CRITICAL RACE THEORY UNDER ATTACK

Academics push back against conservatives’ war on anti-racism and attempts to whitewash history

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Critical Race Theory Under Attack

As conservative lawmakers use falsehoods and fear tactics to suppress anti-racism lessons in the classroom, educators and legal scholars worry about the whitewashing of history and restrictions on academic freedom.

By Mariah Bohanon
The University of Louisville is home to a community of diverse perspectives and backgrounds. Working together, we address global challenges and drive needed change to build a better world here and beyond.

The Brandeis School of Law believes a diverse population of attorneys is essential in strengthening the profession. Initiatives like the Human Rights Advocacy Program that assists immigrants, refugees and non-citizens or the Central High School Partnership that promotes diversity in the legal profession, allow Brandeis School of Law to constantly push for progress.

The school’s Diversity Committee expands the culture of inclusiveness, tackling hot-button issues such as affirmative action, gay marriage, racial profiling and more, and helping students learn to fight for the rights of their clients. The school is preparing passionate legal champions who will be staunch advocates for their clients and communities.

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The views expressed in the content of the articles and advertisements published in INSIGHT Into Diversity are those of the authors and are not to be considered the views expressed by Potomac Publishing, Inc.
**Florida Governor Approves Controversial Bill on Campus ‘Intellectual Freedom’**

On June 22, Florida Gov. Ron DeSantis (R) signed a controversial bill that requires all state colleges and universities to conduct annual campus-wide surveys on “intellectual freedom and viewpoint diversity.”

The bill, HB 233, passed the Florida Senate in early April and is slated to go into effect on July 1.

HB 233 declares that the State Board of Education “may not shield students, faculty, or staff at Florida College System institutions from free speech protected under the First Amendment.”

The bill’s provisions dictate that the Florida Board of Governors and the State Board of Education create an “objective, nonpartisan and statistically valid survey” to assess the level of freedom of speech at higher education institutions. Each college and university must then distribute the survey yearly to its campus community and publish the results.

In addition, the legislation makes it legal for students to record professors without their knowledge for educational purposes and for reporting university policy violations. It also prohibits the state’s public colleges and universities from denying controversial figures the right to speak on campus.

“Although our universities and colleges in Florida all claim to embrace diversity, and they can all measure and communicate each institution’s level of diversity in a number of areas, none of them measure the level of intellectual freedom or viewpoint diversity on our Florida campuses,” Sen. Ray Rodrigues (R), one of the bill’s sponsors, told the Florida Senate when introducing HB 233 in January.

Opponents of the legislation believe it could have adverse effects on academic freedom for students and professors alike.

“I worry that this bill will force a fearful self-consciousness that is not as much about learning and debate as about appearances and playing into an outside audience,” Cathy Boehme, a researcher with the Florida Education Association, told *The Miami Herald*.

Arkansas, Idaho, and several other states have recently enacted similar policies to promote what proponents say is “intellectual freedom” and to limit teachings on diversity, systemic racism, and other related topics in public education.

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**Unpaid Internships Continue to be a Prominent — yet Inequitable — Career Pathway**

A new survey report from finance company Student Loan Hero reveals that taking an unpaid internship continues to be a common practice among college students, despite the financial hardships that often come with these experiences.

Overall, 24 percent of the U.S. population has worked at some point as unpaid interns, according to the new report. Nearly half, or 47 percent, of those respondents say they had to take on new or expand existing student loans to manage expenses. Black and Latinx respondents were significantly more likely to experience this issue, with six in 10 indicating they accrued education debt as an intern compared with four in 10 White respondents. The majority, or 60 percent, said they took on paid jobs in addition to their internships.

Nearly 70 percent of people who had previously worked as unpaid interns noted the experience was a requirement of their college degree program. More than half, or 54 percent, reported having to pay tuition for the position to count as college credit. Nearly 40 percent had to move for an internship that was not located near their college or hometown.

In addition to racial and ethnic disparities, Student Loan Hero reported finding gender gaps as well. Men who worked as unpaid interns were nearly twice as likely to receive a stipend to help with certain expenses, such as transportation. Nearly 55 percent of men, but only 37 percent of women, took a full-time position with an employer after working for them as an unpaid intern.

