

## 2021 Black Lawyers Matter Conference<sup>SM</sup>: Next Steps and Closing Remarks

### FULL TRANSCRIPT

**Voiceover:** 2021 Black Lawyers Matter Conference<sup>SM</sup> presented by LSAC, University of Houston Law Center, and SMU Dedman School of Law, in collaboration with the conference planning committee. Recorded October 15, 2021. Next Steps and Closing Remarks.

[Upbeat music plays and fades out]

**Kellye:** Carla, thank you so very much and I want to give a big thanks to everyone on this panel and really all the speakers today. I have learned so much, and I've had so many comments in the chat and on my email about how much people have appreciated everyone's contributions and remarks. We have also had many people say that they're hopeful that we'll continue to have an event like this each year. And I do want to repeat what I said last year, which is that LSAC is committed to making sure this event continues every year, because we all know that it doesn't take just one step or even 10, it takes continued steps to make the difference we all want to make for equity. So we do look forward to working together with all of you as we all move forward together. And as we think about those next steps, I'm really proud to introduce our next panel and to hear from several speakers who are prepared to share some reflections on the day, and to also share some thoughts about where do we go from here? What might some next steps be that can assure the accountability, the forward progress that we all hope to make. And so what I thought I would do is introduce, in the order they will speak, each of the panelists, and then they'll share some opening remarks with you and I'll have a few follow-up questions and then we'll hear from our closing speaker today, who is Dean Jennifer Collins from the Dedman School of Law at Southern Methodist University. As you know, she and Leon Baynes convene this for the first time last year. So as Leon opened this morning, we'll ask Jennifer to close.

But before we do that, I want to welcome four speakers and I'll introduce them as I noted very briefly to save time for their remarks. I'll introduce them in the order that they'll share remarks with you and so let me first start with Michèle Alexandre, who is right now, the Dean at Stetson University College of Law. She also serves in an Assistant to the President role, helping advance diversity initiatives, and herself is a wonderful teacher scholar in the area of sustainability and how that intersects with race with poverty and many other issues in our society. And so Dean Alexandre will be our first speaker she'll then hand off to Elizabeth Kronk Warner, who is the Dean at the University of Utah S.J. Quinney School of Law and Dean Kronk Warner is an expert at the intersection of environmental law and Indian law and I look so forward to hearing her remarks and so glad that she was able to join us today. After a Dean Kronk Warner speaks, we will hear from Leo Martinez. He is an Emeritus Professor at Hastings Law School and also right now is serving as a Managing Director for the Anderson Firm, a financial services firm.

Mr. Martinez, Professor Martinez is a expert in insurance law and also taxation and right now, in addition to his academic career, is serving as the chair of the ABA counsel for the section of Legal Education and Admission to the Bar. So I'm particularly thrilled that Leo Martinez can join us today and also be here for us in terms of representing the ABA in that capacity. And then I will also be so

delighted to hear from Kimberly Mutcherson, who is the co-dean right now at Rutgers Law School and I'm so glad she was able to be with us today and like the other speakers have, she also has a wonderful record in scholarship and teaching herself, and she works at the intersection of reproductive justice and how that intersects with areas such as bioethics, health law, and family law.

So with that, please join me in welcoming this wonderful panel. As I know, once we have a little time to share forward-looking thoughts, I'll turn to Dean Collins for closing remarks. So with that Dean Alexandre, I'm thrilled to see you, my friend. I'll turn it over to you.

**Michèle Alexandre:** Hi everybody. Hello everybody and it's been a pleasure to be watching and listening to everyone's valuable contribution. I'll keep my comments brief because I really look forward to the engagement. Today we learned so much about the common patterns we all face both in legal education and the employment sector, and my lens will focus really on the three things. We know that pipelines are effective, but they are difficult to maintain and in that vein, some of the thoughts that we share really illustrated some possibility for collaboration. Second, Black students particularly are coming to us in a more vulnerable and in need of greater access, and third, the employment sector must match the work and commitment that law schools are trying to initiate and lead. So on pipeline program requiring a systemic approach. I think of CLEO, which has been in existence for quite a while, it's more successful days — and it's very effective and wonderful — However, we've had more law schools at some point participating. And the reason why we don't have as many is because of lack of resources and tightening of budget. So as we think about how we can systematize and create a structure of pipelines, the thought that came to mind today is how we could create a larger structure of collaboration across law schools. We have a pipeline program here that we started with a community organization in San Pico, [indistinct] St. Pete, and it goes to the high schools, multiple high schools, and really works with 14- and 13-year-olds. It's a drop and it's a beginning and the thought of how impactful, that could be where we're able to use technology and use the framework to have multiple law schools across regions, join forces. And some of that is happening and I heard today an encouragement to continue thinking through in a more global collaborative fashion.

