal Education*. For those interested in watching a recording of the symposium, it can be viewed here: [https://www.youtube.com/playlist?list=PLrfMz\\_WZNoCYdan3vmmAx9kLLQOBa4o9\\_](https://www.youtube.com/playlist?list=PLrfMz_WZNoCYdan3vmmAx9kLLQOBa4o9_) [<https://perma.cc/QFS4-MLRZ>].

<sup>11</sup> University of Utah S.J. Quinney College of Law, *2021 Lee E. Teitelbaum Symposium Day 1 Session 1: Grappling with Our Legal History of Exclusion*, YOUTUBE (Nov. 5, 2021),

to frame how diverse perspectives were excluded from legal education (and from the profession) and to lay a foundation for what must change moving forward. Panelists included: Dr. Tom Romero,<sup>12</sup> Joann Thach,<sup>13</sup> and Angela Winfield.<sup>14</sup> In this edition of the *Utah Law Review*, Dr. Romero builds on his conference presentation in his article, *A Brown Buffalo's Observations on Color (Blindness), Legal History, and Racial Justice in the Rocky Mountain West*. Romero begins his essay by telling his story and the story of his family before him, as well as depicting his current lived experience, which is a powerful counter-narrative to the narratives dominating American society. As he explains, "Counter-narratives . . . such as mine and those of my family provide context and complexity to the lived experience of the law very rarely acknowledged in legal jurisprudence, legislative texts, municipal codes, or regulatory rules." When legal academics provide these counter-narratives, Critical Race Theory provides permission for the scholar to both self-consciously and intentionally advocate for racial justice as a larger scholarly project. Romero tackles the tension at the heart of race relations in the American West and "the persistent tension between the region as a racial utopia free from de jure racial inequities and the legacy of state-sanctioned racial violence and deep-rooted nurturing of White supremacy." He then connects this history to the present day,

---

[https://www.youtube.com/watch?v=cJgbtfq0S9w&list=PLrfMz\\_WZNoCYdan3vmmAx9kLLQOBa4o9](https://www.youtube.com/watch?v=cJgbtfq0S9w&list=PLrfMz_WZNoCYdan3vmmAx9kLLQOBa4o9) &index=1 [<https://perma.cc/PEQ6-XSHG>].

<sup>12</sup> Dr. Tom Romero (Denver) is a nationally known interdisciplinary legal historian of the racial landscape of the American West. Bringing issues such as immigration, school desegregation, property, land use, urban development, and water law together, Dr. Romero has documented the battle for racial equity and justice in the region in numerous articles, essays, and book chapters. Dr. Romero received his Ph.D and J.D. from the University of Michigan and was part of the founding generation of critical race theory students and the *Chicano-Latino Law Review*.

<sup>13</sup> Joann Thach is Snell & Wilmer's Senior Director of Diversity, Equity & Inclusion. She oversees the firm's commitment to expanding and supporting diversity, fostering an inclusive culture, and supporting initiatives that positively impact the greater community. Prior to joining Snell & Wilmer, she spent several years leading recruiting, providing training, and engaging with corporate social responsibility efforts with a lens for diversity and inclusion at an Am Law 100 firm. Thach received her undergraduate degree from UCLA in Sociology and Philosophy and completed an intensive Critical Race Theory & Intersectionality program sponsored by the African American Policy Forum, in partnership with Columbia Law School and UCLA School of Law.

<sup>14</sup> Angela Winfield is the Chief Diversity Officer for the Law School Admission Council (LSAC). In this role, she provides leadership, vision, energy, and a unified philosophy to LSAC's diversity, equity, and inclusion efforts on behalf of member law schools and the students who seek a career in law. Prior to her current position, Winfield was the Associate Vice President for inclusion and workforce diversity at Cornell University, where she led the university's affirmative action and federal contractor compliance programs, managed the university's five identity/affinity-based colleague network groups, provided training opportunities for the 7,000+ member staff, oversaw religious accommodations, and served on the university's ADA coordinator team. Winfield earned her J.D. from Cornell Law School and her B.A. from Barnard College of Columbia University.

detailing some of the ways that the region continues to struggle with and be in tension with its ability to confront forthrightly deep-rooted racial inequities. He concludes by offering some of the ways we must become color-conscious if we are invested in building a collective, more equitable, and just future in the West.