Based on survey results, nearly 40 percent of Americans think unpaid internships should be illegal because they provide employers with free labor. Nearly 55 percent of respondents agree that these positions give unfair advantages to higher income students who can afford to work without receiving a salary.

Despite such scrutiny, the popularity of these programs appears to be increasing. Four in 10 Gen Z respondents compared with three in 10 millennials say they have worked as unpaid interns.
Emory Law welcomes legal scholar and social justice advocate Professor Darren Hutchinson as inaugural John Lewis Chair for Civil Rights and Social Justice. Professor Hutchinson’s pioneering research crosses many academic disciplines and looks at the impact of law on a wide range of civil rights and social justice issues. His scholarship emphasizes the importance of viewing inequality as a multidimensional concept.

The John Lewis Chair for Civil Rights and Social Justice is intended to serve as a lasting tribute to the legacy of “good trouble” advocated by the late congressman from Georgia’s Fifth District and establish Emory Law as a leader in teaching, research, and community activism related to civil rights and social justice. The Chair was made possible by an anonymous gift to Emory Law in 2015, followed by additional generous gifts to fully endow the position.

Learn more at law.emory.edu.
READ, WATCH, LISTEN

READ: Heritage and Hate: Old South Rhetoric at Southern Universities
From monuments of slaveowners to Ku Klux Klan imagery in yearbooks, many of the predominantly White institutions in the southern U.S. are steeped in the divisive history of the Confederacy. Author Stephen M. Monroe, chair and assistant professor of writing and rhetoric at the University of Mississippi, traces how the symbols of the South’s racist and chauvinistic past continue to promote the concept of White supremacy on college campuses. By examining the origins of slogans, fight songs, and other institutional messaging, Moore highlights how the subtle nature of the Old South’s rhetoric serves to hide it from plain sight and allows it to live on in our contemporary culture, even in the midst of the recent anti-racism movement. Published by University of Alabama Press

WATCH: Changing the Game
With 18 states enacting or proposing bans on transgender athletes in 2021 thus far, the documentary Changing the Game is a timely portrait of the real-life toll these policies have on young people. Through the stories of a wrestler, a skier, and a track star, the documentary delves beyond conservative talking points and into the actual lives of three transgender high schoolers at different stages in their athletic careers. The film serves as a testament to the courage and resiliency of these three student-athletes, who continue to fight for acceptance despite facing discrimination and harassment on a daily basis. Streaming on Hulu

LISTEN: The Argument: Does Teaching America It’s Racist Make It Less Racist?
Critical race theory (CRT), a concept dating back to the mid-1970s that seeks to examine structural racism in society, has become one of the most hotly debated topics among politicians and educators in recent months. In this episode of The Argument podcast, host Jane Coaston speaks with John McWhorter, a linguist at Columbia University who specializes in race and language, and The New York Times columnist Michelle Goldberg about whether teaching about structural racism is actually effective at mitigating racism in students and thus society at large. Available at nytimes.com/column/the-argument and on all major podcast apps®

IN BRIEF

OUR SEPTEMBER 2021 ISSUE:
STEM PROGRAMS

The September issue of INSIGHT Into Diversity will feature special reports on science, technology, engineering, and math programs, as well as our annual Inspiring Programs in STEM Award winners.

The advertising deadline is August 9. For information, please call 314-200-9955 or email ads@insightintodiversity.com.
Texas A&M School of Law Professor Thomas W. Mitchell was first drawn to a career in law while in college where he led a campus effort to address diversity challenges. He felt empowered when his efforts resulted in positive systemic change. Mitchell, a 2020 Genius Grant Fellow of the MacArthur Foundation, earned the prestigious prize for his work in reforming laws and developing policies that help disadvantaged families deprived of their land, homes and real estate.

At the core of everything Mitchell does — whether in a classroom or in a courtroom or performing public service as a volunteer — he simply wants to improve people’s lives.
NEW DIRECTIONS

ALASKA
Sean Parnell, JD, has been appointed chancellor of the University of Alaska Anchorage. Parnell is an attorney at Holland & Hart LLP in Anchorage and a former governor of Alaska.

CALIFORNIA
Veronica Terriquez, PhD, has been selected as director of University of California, Los Angeles Chicano Studies Research Center. Terriquez previously served as an associate professor of sociology at University of California, Santa Cruz.