The more successful pipeline programs, it has been shown for the last few decades, go directly to the students and they do not wait for the rising, even the rising seniors or even first year in undergrad. They do go to the younger age and that is because young people need a mirror image, they need something to look up to. Somebody that matches, and that is what we're lacking. So with the 5% number, there's more low representation of Black lawyers. There are many, many needs, but we also know that many of our students come saying, "I don't know anybody that looks like me who is doing this." So the question is how could we really ally and rally our forces to provide more of that mirror image? We've learned here at Stetson, because we are a small private institution that is predominantly White, and we got a big hurdle to overcome. We learned here at Stetson that we had to overcome the impression that law school wasn't for people and flip the image of law school being elitist, or even the impression of Stetson. So that also means we had to go to a new location that we assume did not want to hear from us. And that has changed. The more we reached out and engage, the more students came to us and has been a wonderful thing to see that when you open the gateway of communication, it does work. Second, the Black students and students of color generally students who intersect with many different needs, honestly, they just come in with just different realities. Generation Z, not only they're younger, they're different, they grew up differently there's that. But there's also — and the big elephant in the room — they have faced multiple horrors over the course of their growing up. In their 21, 22, 25 plus years of life, they've seen two or three recessions, eternally lasting a war on terror and additionally, they now know the throes of a pandemic and having seen 700,000 plus people die. I say this because in the last two and a half years, two years of the pandemic brought it up. What we have seen is just a all hands on deck of

serving the holistic students and the needs of the students all the way from wellness to economic, to educational and curriculum and that has led us to give hundreds of thousands of dollars in support.

So the academic needs is really stark and one of the things that became obvious is that the Black students would not necessarily have come to us had we not started a campaign saying, it's for real. You can ask for this money and then very quickly, I really don't want to take too long. Thirdly, the employment sector must match what we are trying to do. So as we need to debunk elitism, as we need to collaborate with each other. And when I talk to employers, they tell me that the consumers are asking for the inclusive lawyer, that they don't even want to see a token. They want to see meaningful participation, but we don't quite see that or hear that in a recruitment efforts. So I wonder how we could work with each other to make the business case for inclusion, by bringing this kind of reality of what the clients are asking for. Second, I really appreciated the comments made about preparing students for the tough realities of practice and I will say that in this moment is even more essential for all of us employment sector and legal education to think about whether those realities are changing faster than we are paying attention to. The future of work and the great reassessment, really those two things — that idea that work is changing and people are making different choices — and that's showing also that students may actually be able to match, to be matched with their passion. And yes, they will get rich, but perhaps if both sectors are deliberate about really assessing what they need in each potential lawyer and how we can guide our students, then we'll have happier lawyers, particularly happier and more fulfilled Black lawyers.

**Kellye:** Thank you, Dean Alexandre. I really appreciate those remarks and all the leadership you provide legal education. Dean Kronk Warner, I'm happy to welcome you now to share some remarks and want to thank you as well for all you do in legal ed and including your generous service on LSAC's board. So I'll turn the mic to you.

**Elizabeth Kronk Warner:** Well, thank you so much Kellye, [indistinct] a big thank you to everyone. It is an honor to be included on this panel and as part of this important, wonderful and impactful conference. A big thank you to Kellye and LSAC and Dean Leon Baynes and Dean Jennifer Collins for being the brain trust for this conference and getting it started. Very much appreciated. My pronouns are she and hers and as I like to do, before I give a presentation, I do want to acknowledge that the land that I'm currently on which is in the Salt Lake Valley, is named for the Ute tribe. It's the traditional and ancestral homeland of the Shoshone-Paiute, Goshute, and Ute tribes. The university of Utah recognizes and respects the enduring relationship that exists between many indigenous peoples and their traditional homelands. We respect the sovereign relationship between tribe states and the federal government and we affirm the university of Utah's commitment to a partnership with native nations and urban Indian communities through research, education and community outreach activities. And as part of that, it's a nice segue into one of the two topics I wanted to mention in my 10 minutes or so. So first one to reflect a little bit — and I loved this theme that we saw develop in one of the first panels of the morning with professor Teri McMurtry-Chubb — where she talked about developing the diversity where you are and that what diversity looks like can be very different in different communities. So for example, here in Salt Lake, we have a very active LGBTQIA population, refugee population, native population and LatinX population. So we certainly have diversity, but our diversity might look a little bit different from what Dean Alexandre's looks like in Florida or Dean Mutcherson looks like in New Jersey and so I really appreciated what professor McMurtry-Chubb had to say about, creating inclusive spaces around your population.