Following this framing and the panelists' stories, the conference then delved into questions of how to communicate the importance of incorporating topics of diversity, equity, and inclusion into the law school curriculum and how to address resistance to such efforts that might emerge. The second session combined communications scholars with legal practitioners to examine "Overcoming the Resistance to DEI."<sup>15</sup> The panelists included Dr. Robin M. Boylorn,<sup>16</sup> Thomas M. Donnelly,<sup>17</sup> and Dr. Robert J. Razzante.<sup>18</sup> In this edition, Dr. Razzante and his co-author Breanta Boss build on Dr. Razzante's conference presentation in their article, *DEI in the Legal Profession: Identifying Foundational Factors for Meaningful Change*. Razzante and Boss begin by defining key terms such as social constructionism, power, "-isms," banking education, and problem-posing, used in their essay to establish a common understanding of terms. Then, the essay proceeds into four main examinations of the importance of DEI: institutional factors,

---

<sup>15</sup> University of Utah S.J. Quinney College of Law, *2021 Lee E. Teitelbaum Symposium Day 1 Session 2: Overcoming the Resistance to DEI*, YOUTUBE (Nov. 5, 2021), [https://www.youtube.com/watch?v=zrAN\\_EUbuPk&list=PLrfMz\\_WZNoCYdan3vmmAx9kLLQOBa4o9\\_&index=2](https://www.youtube.com/watch?v=zrAN_EUbuPk&list=PLrfMz_WZNoCYdan3vmmAx9kLLQOBa4o9_&index=2) [<https://perma.cc/Q3X8-SF68>].

<sup>16</sup> Dr. Robin M. Boylorn (Alabama) is a Professor of Interpersonal and Intercultural Communication in the Department of Communication Studies at the University of Alabama. Her research and writing focus on issues of social identity and diversity, with an emphasis on social justice and advocacy and the lived experience(s) of black women. She is the author of the award-winning monograph *SWEETWATER: BLACK WOMEN AND NARRATIVES OF RESILIENCE* (available in a revised edition), co-editor of *CRITICAL AUTOETHNOGRAPHY: INTERSECTING CULTURAL IDENTITIES IN EVERYDAY LIFE*, and co-writer and editor of *The Crunk Feminist Collection*. Her public writing and cultural commentary have been published in venues including *Slate*, *Ebony*, *The Guardian*, *Salon*, *Gawker*, and the *Crunk Feminist Collection blog*. She is also a commentator for Alabama Public Radio and Editor-Elect of the journal *Communication and Critical/Cultural Studies*.

<sup>17</sup> Thomas M. Donnelly is currently a civil litigator at Jones Day. He has practiced environmental and insurance coverage law for more than thirty years. He represents clients in environmental litigation and regulatory enforcement proceedings, provides compliance counseling and due diligence/transactional support, and assists clients in securing coverage from their insurers. He has appeared in all federal district courts in California, the Ninth and Eleventh Circuit Courts of Appeals, and California trial and appellate courts. Donnelly earned his J.D. from Harvard and his B.A. from Tufts University.

<sup>18</sup> Dr. Robert J. Razzante (Western Washington) received his M.Ed. from Ohio University in Critical Studies in Educational Foundations & College Student Personnel and his Ph.D. from the Hugh Downs School of Human Communication at Arizona State University in Communication. His engaged scholarship seeks to transform conflict surrounding the intersections of culture, privilege, and marginalization. Dr. Razzante's dissertation research is with a multi-national healthcare organization desiring a more inclusive workplace for their caregivers. The study uses Interpretive Structural Modeling to offer suggestions for organizational leaders when allocating resources for building inclusion.



programmatically, classroom-specific factors, and intrapersonal factors. For example, in discussing institutional factors, the essay serves as a clarion call that:

When seeking to reimagine, rethink, and reshape the legal profession, it is important to keep in mind institutional barriers that make it difficult for students and faculty to thrive—one example being the need to assimilate into a white western way of thinking about law as separate and mutually exclusive from difference.