CONNECTICUT
Terrence Cheng has been selected as president of the Connecticut State Colleges and Universities system. Cheng previously served as campus director and a professor at the University of Connecticut-Stamford.

KANSAS
William Tsutsui, PhD, has been selected as president and chief executive officer of Ottawa University. Tsutsui previously served as the Edwin O. Reischauer Distinguished Visiting Professor at Harvard University in Cambridge, Massachusetts.

LOUISIANA
Luz Randolph, EdD, has been appointed associate vice provost for diversity at Louisiana State University in Baton Rouge. Randolph was assistant director of the office of multicultural student affairs at the University of Miami in Florida.

MASSACHUSETTS
Paula Hammond, PhD, is the first woman and first African American to be named Institute Professor at the Massachusetts Institute of Technology (MIT) in Cambridge. Hammond will continue in her current role as chair of the department of chemical engineering at MIT.

TENNESSEE
Stacy Goodwin Lightfoot will serve as the inaugural vice chancellor for diversity and engagement for The University of Tennessee at Chattanooga. Lightfoot was executive vice president of development for the Public Education Foundation in Chattanooga.

VERMONT
Alfredo Medina, PhD, will serve as the inaugural vice president for diversity, equity, and inclusion and the chief diversity officer at Bennington College. Medina previously served as executive director of the office for public engagement and associate director for diversity and inclusion at the University of Albany in New York.

VIRGINIA
Nakeshia N. Williams, PhD, has been appointed vice president for diversity, equity, and inclusion at Hollins University in Roanoke. Williams was an associate professor in the North Carolina AT&T State University College of Education in Greensboro.

Has your campus recently hired a new administrator? INSIGHT Into Diversity would like to publish your news. Please email editor@insightintodiversity.com.
The University of Kentucky J. David Rosenberg College of Law consistently strives to improve its efforts to build a diverse and enriching environment and to raise the awareness of the importance of such efforts. Our efforts to advance racial justice, diversity, equity, and inclusivity in our community is some of the most important work we do at this law school.

It is crucial that law students engage in meaningful dialogue with each other and faculty, administration, and staff about diversity and equity. As law students and future attorneys, our students have the platforms to foster civil discussion on these important issues and then seek to make the necessary changes through law, policies and, more importantly, in people’s minds and hearts.

Visit law.uky.edu to learn more about the UK J. David Rosenberg College of Law.
New Study Reveals Major Contradictions in How Different Groups in the U.S. Perceive Asian Americans

Hate Crimes

Despite increasing news coverage of anti-Asian attacks, including the murder of six Asian women in Atlanta less than one month before LAAUNCH’s survey was conducted, 57% of White, 30% of Black, 24% of Hispanic/Latinx, and 13% of Asian Americans reported being unaware that anti-Asian hate crimes are on the rise.

**FACT:** Across the 16 largest cities in the U.S., hate crimes against Asian Americans increased 145% in 2020.

Discrimination

8 in 10 Asian Americans say they are disrespected or discriminated against. Overall awareness of such discrimination varies widely by political affiliation.

<table>
<thead>
<tr>
<th>Percentage who believe Asian Americans experience discrimination:</th>
<th>Percentage who believe Asian Americans are treated fairly in the U.S.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>77% OF DEMOCRATS</td>
<td>16% OF DEMOCRATS</td>
</tr>
<tr>
<td>57% OF INDEPENDENTS</td>
<td>30% OF INDEPENDENTS</td>
</tr>
<tr>
<td>39% OF REPUBLICANS</td>
<td>49% OF REPUBLICANS</td>
</tr>
</tbody>
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Percentage who agree that anti-Asian racism is a problem that should be addressed:

<table>
<thead>
<tr>
<th>Percentage who agree that anti-Asian racism is a problem that should be addressed:</th>
<th>Percentage who agree that anti-Asian racism is a problem that should be addressed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>94% ASIAN AMERICANS</td>
<td>88% OF DEMOCRATS</td>
</tr>
<tr>
<td>86% HISPANIC/LATINX</td>
<td>81% OF INDEPENDENTS</td>
</tr>
<tr>
<td>84% BLACK</td>
<td>65% OF REPUBLICANS</td>
</tr>
<tr>
<td>76% WHITE</td>
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</tbody>
</table>

Race Relations

While around half of all survey respondents agreed that race relations in the U.S. are “generally bad,” Asian American respondents — at 57% — were the group most likely to say that relations are actually getting worse. Black respondents were a close second at 55%.