And I did want to build on this idea of Indian identity and tribal identity. I was really struck honorable Vanessa D. Gilmore and her opening remarks at the beginning today was talking about the importance of clerkships and I could not agree more about how clerks are so incredibly important in terms of how they influence judges and certainly have influence on the development of certain

decisions. And what I thought was really impactful is that justice Gorsuch was the first U.S. Supreme Court Justice to hire a tribal citizen. So in the 240+ years of the Supreme Court, prior to his hiring, we had never had a tribal citizen. So never had an Indian who served as a Supreme Court clerk and I think that's really important because it tells you who is not present at the table. I think somebody mentioned earlier, we have to look around and see who is and who isn't there and oftentimes I feel like those of us from the native community are not necessarily included and that's a good example of that. We've talked a little bit about Ruth Bader Ginsburg earlier today. It was mentioned that Katie Couric has said that she defended or tried to defend Ruth Bader Ginsburg by not including certain quotations about kneeling. I have to say it didn't surprise me because even though I think everybody would agree that she was a great advocate on gender issues and sex issues and advancing those rights, she had a blind spot on race and especially when it came to tribal rights, she was not a friend of tribes.

So it's recognizing that somebody can be potentially good on one issue and have a blind spot on another issue. So this is something that we're constantly working on in Indian country. I really encourage you to read if you haven't already, the study that came out from the National Native American Bar Association. It's called "The Pursuit of Inclusion: An In-depth Exploration of the Experience and Perspective of the Native American Attorneys in the Legal Profession." It's a study from 2015 and it does a really nice job of laying out where some of the obstacles and our native communities are. And in particular, I thought it was really impactful and eye-opening. It lays out that — this was the most recent data that they had in 2015 — that between 2009 and 2010, there were only 1,273 native students in all of the 200 or so law schools at the time. So even though we do have more native students going to law school, which is wonderful, our numbers are still overall, very low. And it's something that we can definitely work on. And I really applauded with Dean Renée McDonald Hutchins had to say earlier when she said — this is my paraphrase, she said it much more eloquently — but just because something is hard, doesn't mean we shouldn't do it and that in the law, we are always taking on hard topics and learning new things. And I think that really applies to all of the topics that we're talking today and certainly in Indian country and I recommend to you the work that Professor Dylan Hedden-Nicely out of the University of Idaho is doing. He's putting together — and it has already started — a series for those of you who are interested in the topic of incorporating Indian law into your curricula on how to do that. So he's bringing experts from all over the country. We're going to talk exactly about how do you talk about Indian law and criminal law? How do you talk about Indian law and conflicts of law?

So I really recommend his series to you. The other thing is that I think is interesting about Indian country. I oftentimes stop myself and try to think of an Indian scholar in the legal academy, who's not teaching Indian law. Now I don't necessarily know everybody, but I can't think of anybody who is Indian, myself included, who doesn't teach Indian law and so not only are we not represented in the academy at any numbers of significance, but also there's this thought that what we do have to contribute is somehow limited to Indian law, whether that's tribal law or federal Indian law. And so when we're thinking about what all members of our diverse community can add, I really recommend that we have more to add. We certainly have lots to say about Indian law, but we can provide benefits in other spaces as well. In terms of moving forward and the way forward again, I've really enjoyed listening in on this conference.

There are two things on the law school side, or I guess that would fall into the pre-practice bucket. They're not necessarily law school side, but pre-practice bucket that I would love to see, in my dream of dreams, change in order to promote diversity for all and the first is really to end the tyranny of the U.S. News rankings. We've been talking a lot — you heard about it when we were on talking about in particular the job panels and how many firms will only interview at certain law schools — and there's this presumption of excellence tied to rankings. And I think that's really flawed for

numerous reasons. If you do a deep dive into rankings, which many of us have, and there are so many amazing advocates, including Dean Alexandre and Dean Mutcherson, who are on this panel, who are working at dismantling and pointing this out. But let's just be honest, the U.S. News rankings are racist, right? Because if you're not, anti-racist you're racist and when you look at those criteria and things like we're going to rank you based on how many of your students have debt. Well, unless you're independently wealthy, you're going to take on some debt in law school and who are the people who tend to be independently wealthy? I think when we look under the hood of those rankings, there's nothing in the rankings that promotes diversity and there's nothing for law schools who have to play the game — as has been mentioned before — to prod those law schools to necessarily improve upon diversity. I think many of us are working hard to do that because we agree. Somebody said earlier that we have a moral imperative and we agree, but we are doing that outside of the U.S. News rankings metrics. So first thing I would love to see is for those of us to come together and it's something, to be honest, I can't do myself, if I just stopped playing the game, I would get fired and let's be honest. So it has to be collective action and I am excited and I know I see the heads nodding. I know many of my co-panelists appreciate and feel the same, and so would love to work forward on that.