To help readers relate to the themes being explored, the essay incorporates many stories from practicing lawyers experiencing factors discussed in the essay. Ultimately, the essay adds to the discussion of diversity, equity, and inclusion in profound ways, as it encourages us to focus on commonalities. To do this, practicing critical self-reflexivity is paramount. Razzante and Boss explain that this practice calls on individuals to seek to understand how they themselves are situated within existing social norms of inequities historical (dis)advantage, prejudice, and discrimination—especially when their actions impact others. Ultimately, the authors hope that this essay can be a tool toward improving discussions about diversity, equity, and inclusion.

We were honored to end the first day of the conference with an inspiring keynote address from Dean Danielle Conway.<sup>19</sup> Dean Conway was selected as the Symposium Keynote due to her notable work toward building an antiracist law school, legal academy, and legal profession through leadership, vision, priorities, and transformational diversity, equity, and inclusion-focused admissions and faculty and staff recruitment and retention. Dean Conway is the co-recipient of the inaugural Association of American Law Schools' (AALS) Impact Award, which honors individuals who have had a significant, positive impact on legal education or the legal profession. Dean Conway received this recognition for her work in establishing the Law Deans Antiracist Clearinghouse Project.<sup>20</sup> Launched in June 2020, the project is a webpage for law deans, faculty and staff, and the public that contains resources and information related to addressing racism in law and legal education. Dean Conway's inspirational presentation focused on various options law schools have in terms of effective incorporation of antiracism and diversity, equity, and inclusion principles into the legal curriculum. Her presentation was both practical and motivating. She builds on this excellent presentation in her article, *Antiracist Lawyering in Practice Begins with the Practice of Teaching and Learning Antiracism in Law School*. In her essay, Dean Conway notes the legal academy's

---

<sup>19</sup> Dean Danielle M. Conway (Penn State Dickinson) is a leading expert in procurement law, entrepreneurship, and intellectual property law. Dean Conway joined Dickinson Law after serving for four years as Dean of the University of Maine School of Law and 14 years on the faculty of the University of Hawai'i at Mānoa, William S. Richardson School of Law, where she was the inaugural Michael J. Marks Distinguished Professor of Business Law. She also served as a Fulbright Senior Scholar in Australia and later as Chair in Law at LaTrobe University, Faculty of Law & Management.

<sup>20</sup> For information on the project, see footnote 7 and accompanying text.

special duty to promote democracy and democratic ideals. To ensure such ideals flourish, she argues that there must be a recognition that “the power relations within legal institutions, and especially law schools, tend to reinforce a culture . . . [that] bends toward the status quo . . . .” Thus, the importance of antiracism teaching and learning in legal education becomes paramount to the ability to then facilitate “engagement and adoption of antiracist lawyering acumen in practice.”

On the second day of the conference, November 6th, Professor Meera E. Deo<sup>21</sup> provided the opening address.<sup>22</sup> As the author of, *Unequal Profession: Race and Gender in Legal Academia*, Deo was invited to provide opening remarks based largely on her empirical work exploring how the intersection of race and gender affects faculty experiences, and, ultimately, how law students engage with issues of diversity, equity, and inclusion. Her research, which merges jurisprudence with empirical methods to interrogate institutional diversity, affirmative action, and racial representation, aptly provided the foundation for why diverse representation matters inside the law school classroom.

The first session of the day, titled “Legal Academia & Publishing: Representation Matters” followed Professor Deo’s opening address.<sup>23</sup> Individuals bearing traditionally marginalized identities are underrepresented both in the legal academy and in terms of casebook authors. The panelists discussed this phenomenon, including its cause and potential remedies. Panelists included Dean

---

<sup>21</sup> Professor Meera E. Deo (Southwestern) is a Professor and the Director of the Law School Survey of Student Engagement (LSSSE) at Southwestern Law School. For the 2020–2021 academic year, she was the William H. Neukom Fellows Research Chair in Diversity and Law at the American Bar Foundation. She has received support from the National Science Foundation, Paul & Daisy Soros Fellowship, AccessLex Institute, Wolters Kluwer, and others. Professor Deo is a member of the American Law Institute and earned her Ph.D. in Sociology from UCLA, her J.D. from University of Michigan, and her B.A., with high honors, from UC-Berkeley.