Perception by Age Group

How Americans categorize Asian Americans depends largely on age. Young people are more likely to associate Asian Americans with people of color, such as Black and Hispanic/Latinx populations, while older Americans are more likely to associate them with White people. These differences may represent a generational shift toward a greater understanding of Asian American issues and diversity as well as a growing awareness of common struggles among populations of color.

A significant number of respondents said they were unsure which ethnic or racial groups Asian Americans are most associated with. Older age groups were more likely to give this answer than their younger peers.

The advocacy group LAAUNCH — or Leading Asian Americans to Unite for Change — recently released the results of an inaugural survey that gauges U.S. sentiment and understanding of Asian American issues. Nearly 2,770 Americans 18 and older completed the questions online from March 29 to April 14, with the survey sample designed to reflect the nation’s overall demographics as listed by the U.S. Census Bureau. The results revealed major disparities in how different ethnic and racial subgroups perceive Asian Americans, especially when it comes to matters of discrimination. LAAUNCH intends to conduct the survey annually to continue tracking awareness and attitudes toward the nation’s fastest growing ethnic group.
Positive Contributions

The majority of survey respondents said that Asian Americans have been a positive influence on numerous aspects of life in the U.S., including...

1. Food/Music/The Arts
2. The Economy
3. Social/Moral Values

Percentage of non-Asian Americans who say they are familiar with:

- ASIAN FOOD = 74%
- ASIAN CUSTOMS = 44%
- ASIAN MUSIC/ARTS = 37%

Leadership

The number of Americans who believe that Asian Americans are fairly represented or overrepresented in political, business, and media leadership ranges from 45% to 55%.

The number of Asian Americans who actually hold leadership positions is 2.6%, despite making up 8.6% of the total U.S. population.

77% Survey takers who say they would be comfortable with an Asian American president

When asked if they would be comfortable with an Asian American in the White House, responses were split geographically with 65% of the western U.S. responding yes versus 50% of the South.

The vast majority of Americans trust Asian Americans as health care workers and as peers. Fewer are ready to welcome them as bosses or family members.

Percent who said they would be comfortable having an Asian American as a...

- DOCTOR OR NURSE = 92%
- FRIEND = 92%
- CO-WORKER OR NEIGHBOR = 90%
- BOSS = 85%
- FUTURE SON- OR DAUGHTER-IN-LAW = 83%

Awareness

Despite high-profile figures such as Andrew Yang, Sanjay Gupta, and Tiger Woods, four in 10 respondents said they could not think of a prominent Asian American when asked. Only 2 percent named Vice President Kamala Harris, the nation’s highest-ranking official of Asian descent. Other answers included:

- Jackie Chan 11%
- Bruce Lee 9%
- Lucy Liu 5%
- Connie Chung 2%

Media Representation

When asked which roles they had seen Asian Americans play in TV and movies, survey takers named primarily stereotypical characters.

Most common roles for men:
- Kung Fu/Martial Artist
- Gangster
- Doctor
- Executive

Most common roles for women:
- Mother
- Geisha/Masseuse/Sex Worker
- Janitor/Maid/Cleaner
- Doctor

Potential Solutions

The most popular solutions for addressing the problem of anti-Asian racism and discrimination were:

- 20% More kindness/respect/love/tolerance/equality
- 22% More punishment and harsher laws
- 15% Greater awareness/communication and education via the media
- 14% Greater education in schools on topics such as Asian American history
Changes to Title IX Are on the Horizon, But Their Enforcement Remains Uncertain

By Lisa O’Malley

On June 16, the U.S. Department of Education (DOE) issued a federal notice that Title IX, which protects students and employees from sex-based discrimination in education, also includes protections for transgender students.

The DOE stated that its decision is based on the U.S. Supreme Court’s interpretation of Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment based on sex. Last year, the court made a momentous ruling that this statute includes discrimination based on gender identity and sexual orientation.