The other big thing that I would love to see kind of on the law school side or the pre-practice side is an end to the bar exam as the primary method for licensure and Dean Mutcherson and I wrote a brief article in AccessLex's newsletter about this. But really, in my opinion, the bar examination — as currently designed and there could be alternative designs, for example, LSAC is looking at alternative licensing design — so there could be other options. But as currently designed, it is a test of privilege. It is a test of, do you have the time to take to study for the exam? And do you have the money to pay for bar prep? I know so many students, so many students who I have no doubt will be, and have turned out to be, amazing lawyers, but they failed the bar on their first or second time and it wasn't because they don't have the capacity to be amazing lawyers, it's because they don't have time to not work or to spend \$3,000 on BARBRI to prepare for the bar exam. And so I think these are too hard, [Laughs] very hard things that is not necessarily within the control of any one of us, but I'm going to take to heart what Dean Hutchins said earlier Hutchins said earlier when she said that, just because something's hard doesn't mean we shouldn't do it and so those are two things that I would very much like to see moving forward and Dean Carla Pratt shared with me in the chat that her colleague, Rory Bahadur has written a Law Review article explicating the racist nature of U.S. News. And that's, "Bahadur" I hope I'm saying that correctly, "The U.S. News Law Rankings are Racist." and if you're interested in looking at that a little bit deeper, it sounds like that's a great article to check out. Thanks so much. [indistinct]

**Kellye:** Thank you so much, Dean Kronk Warner I'm certainly ready to sign on to your wishlist and I note that one of the things LSAC is always trying to push back against is the over-reliance on U.S. News and, it creates an over-reliance on the LSAT and properly used it's an instrument of inclusion, to help spot potential and not go just on a prior record of privilege. But U.S News forces the use in a way that is pernicious. So I hope we can all continue to discuss how we can use things right and make sure we're moving forward together for equity. I'm really glad to welcome Dean Martinez. Leo, you've done so many things. I forgot when I first introduced you that yes, you've been a dean as well, and like the rest of us. I'm really glad to welcome you. So let me turn the mic to you and thank you for joining us today. I know you had to change your schedule around a little bit to do so, and we're honored by your presence. So with that, I'll turn to you.

**Leo Martinez:** All right. Well, Kellye, I'm grateful to be invited to have a little role at this event and thanks to both you and LSAC for putting the program on. I think it matters. So actually, if I was going to title my presentation, it would be, "Where Are We?" And in this respect, I have two sets of observations. The first is small-picture in-the-weeds update. The second is big-picture and I really

could title it "What Keeps Me Up at Night." So first the small-picture. Now the Council of the Section on Legal Education and Admissions to the Bar is the accrediting body of law schools. This summer the department of education staff recommended that the council's petition to review its accrediting authority continue for another five years. I should add I'm immensely grateful that our renewal did not come up during the last administration. And after that the National Advisory Committee on Institutional Quality and Integrity, known as NACIQI, unanimously recommended the council be reauthorized as the creditor of JD programs for five years and we are awaiting the sector of education's decision, which we expect before the end of the month. Second, I'm proud of how the council acted quickly to allow distance education during the pandemic and I'm actually equally thankful that the DOE did not get in the way. I should also mention that the council has also approved an application for law schools to continue to offer distance education in excess of the current limits for the spring semester, should COVID conditions require it. Next, the council has continued to review and revise its standards and processes so this is a continuing effort, but I'll highlight a couple of things. So it has approved important changes, including, number one, new provisions regarding a non-discrimination under standard 205. I should mention, we were almost done with our revisions, but we got in a couple of comments that caused us to pause and sort of rethink. So we're going back to the drawing board on that, which I think is a good thing.

Now, the other big development is that we have also dealt with curricular requirements requiring professional identity and education on issues of bias, cross-cultural competency and racism under standard 303. The short of it is that law schools will have to provide education at least at two separate times during a student's matriculation — education on bias cross-cultural competency and racism. I had to laugh when I heard that John Lewis of the preceding panel said, "Gosh, we didn't take that particular class." Well, this is the opportunity for law schools to provide that particular class or a other form of education on bias and racism. And I guess I should also mention that the council continued to use the round tables that we created in the last couple of years, to solicit opinion, to gather data relevant, to ongoing review of the standards. I know a number of you have participated in these round tables. They provide us incredibly useful information and we will continue on that. Now I turn to the big-picture or what keeps me up at night. So I'm not a historian, but it is easy to see that we don't always appreciate the consequences of upheaval as we actually go through it. You know, for example, if we're going to go back two years in time, we would be amazed at how such words as unprecedented, extraordinary, or even once-in-a-lifetime, have today become hackneyed, trite, or even banal. We have been and continue to deal with a once-in-a-lifetime pandemic. Actually, I feel privileged to join this panel of deans who have worked 24/7. I actually am confident that the deans have worked 48/7 to accomplish the simple task of ensuring their students receive competent instruction. I actually am as much in awe of them as I am immensely grateful that my own decanal duties were behind me before the pandemic. It speaks well to the resilience, another banal term these days, of our institutions to navigate this crisis.