<sup>22</sup> See University of Utah S.J. Quinney College of Law, *2021 Lee E. Teitelbaum Symposium Day 2: Intro and Opening Address*, YOUTUBE (Nov. 15, 2021), [https://www.youtube.com/watch?v=\\_CCnTBIRA2U&list=PLrfMz\\_WZNoCYdan3vmmAx9kLLQOBa4o9\\_&index=4](https://www.youtube.com/watch?v=_CCnTBIRA2U&list=PLrfMz_WZNoCYdan3vmmAx9kLLQOBa4o9_&index=4) [<https://perma.cc/Z7M7-UDBL>].

<sup>23</sup> See *id.*

Hannah Brenner Johnson,<sup>24</sup> Professor Steven Dean,<sup>25</sup> and Professor Sara L. Ochs.<sup>26</sup> Professor Dean builds on his presentation in this edition with his essay, *Filing While Black: The Casual Racism of the Tax Law*. Dean posits that “tax law’s race-blind approach produces bad tax policy.” The essay uses three stories to demonstrate how the failure to address racism in tax law and policy has failed to prevent bias and led to devastating results. “Ignoring race does not solve problems; it creates them. ProPublica has shown, for example, that because of the perils of filing income taxes

---

<sup>24</sup> Dean Hannah Brenner Johnson’s (California Western) research sits at the complex intersection of law and gender, focusing specifically on institutions and disparate power dynamics. Her research falls into two distinct areas: gender-based violence and gender inequality in the legal profession. Dean Brenner Johnson’s early research on gender inequality in the legal profession considered, empirically, the ways in which the media portrays nominees to the United States Supreme Court through a gendered lens. Her co-authored article that emerged from this research, *Rethinking Gender Equality in the Legal Profession’s Pipeline to Power: A Study on Media Coverage of Supreme Court Nominees*, was selected as a winner of the 2012 AALS New Voices in Gender paper competition. Hannah Brenner & Renee Newman Knake, *Rethinking Gender Equality in the Legal Profession’s Pipeline to Power: A Study on Media Coverage of Supreme Court Nominees*, 84 TEMPLE L. REV 325 (2012). A subsequent peer-reviewed essay, *Expanding the Pathways to Gender Equality in the Legal Profession*, published in LEGAL ETHICS, calls for innovative solutions to the rampant inequality that continues to plague women lawyers. Hannah Brenner, *Expanding the Pathways to Gender Equality in the Legal Profession*, 17 LEGAL ETHICS 261 (2014). More recently, she is the renowned co-author of *Shortlisted: Women in the Shadows of the Supreme Court*, published by New York University Press in May 2020. HANNAH BRENNER JOHNSON & RENEE KNAKE JEFFERSON, *SHORTLISTED: WOMEN IN THE SHADOWS OF THE SUPREME COURT* (2020). This work told the stories of women who were shortlisted, but never nominated, to the United States Supreme Court. Dean Brenner Johnson is also the co-author of a new casebook, *Gender, Power, Law, & Leadership*. HANNAH BRENNER & RENEE KNAKE JEFFERSON, *GENDER, POWER, LAW, & LEADERSHIP* (2019). Dean Brenner Johnson received her J.D. from University of Iowa College of Law and her B.A. from the University of Iowa.

<sup>25</sup> Professor Steven Dean (Brooklyn) focuses his work on the causes and consequences of inequality both domestically and globally, with a particular focus on tax policy and the impact of race. He writes and podcasts about tax law and social enterprise. *See, e.g.*, Steven Dean, *The Tax Maven Podcast*, <https://podcasts.apple.com/us/podcast/the-tax-maven/id1499677807> [<https://perma.cc/F46D-3HWD>]. Dean’s scholarship addresses the impact of neoliberalism and racial capitalism and the evolving relationship between financial profit and social mission evident in the emergence of social enterprise, impact investing, and unregulated philanthropy. Dean earned his J.D. from Yale and his B.A. in Political Economy at Williams College.

<sup>26</sup> Professor Sara L. Ochs’ (Louisville) scholarly research explores the prevalence and impact of imposter syndrome in legal academia as well as issues of international criminal law and transitional justice. Ochs earned her J.D. summa cum laude from Loyola University New Orleans College of Law, following which she clerked for the Honorable Carl J. Barbier on the U.S. District Court for the Eastern District of Louisiana and practiced as a civil litigator in New Orleans. Ochs also serves as a volunteer International Humanitarian Law Instructor for the American Red Cross and is a certified Trial Monitor with the Clooney Foundation for Justice.

while Black, the five most heavily audited counties in the United States are Black and poor.” Ultimately, Dean uses stories to illustrate his point, as many successive presidential administrations have failed to collect the data to empirically demonstrate the truth to which the stories point. In this way, Dean builds on the power of stories demonstrated by the symposium’s first panel. Additionally, his essay shows how issues of race and racism pervade all areas of the law, including those that may appear to some to be “race blind,” such as tax.