The department’s announcement reflects the commitment of President Joe Biden’s administration to LGBTQ inclusion. Days after taking office in January 2021, the president issued an executive order asking federal agencies, including the DOE, to review policies that may be discriminatory against LGBTQ people.

“It is the policy of my administration to prevent and combat discrimination on the basis of gender identity or sexual orientation, and to fully enforce Title VII and other laws that prohibit discrimination on the basis of gender identity or sexual orientation,” the order states.

Since that announcement, conservative lawmakers in at least 31 states have introduced legislation banning transgender student-athletes from participating in sports teams that correspond to their gender. The DOE has not made it clear how it plans to enforce its new stance on transgender inclusion in those states. Education Secretary Miguel Cardona has stated that he will not change the process for reporting or investigating individual cases of discrimination.

The department is already facing a lawsuit from those who are unhappy with how it has addressed LGBTQ discrimination at religious colleges and universities. A group of current and former LGBTQ students at faith-based institutions filed a class-action lawsuit against the DOE in early April arguing that religious exemptions to Title IX are unconstitutional. They allege that the government should be required to protect students from campus policies such as forced conversion therapy and bans on campus housing.

Despite the Biden administration’s professed support of LGBTQ rights, the U.S. Department of Justice filed a document in June stating that it intends to defend religious exemptions to Title IX. The announcement came as a surprise to many, while the president’s supporters say the filing was a calculated move to prevent conservative religious groups from becoming parties in the lawsuit.

As for now, it is unclear how the Justice Department’s support of religious exemptions and the DOE’s support of transgender students will align moving forward.

Revising Sexual Assault Policies

Another uncertainty regarding Title IX under the Biden administration is the process for investigating campus sexual assault. In March 2021, the White House issued an executive order calling on the DOE to review the law’s guidelines in order to ensure that all students are “guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence.” In response, Cardona began the complicated process of rescinding controversial policies enacted by his predecessor, Betsy DeVos.

DeVos’ policies, enacted in August 2020, narrowed the definition of sexual harassment and assault, altered the evidentiary standards for investigation proceedings, and granted individuals accused of misconduct the right to cross-examine their accusers. All of these actions, according to critics, have made the Title IX process more complicated for all parties involved.

In early June, the DOE hosted a four-day virtual hearing to receive public input for revising these guidelines. The process for altering such regulations is expected to be lengthy, but Biden’s record on sexual misconduct

From INSIGHT’s Archives:

The changes to Title IX have been a significant point of contention between advocates for survivors of sexual assault and those who say the previous guidelines violated due process rights for the accused. The American Civil Liberties Union and other organizations have filed suit to stop the new rules from going forward. Nearly 20 states issued a joint lawsuit that accuses the Education Department of reversing “decades of effort to end the corrosive effects of sexual harassment on equal access to education.” Included among their objections is the department’s requirement for colleges and universities to “completely overhaul” their proceedings for addressing sexual misconduct allegations within the span of three months — and during a global pandemic.

—“The Battle Over Title IX” INSIGHT into Diversity July/August 2020 issue
indicates that any changes made under his administration will reflect the strict guidelines enacted under President Barack Obama. As Obama's vice president, Biden led the administration's It's On Us campaign to combat campus sexual violence. He also promised to eliminate DeVos' controversial policies during his presidential run.

Legal experts are hopeful that any changes will result in better clarity and more equitable outcomes for all parties involved in Title IX disputes. Simplifying the guidelines would be one of the most significant improvements that the Biden administration could make, says Tanya Barber, JD, a senior associate at TNG Risk Management Solutions, which oversees the Association of Title IX Administrators.

### The Racial Implications of Title IX

Concerns about racial disparities have long plagued the Title IX process, particularly for men of color. While the law does not require race to be documented in complaints, a 2017 article in *The Atlantic* found that Black men are more likely to be accused of campus sexual misconduct, despite making up only six percent of college undergraduate enrollment.

Students of color are also less likely to report sexual violence to their institutions, according to a 2010 study. This is often the result of barriers that prevent them from coming forward, such as financial concerns about losing scholarships or fear of involving law enforcement. Furthermore, a survey by the Association of Title IX Administrators showed that more than 70 percent of Title IX coordinators are White women — a fact that can make underrepresented students at predominantly White institutions feel like their complaints will not be taken seriously.