Second, we are seeing a racial reawakening that has not been seen since the '60s, that highlights the ill treatment of African Americans and others — and I chose that word deliberately — others of us who don't fit the mold. Sadly, but perhaps predictably, we're also seeing an unprecedented backlash that is more insidious than before. You know to me, it's almost beyond comprehension to be labeled racist or to be accused of creating division for having the temerity to simply question why equality is so elusive for people of color. To prohibit for example, the teaching of critical race theory in schools, as some state legislatures have done, would be almost laughable if it were not so serious. Next we are seeing political rifts that threatened the core of our democracy. I am reminded of the words spoken to me by a law dean in Buenos Aires, who survived the Dirty War in the '70s. "Leo", he said, "Democracy is more fragile than you realize." I think he's right. Now, as if the preceding weren't cause enough for insomnia. I add this to the mix, the question of economic sustainability of higher education, and I mean, higher education, not just law schools. Tuition at

private and public schools continues to increase at a pace that astounds me. I'm a graduate of UC Hastings. My education at Hastings was essentially free. It was founded on the California dream that if you have a well-educated populace, the state will prosper and actually that proved, by in large, true. Today the tuition at UC Hastings is close to \$50,000. This is the in-state rate for a public school. To say the state of California has greatly reduced support of higher education is to really understate things. Our students who are not in a great financial place to shoulder significant costs are effectively being taxed at exorbitant rates. Now the sad thing is actually, there's no public debate about this state of affairs and I almost hesitate to mention that in other states, those legislatures that banned the teaching of critical race theory, also control state school funding. Now I don't propose solutions. I do know, however, that we can't ignore any of this and that our law schools will be front and center and preserving a semblance of sanity, if not democracy itself. My admonition really is to keep your eyes wide open, be aware and act where you can. One of my former colleagues who retired a couple of years ago, Keith Wingate, passed away unexpectedly last month. This is a huge loss to legal education. But he always told his students — and these are his words — he told them, "What I hope you get from your legal education is a better understanding of how legal rules affect the lives of ordinary people and of how economic, social, and political forces affect and determine our legal rules." His advice is yet more important today, and so with that, I end. This is where we are.

**Kellye:** Thank you so much and what great words those are. I really appreciate you sharing that quote and your own thoughts about where we are and where we need to go. Thank you so much, Leo. Kim, I want to open this up to you, Dean Mutcherson wonderful co-dean at Rutgers and I also want to, in doing so, thank you for the work you did in being one of the deans to push forward the AALS Clearinghouse on Anti-Racism because it seemed to me that that really set a forward momentum that's really galvanized a lot of movement that we're seeing. So thank you for that and I'll turn the mic to you.

**Kimberly Mutcherson:** Absolutely, thank you so much for mentioning that. And Danielle Conway, Angela Onwuachi-Willig, Carla Pratt, and Danielle Holley-Walker, all of whom are on the program today are the other folks who co-founded that clearinghouse and that's been great work. So lots of wonderful things have been said. So I don't want to take up too much time. I know folks have been on Zoom for a long time today, but one of the things that I have really enjoyed today is that not only have people been sort of inspirational and impactful, they've also been quite candid and so I'm going to offer my thoughts. People who know me know that I'm always candid. So I'm just sort of pretending that I'm doing that for this purpose, but I think it is really, really useful. So I am, as Kellye said, I'm the dean at Rutgers Law School. I'm on the Camden campus and really two things that I want to focus on. I want to focus on representation and on leadership, which are obviously really intertwined here and have been part of the theme all day.