The next session, titled “1L Curriculum,” addressed how themes of diversity, equity, inclusion, and antiracism might be explicitly incorporated into the first-year legal curriculum.<sup>27</sup> All of the panelists have experience doing this work, and they included Professors Nantiya Ruan,<sup>28</sup> Phyllis Taite,<sup>29</sup> and Danielle Tully.<sup>30</sup> Building on her conference presentation, Professor Taite and her co-author Professor Nicola

---

<sup>27</sup> University of Utah S.J. Quinney College of Law, *2021 Lee E. Teitelbaum Symposium Day 2 Session 2: 1L Curriculum*, YOUTUBE (Nov. 15, 2021), [https://www.youtube.com/watch?v=oBaH9H2Uxyo&list=PLrfMz\\_WZNoCYdan3vmmAx9kLLQOBa4o9\\_&index=5](https://www.youtube.com/watch?v=oBaH9H2Uxyo&list=PLrfMz_WZNoCYdan3vmmAx9kLLQOBa4o9_&index=5) [<https://perma.cc/H8VY-3TEU>].

<sup>28</sup> Nantiya Ruan (Denver) teaches first-year Lawyering, Poverty Law, and Advanced Workplace Law. She is the faculty director of the Workplace Law Program and the Homeless Advocacy Policy Project. Ruan writes in the areas of low-wage work, class and collective actions, poverty and homelessness, and social justice teaching. Ruan is also the co-author of *The New 1L: First-Year Lawyering with Clients*. NANTIYA RUAN, EDUARDO R.C. CAPULONG, MICHAEL A. MILLEMANN & SARA RANKIN, *THE NEW 1L: FIRST-YEAR LAWYERING WITH CLIENTS* (2015), which describes how to merge theory and practice in the first year of legal education. The book is particularly relevant today, when many are criticizing law schools for their over-reliance on the Langdellian teaching method and failure to produce practice-ready graduates. Additionally, Ruan has regularly embedded difficult dialogues on marginalized identities into her common 1L coursework. Ruan earned her J.D. and M.S.W. from University of Denver.

<sup>29</sup> Professor Phyllis Taite (Oklahoma City) teaches a combination of Federal Income Tax; Wills, Trusts and Estates; and Property-based courses. Her teaching package may also include Estate & Gift Tax, and seminar courses with an emphasis on income and wealth inequalities and other social justice issues. She has over eighteen years of teaching experience and continues to teach with a passion that brings out excitement and interest to otherwise difficult subjects. Most recently, Taite has served as an invited speaker to the Florida Tax Institute, University of Florida, Levin College of Law Colloquium Series, ACTEC Florida Fellows Conference, the University of South Carolina Virtual Symposium on Taxation, Finance, and Racial Justice, the Vermont Bar Association CLE on Tax and Social Justice, and the Philadelphia Bar Association CLE on the Intersection of Race and Taxes. Taite earned her LL.M (Taxation) from the University of Florida, her J.D. from Florida State University, and her B.S. from Florida A&M University.

<sup>30</sup> Professor Danielle Tully (Brooklyn) focuses her scholarship on assessment, pedagogy, and legal education reform. Her recent article, *The Cultural (Re)Turn: The Case for Teaching Culturally Responsive Lawyering*, 16 *STANFORD JOURNAL OF CIVIL RIGHTS & CIVIL LIBERTIES* 201 (2020), was selected for the Legal Writing, Reasoning, and Research Section’s Newer Scholars’ Showcase at the 2021 meeting of the American Association of Law Schools. Tully earned her J.D. from Boston College, her M.A. from The Fletcher School of Law and Diplomacy, Tufts University, and her B.A. from Brown University.