Tanya Barber, JD, a senior associate at TNG Risk Management Solutions and a Title IX law consultant, authored a report in March 2021 that delves into how racial equity can be implemented in the Title IX resolution process. Her recommendations for colleges include reviewing how complaints are reported and responded to, what types of services and supports are offered, and how investigations are conducted. In addition, Barber recommends that Title IX administrators use qualitative data from actual underrepresented students and employees rather than rely on their own perceptions of racial inequities. She also urges officials to engage in introspection to confront their own biases and blind spots.

“Prioritizing diversity, equity, and inclusion within Title IX should not be viewed as a fad moment sparked by the current social justice movement. Rather, truly honoring intersectional aspects of the work requires a commitment to continuous learning, to acquire and maintain a level of racial and cultural intelligence that informs your Title IX work,” Barber writes.
A former diversity administrator and Title IX coordinator for Morgan State University, a historically Black institution, Barber now provides expert guidance to other Title IX coordinators in K-12 and higher education. Many who work in this field have had difficulties with the confusing regulations put in place by DeVos last year, she says.

“Most higher education institutions are struggling to navigate separate processes to deal with different types of sex and gender-based discrimination,” Barber explains. Introducing such major revisions in the midst of a global pandemic that upended higher education further complicated the process for campus leaders and Title IX administrators.

In addition, critics say the change in how Title IX hearings are conducted last year makes it alarmingly easy to discount testimonies if an accuser fails to show up for a hearing or if they choose not to subject themselves to full cross-examination. For example, if an accuser is asked several questions and answers all but one, their entire testimony cannot be considered at the hearing, according to Barber.

These kinds of loopholes are what survivors like Chrissy Weathersby Ball feel must be addressed to ensure Title IX law provides adequate justice. A former Michigan State University (MSU) student who was abused by Larry Nassar, Ball testified at the DOE’s June hearing. She told the DOE that under DeVos’ guidelines, it would have been more difficult to report and convict Nassar, who was found guilty in 2018 of multiple counts of sexual misconduct during his time as a doctor at MSU and for USA Gymnastics.

“This administration must eliminate DeVos’ harmful changes to the Title IX rule and ensure that students are once again entitled to safe and supportive learning environments,” Ball stated. “No one should have to suffer the trauma I experienced when my school enabled school employees to abuse me without any consequences.”

Lisa O’Malley is the assistant editor of INSIGHT Into Diversity.
For five years, Clemson University and the Men of Color National Summit have made it their mission to show young African American and Hispanic men that graduation from high school and college is closer than they think.

The summit offers these young men a chance to learn — from business owners, community leaders, accomplished athletes and academic mentors — that education is the key to success at every level and that the opportunity gap will shrink as their goals grow.

Registration for the Men of Color National Summit is now open. Visit clemson.edu/menofcolor for registration information, hotel accommodations, speaker lineup and more.

clemson.edu/menofcolor
Saint Leo University Launches Country’s First Veteran Studies Degree

This fall will mark the launch of the country’s first bachelor’s degree in veteran studies at Saint Leo University (Saint Leo), a Catholic liberal arts institution in central Florida. Students who major in veteran studies will have the chance to examine the unique culture formed by military service and how it affects retired service members. “Our faculty are already getting some positive feedback from military-affiliated groups for launching this program, and we believe the civilian sphere will also come to recognize the merit and importance of this course of study,” Saint Leo President Jeffrey Senese said in a news release. “Our country can only benefit from learning more about the past and current experiences of our fellow citizens who have served in our armed forces. That’s what this program will provide.”

Karen Hannel, an associate professor of interdisciplinary studies who will oversee the new program, says it will give students the opportunity to inquire about the veteran identity. These individuals often develop identities and characteristics distinct from civilian populations because they share a unique language, rituals, ceremonies, and more, she stated in the release.

The degree will require 39 credit hours in “veteran-centric” classes. One of the program’s primary courses will examine the role that soldiers played in different societies through fictional and historical accounts, including experiences of Native Americans and their conflicts against or service with the U.S. military. Hannel and other university faculty are also working to develop course offerings focused on African American soldiers and veterans, the cultural and artistic consequences of World War I, veterans and the law, and more.