So when I became the dean here at Rutgers, it was in January, 2019, and I was the first Black person, the first woman, and the first queer person to have this role here at Rutgers. And so, my joke is that Rutgers really got their money's worth out of me in terms of being able to really, pat themselves on the proverbial back for having achieved so many firsts at one time. But I'm wildly cynical about my appointment and the reason is, as I like to say, it actually took longer for my law school to have a Black dean than it took for this country to have a Black president. So let's not get too excited about what Rutgers did. But that being said, one of the two aspects of this position that I've really found most rewarding is the opportunity to be for some people, the first person like me, that they have ever seen be the dean of a law school. And I know that many of my sister deans, some of whom were part of this program today, are also first at their institutions. And I absolutely, as others have said today, really respect the power of seeing yourself reflected in someone else's success and I think it is really important. I sort of think back to my law school experience where, I now realize how incredibly lucky I was. I went to Columbia in the mid-'90s and so Kim Crenshaw was

there, Kendall Thomas was there, Patricia Williams was there, Kellis Parker was there. So I had four tenured Black professors when I was in law school and our Dean of Students was also a Black woman. And so now here we are in 2021, and it's really devastating for me to think about the number of Black law students and other POC students who might in fact go all the way through law school without ever having a Black professor or without ever having a professor who was a person of color and we certainly can't pat ourselves on the back that at 20 years later, we still have students who are having those kinds of experiences. And I say all that because I really want to enforce how much just seeing yourself reflected in a space can change your relationship to that space and can really shape your future and so I really want us to hold our institutions feet to the fire and not let them get so excited about all of these "firsts" that we're having in 2020, 2021, 2019, as though they are reflection of the great strides that we have been taking, because the truth of the matter is all of this progress has been incredibly piecemeal and all of it can go away very quickly.

The second issue I want to talk about is the role of leadership, especially leadership by Black administrators and deans at law schools that are churning out, or in many cases, failing to churn out Black lawyers. And so this is really where we need to go beyond representation and think about how we, as leaders, can transform our institutions. If we think that they need transformation, and frankly, if you're at a place that you feel like is exactly where it needs to be, please tell me what that law school is because that's amazing. So my experience obviously has been in law schools, but I imagine that there's some significant overlap in other kinds of legal settings. So the first point that I want to make is how critical it is that we don't shy away from leadership. A friend of mine who is a long-term dean, who's also a Black woman — and I didn't see her today Camille Nelson — once said to me many, many years ago, when I scoffed at the idea of being a dean, that we can't complain about the leadership failures at law schools, if none of us are willing to take on these roles. And I would say the same about folks who are in law firms, I would say the same about folks who are in nonprofits. I would just say the same about folks who are in government offices. We have to be willing to step up and I recognize how nerve-wracking it can be to do that and yet, if we don't take these positions, then we can't really complain about what's going on in these spaces. And of course we know from data that lots of women demand of themselves this incredibly high-level of competence before we're willing to throw our hats into the ring for leadership. But let's be really honest with ourselves, all of us who have reached this level in our career has spent enormous amounts of time around mediocre men and particularly mediocre White men, right? So we are obviously incredibly well credentialed. We are very smart. We are very good at the things that we do and so we need to be willing to say, maybe we don't check all of the boxes, but this is still work that we can do and still work that we can be really good at. The second point is that it's crucial for you as a leader to know what are the things that really matter to you, right? Most of us are not going to have these jobs for decades. And so you really have to identify what are the goals? What are the things that really matter to me? And for me, one of those really baseline goals is how do I make space for others. Actually I'm sitting in my office right now and I have an Ayanna Pressley quote that's posted in my office and it says, "I'm not here just to occupy space, I'm here to create it." And I think about that all the time, right? That my job isn't just to be good at this because I want to be good at this. My job is to bring as many people through this door with me as I can, and to make sure that it doesn't close behind me. And I recognize, of course, that many of my White male counterparts probably never think about that, right? I never think, oh, if I'm not good at this job, then they're never going to hire another White man, right? Because they know that that's not the case. But I really recognize, one, that I am only here because of the bridges that were built for me by the women and particularly the Black women who came before and that my job is to build those bridges for the women who are going to come after me. So really make sure that you're doing the work that makes the sacrifices that are involved in doing whatever leadership role you have worth it.



And then the last thing that I want to say, and I really, really want to stress this is how important it is for folks to take care of themselves and to find your people. It's advice that I give to my law students every year at orientation and I think it's just as important for all of us who are in leadership roles you have to draw lines, you have to create boundaries so that you can keep yourself healthy. And we all know that when you are one of very few, you're going to be asked to do a million different things, sit on panels, be a mentor, all of these things, and it can wear you down. So I really regularly remind myself of Audrey Lord's words and she said, "Caring for myself is not self-indulgence. It is self-preservation." And that is an act of political warfare. And so part of taking care of yourself is also finding your people, right? Finding your tribe. The group of mostly women that I've been able to work with and befriend within and outside of the legal academy over the last few years has been absolutely crucial to sustaining me as a dean through this very difficult time. And two of the women who are on this call right now were baby deans with me — we went to baby dean school together not so long ago — and who would have known that this is what our deanships would be like. But I certainly could not be doing this work — or at least wouldn't be doing it in a way that was allowing me to sustain my sanity — if it weren't for these other Black women and women of color deans who are doing this work right now. So I'm going to leave it there because I know that that our time is wasting, but hopefully we'll get to have some more conversations about this before we're done today, thanks.