Boothe explore specific strategies to integrate diversity, equity, and inclusion in the first-year curriculum and discuss common mistakes made by faculty in their article, *Teaching Cultural Competence in Law School Curricula: An Essential Step to Facilitate Diversity, Equity, & Inclusion in the Legal Profession*. The authors remark that such preparation is necessary to combat pervasive inequities and inequalities so that law students become lawyers who understand their obligation to act equitably, transparently, and with integrity. Further, Professor Tully remarks in her essay, *What Law Schools Should Leave Behind*, that the first-year curriculum socializes future lawyers and shapes the law. Thus, legal education must abandon three structural impediments to build an inclusive and equitable law school, or else “law schools will not exit the legal education roundabout they have chosen to remain in for so long.” Ultimately her essay pleads with legal educators to “get about the work, the real work, by ceding both space and power so that we can build something better for our students and for our collective selves.”

The final session of the conference explored how this work might also be accomplished in the upper-level J.D. curriculum.<sup>31</sup> Professors Anastasia M. Boles<sup>32</sup> and Bridget J. Crawford<sup>33</sup> provided helpful and concrete methods to create a more inclusive upper-level curriculum. In this edition, Professor Boles expands on the ideas presented during the symposium in her article, *Pivoting Under Pressure: Cultural Proficiency, Race, and Reforms*. Boles explains that following the racial reckoning and horrific events of 2020, performative diversity efforts of the past are no longer acceptable. There is a need for “immediate, comprehensive, and reconceptualized action” to diversify law schools at all levels and to reform the legal

---

<sup>31</sup> University of Utah S.J. Quinney College of Law, *2021 Lee E. Teitelbaum Symposium Day 2 Session 3: Upper-level Curriculum*, YOUTUBE (Nov. 15, 2021), [https://www.youtube.com/watch?v=\\_nr8dBu7\\_cc&list=PLrfMz\\_WZNoCYdan3vmmAx9kLLQOBa4o9\\_&index=6](https://www.youtube.com/watch?v=_nr8dBu7_cc&list=PLrfMz_WZNoCYdan3vmmAx9kLLQOBa4o9_&index=6) [<https://perma.cc/4K6G-EZC6>].

<sup>32</sup> Professor Anastasia M. Boles (Arkansas-Little Rock) teaches Civil Procedure, Evidence, Employment Discrimination, and Race and the Law. Her approach to teaching is to push students to think deeply about the societal impact of legal rules and their future role as ethical practitioners and community leaders. As a scholar, Boles examines the intersection between labor and employment law and legal issues involving race, age, gender, sexuality, disability, and class. She also examines the need for culturally proficient legal education and lawyering. She has published articles on employment law, culturally proficient legal education, and criminal justice policy. Professor Boles also co-directs Bowen’s new Center for Racial Justice and Criminal Justice Reform at Bowen. Boles earned her J.D. from Columbia and her BA in Political Science and Sociology from Stanford.

<sup>33</sup> Professor Bridget J. Crawford (Pace) teaches Federal Income Taxation; Estate and Gift Taxation; and Wills, Trusts and Estates. Her scholarship focuses on issues of taxation, especially wealth transfer taxation; property law, specifically wills and trusts; tax policy; and gender and the law. Professor Crawford’s scholarship has been published in journals including the *Washington University Law Review*, *University of Chicago Legal Forum*, *Boston University Law Review*, *U.C. Davis Law Review*, *Washington & Lee Law Review*, and specialty journals at Harvard, Yale, Columbia, the University of Pennsylvania, and the University of Michigan. Crawford received her Ph.D from Griffith Law School in Brisbane, Australia, her J.D. from University of Pennsylvania and her B.A. from Yale.

curriculum to integrate the operation of race in the law. To ensure that such efforts do not fall to dilution and inaction, Professor Boles recommends cultural proficiency as a paradigm that will allow law schools to engage in transformative activism. The essay defines cultural proficiency as “an institutional (or individual) action plan to move past superficial DEI efforts towards policies, procedures, and behaviors that actually impact a culture.” To demonstrate how this is possible, she begins by reviewing the essential elements of cultural proficiency, and then explains how the cultural proficiency “continuum” can guide law school efforts.

Overall, we are excited by the ideas and themes shared both through the symposium itself and in the 2022 Symposium Issue of the *Utah Law Review*. We are hopeful that both the symposium and these articles will help to spur meaningful change within the legal academy and profession. We are very happy to be able to tell Professor Chew that her “vision,” tweeted over a year ago, has become a reality thanks to the *Utah Law Review*.