Career opportunities for veteran studies graduates “are as varied as this diverse population,” the Saint Leo website states. Aside from being a valuable asset for those who want to pursue military service, the degree will prepare students to work in a variety of sectors or to pursue graduate studies in public policy, law, and more.

Veteran studies will also be offered as an academic minor, and the university says it plans to eventually provide the program online. Those who pursue the degree will be “part of an innovative major that is taking a leadership role in breaking new ground,” the Saint Leo website states.®
Top Colleges for Diversity

Texas Tech University School of Law prepares students to realize their full potential in a collaborative and inclusive learning environment. Diversity drives excellence. Outstanding bar passage rates, strong postgraduate employment rates, competitive tuition, and affordable West Texas living earned Texas Tech Law the National Jurist #18 "Best Value" Law School ranking in the nation.

Recognize Your Potential In Our Student-Centered Environment

It's Possible Here.
Cybersecurity Programs Offer Veterans a Natural Transition to Civilian Workforce

By Erik Cliburn

Recent high-profile cybersecurity attacks have drawn widespread attention to the nation’s vulnerability when it comes to protecting crucial online systems and sensitive data. Safeguarding corporations, government entities, medical facilities, and even schools from would-be hackers requires highly skilled and dedicated cybersecurity professionals — and the U.S. is in dire need of more people to fill these roles. As of 2020, the cybersecurity workforce had a shortage of 360,000 workers, according to a study from the International Information System Security Certification Consortium.

This need is only expected to grow, with the U.S. Bureau of Labor Statistics projecting that information security analyst jobs will increase by 31 percent between 2019 to 2029, a rate much faster than the average for all occupations.

Higher education institutions and companies have recognized that veterans and service members tend to be uniquely qualified to work in this sector. Some colleges such as Syracuse University (SU) and the University of West Florida (UWF), among others, have developed outreach and cybersecurity education programs targeted specifically at military students. Major corporations such as IBM and PricewaterhouseCoopers have also established programs that train veterans to work in cybersecurity.

“[Cybersecurity] is a critical infrastructure that our modern society depends upon,” says Shiu-Kai Chin, PhD, a provost faculty fellow and professor in SU’s Electrical Engineering and Computer Science department.

For many in the military, this field offers a natural transition to the civilian workforce. Veterans possess the skills to respond to challenging situations, process safety information, and maintain situational awareness — all of which are necessary in cybersecurity, according to a 2021 U.S. Department of Homeland Security guide titled “Cybersecurity Training and Education for Veterans.” They are also diligent, disciplined, and trustworthy when it comes to protecting sensitive financial and personal information, says Chin. These characteristics, in addition to possessing a mission-driven mindset, make these students a perfect fit for the cybersecurity workforce, he explains.

“As of 2020, the cybersecurity workforce had a shortage of 360,000 workers, according to a study from the International Information System Security Certification Consortium.”

In addition, cybersecurity training can easily be completed online, which makes it a convenient option for veterans and current service members, he adds.

Christopher Springs is a veteran pursuing a bachelor’s degree in cybersecurity administration through SU online. He served for six years as a controller in the U.S. Air Force, which involved using computers to oversee financial and accounting information. His role required participation in numerous computer training modules, some of which focused primarily on cybersecurity. There is significant overlap between the skills and mindset that he learned in the military and what he is currently learning in cybersecurity classes.

“They understand something called concepts of operation, which is how the resources of a system and its components are sequenced and phased to achieve the desired outcomes,” Chin says. “So many times in the military, they have standard procedures and doctrines that are there because they work, and [the military] is very clear about command and control, jurisdiction, responsibility, and accountability. All of those things actually matter when you devise secure systems.”

In addition, cybersecurity training can “At the bottom of it, the sole function of a [military] finance person is to safeguard government funds,” Springs explains. “From that standpoint, we were taught a mindset to safeguard critical information.”

SU’s targeted recruitment and support efforts have twice earned it a top spot on The Military Times’ Top 10 Best Cybersecurity Programs for Veterans list, and Springs says he chose the university because its veteran outreach program could help him navigate the transition from military to
For more than 120 years, Stetson has proudly recruited and educated lawyers and leaders who have paved the way for equality in the community and profession.