**Kellye:** Thank you, Dean. You've said so many things that I'd love to talk more about and I want to, in particular say that I get asked a lot, how do you define leadership? What is it? And I love your quote about it's creating space for others to thrive. That is a really good short definition. I think, I love that. Thank you very much for your comments. Well, one of the things that I want to do, we have about 10 minutes left that we can just have a little dialogue and I know that each of you prepared some opening remarks, but now that everybody's said a lot of things, so I want to give everybody a chance to add some comments, that are reactive to what you've heard and so Dean Alexandre, you had to go first. So let me go to you again at this time and open it up for your comment and then we'll go around again to each of you so that you can make some closing remarks.

**Dean Alexandre:** Absolutely and I think Dean Mutcherson just kind of tied it all together so beautifully. My first reaction is, in this job, you have a chance to kind of get a retrospective and one of the themes that's been in my mind is it's a high price you pay to be the first. You pay a high price to your health. You pay a high price of your mental stability. It is worth it, however, my efforts concentrate on making sure nobody else has to be first in my job and that everybody else has seen this before so then we'll do it again to the next person. So this is super important to me and then that also is reflected in what Dean Mutcherson said with the students that as leaders, we have an opportunity and an obligation to create space where our students feel their full selves. That means modeling that. So I have a lot of fun, like switching my pronouns, wearing my hair different ways, and then, dropping into lingos and code-switching so that my students know it's okay and that if I can do it — they'll have all the letters and the degrees — they too should be able to do it. So that's definitely something, the personal and the political meeting and that being really important. And our students operate to the political turmoil, so critical thinking and not having them be succumbing to the fear of speaking out and whatever myths about critical race theory, is super important.

**Kellye:** Wonderful remarks. It's so true that you are you speaks volumes to your students and that means everything. Elizabeth, let me go to you for a follow-up comment.

**Dean Kronk Warner:** Thank you. I really appreciate the extra minute because just like Dean Alexandre, Dean Mutcherson said something and I was like, "Yes!" The other thing and the way forward that I would love again, in my dream, once we've gotten rid of U.S. News rankings, and once we've gotten rid of the bar exam, I would like to de-stigmatize mental health. So I've been very vocal

and open about the fact that I have My PTSD came from a very, very hard time in my past when I faced intense racialization, people telling me what I should, and shouldn't be as an Indian, also intense sexual harassment and it literally left its impact on me. It's been coming back recently with nightmares because of COVID and because of the anxiety. I also have diagnosed anxiety, probably have depression, haven't gotten that diagnosis yet. I was just in LA and my anxiety is now becoming so bad that I'm manifesting a fear of heights. And it's relevant to LA because I was in this glass elevator and I didn't realize it was a glass elevator going up to the 22nd floor. And I was turned in the wrong direction and I had a panic attack and that's never happened to me before.

There's a lot of reasons why I have intense anxiety right now, I'm sure many people do. But I'm to the point in my career, what's the worst that happens to me? If I lose my deanship, I go back to being a tenured member of faculty, which I'm more and more convinced is the best position in the world. So I feel very comfortable in saying I have PTSD and I have anxiety. But when I talk to more and more people of color, I am not the only one. In fact, most people I talk to have anxiety or depression. Many people have PTSD. Many people have suffered through racial harassment, sexual harassment, microaggressions and it just makes me so sad because I didn't talk about it for years for a decade because I thought I had done something wrong. If I hadn't succeeded, it must have been my fault. You know, I'm type A, I have always been successful and so I recognize that I have a lot of privilege in my current space, and that's why I feel comfortable talking about my mental health and a lot of people don't — our students, junior associates in law firms. So just like Joe, I believe it was Joe West was saying, let's create a culture where we can be open about our mistakes. Let's try to create a culture where we can be open about our mental health and our struggles and normalize it and just be more inclusive in that direction. I'll just add that number three to my wishlist before I die. So thank you to Dean Mutcherson for raising the issue of mental health.

**Kellye:** Well, thank you for being so honest about your own challenges that you're grappling with now. That liberates many when you're able to talk about that and I've often said that, the problem with oppression, why I hate it so much is it's so oppressive. It causes real harm, that's personal and pernicious, and that's something we need to all confront and talk about. So we really appreciate your forthrightness on that score. Dean Martinez let me go to you for a closing comment.

**Dean Martinez:** Sure, actually, Sort of a theme that has gone through this and through the prior panel was being the first and I remember about a million years ago when I was an associate at a law firm, my firms sent me to the USC Tax Institute, a gathering of about 500 tax lawyers. I realize that's a nightmare for most of you, but it was what we had to do. And I remember I just had this moment when, I look at this — and we're in this huge auditorium and I look around and there was only one, count him, one person of color in this a room of 500. And that person was — in the words of Kamala Harris — that person was me. I fast forward to today and my daughter is a lawyer at a large San Francisco law firm and she is the first and only LatinX partner at her law firm, and I think, how in the over 30, 40 years have passed and yet she is the first, not only at her law firm, but at any in any number of other contexts. So looking back or looking, stepping back and looking away from this, in Spanish we say, "La lucha sigue" [the fight continues] and I think that's the spirit that has to imbue us. The fight continues. So we can't stop. We've got to keep on otherwise it will never get there.

**Kellye:** Thank you so much, agreed. Kim, let me come back to you now for a closing comment before I turn to Dean Collins.

**Dean Mutcherson:** Yeah so, I mean, I think there's sort of two things that I'm thinking about. So one is, like others, I want to thank Elizabeth for sharing and one of the things I think is really powerful about a lot of us who are leading now, again in multiple different spaces, is our willingness to lead with a level of vulnerability that I think is really critical, both in terms of being able to share our experiences, which I think is really meaningful, particularly often to our students, but then also to be

able to say that leaders don't have to act and be a particular way all the time, right? We can have lots of different modes of leadership and that I think is so important. And then the other thing that I really hope that we all leave with is a sense of how critical it is for us to be engaging in collective action with each other. I think one of the most powerful things that law school deans did this year — or the last year and a half — is there were so many things where it was like, 200 deans were on board or, and that's really unusual. And so that kind of momentum — both in terms of law schools, but also in terms of industry and people who are out there in the world — that kind of working together is just crucial and so to the extent that we can continue to create those partnerships and that we can work together to dismantle these structures that have been really painful for a lot of us, that can only be a good thing.

**Kellye:** Thank you, Dean. And I want to thank each of you on the panel. You have been inspirational and just wonderful today, and I know it's a late hour and a long conference, so thank you so very much. I also, before I turned to Dean Collins for our formal thanks, want to give a personal thanks to all the staff at LSAC. I'm blessed with an awesome team and they stepped up to do this in the middle of what's known as forum season, which is when they're out all over the country, doing forums for thousands of law students to help them learn about law school and follow that pathway and so thank you all so much you did an awesome job, making sure we could come together for this conference and I'm really grateful. Dean Collins, thank you you and Dean Baynes started this wonderful event last year. The microphone is yours.

**Dean Collins:** Thank you. First I want to thank our incredible panelists for that last discussion. That was so powerful and impactful and authentic and I just can't thank you enough for wrapping up such a powerful day with those incredibly important remarks. I have the honor of thanking the audience for joining us today for the second iteration of our [2021] Black Lawyers Matter Conference and I very much hope that you will plan to join us next year as we continue this critically important conversation. I want to thank the incredible planning committee who helped make this conference a reality: Michèle Alexandre, Danielle Conway, Danielle Holley-Walker, Elizabeth Kronk Warner, Kimberly Mutcherson, Angela Onwuachi-Willig, Carla Pratt, Kellye Testy, Daniel Tokaji, Tony Varona, and most especially my fellow Texas law dean and the co-founder of this conference, Leon Baynes, It is an honor to work with you here in Texas, Leon. It has been such a joy and privilege to be inspired by this remarkable planning committee and I look forward to the work we will continue to do together. I too want to echo Kellye's thanks to the incredible LSAC team. I just want to call out a few people by name, Gayle Withers, you are a superstar thank you for making all this work. Melissa Harris Thirsk, Bo Bozart, everyone who contributed to making our conference run so smoothly today. And finally, thank you to all the panelists who took time out of their very busy schedules to inspire and challenge and educate and teach us. I urge you all to keep doing this work and keep trying every single day to make our profession more diverse, equitable, and inclusive. I can not say it any more beautifully than Dean Hutchins said it earlier today. So I want to end with her incredibly powerful statement, "Define equity and move relentlessly towards that goal." Thank you so much for being with us, everyone.

[bright upbeat music]

**Voiceover:** Thanks to our sponsors! The American Bar Association, Association of American Law Schools, and the National Association for Law Placement. The 2021 Black Lawyers Matter Conference is presented by LSAC, University of Houston Law Center, and SMU Dedman School of Law, in collaboration with the conference planning committee.

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