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Erik Cliburn is a senior staff writer for INSIGHT Into Diversity.
At MUSC we are committed to diversity, equity and inclusion.

In the spirit of our new enterprise strategy, OneMUSC, we are reimagining with renewed energy and clarity of purpose, our commitment to diversity, equity and inclusion. We are committed to leveraging differences and building inclusion to create an academic health care community, which allows people to understand and be understood. As we look toward the future, we must not tire from this hard work, and we must lead the way as a model for inclusion and engagement.

We must be our best selves.

MUSC is implementing a series of strategic initiatives to eliminate health care disparities, build MUSC leadership, students, and workforce to reflect our communities, and elevate a culture of “OneMUSC”.

www.musc.edu/dei
July/August 2021

Staff Sgt. Patricia King is the first openly transgender U.S. Army infantry soldier. King, who initially enlisted “to find a sense of self and purpose,” according to her website, came out as transgender in June 2015 after a 16-year military career that included three tours of Afghanistan.

“The notion of letting transgender people serve in the military — we’re already here. I’ve been a transgender woman in the military for 16 years,” King told CNN in a 2015 interview. “The only difference is you know about it now.”

King has been a leading advocate for more inclusive policies for transgender military members. She retired from the Army in 2019 and launched a speaking and consulting business dedicated to LGBTQ advocacy.

Maj. Scott Smiley is the first blind person to serve as an active duty officer in the U.S. Army. The major lost his vision in 2005 after suffering injuries from a car bomb in Iraq. Despite his new disability, Smiley — a West Point alum — went on to earn a Master’s in Business Administration from Duke University. He has been involved with higher education in a number of roles since, including teaching a leadership course at West Point. He also served as a leader for the Warrior Transition Unit at West Point’s Keller Army Medical Center and Gonzaga University’s ROTC program. Smiley is the recipient of two Bronze Stars and a Purple Heart. He was named the 2007 Soldier of the Year by the Army Times newspaper and in 2008 won the ESPN ESPY Award for World’s Best Outdoor Athlete for his superior performance as a mountain climber. Since retiring from the Army in 2015, Smiley has written a book titled Hope Unseen about his unique life experiences.

Born into slavery in 1856, 2nd Lt. Henry Ossian Flipper was the first African American to graduate from the United States Military Academy West Point (West Point) and the first Black commissioned officer in the U.S. Army.

Flipper’s achievements include leading the all-Black 10th Cavalry Regiment in Fort Sill, Oklahoma. While stationed at Fort Sill, he engineered a water filtration system known as “Flipper’s ditch” that provided soldiers with safe drinking water.

In 1881, Flipper’s commanding officer accused him of embezzlement, resulting in his dishonorable discharge from the military. Despite the setback, Flipper went on to hold prominent roles as a surveyor, translator, civil and military engineer, special agent for the U.S. Department of Justice, and federal government correspondent in foreign relations. He authored multiple books, including his autobiography.

Flipper died at the age of 84 in 1940. Nearly four decades later, an Army investigation determined that his dishonorable discharge was based on false accusations motivated by racism. He was exonerated of all charges in 1976 and reburied with full military honors. In 1999, President Bill Clinton formally apologized for the military’s treatment of Flipper and issued him an official pardon during a ceremonial address.

U.S. Military Groundbreakers

Recognizing those who took great strides to diversify the armed forces

By Mariah Stewart
On July 31, 2020, Lt. j.g. Madeline G. Swegle became the first Black woman to complete naval aviation training to become a U.S. Navy tactical fighter pilot. She then earned her “wings of gold,” a medal that represents the completion of basic helicopter training in naval flight school.

Currently, women account for just under 20 percent of active duty Navy personnel, according to U.S. Department of Defense data. Only 2 percent of Navy aircraft fighter pilots are African American.

“I hope my legacy will be that there will be a lot of other women, minority women, [and] different faces that come forward and know that they have all the tools they need to follow their dreams,” Swegle said in an interview with NBC News.

First Lt. Saleha Jabeen broke gender and religious barriers in 2021 when she became the first Muslim woman to serve as a U.S. Air Force chaplain. Jabeen entered this role after graduating from the Air Force Basic Chaplain Course at the Ira C. Eaker Center for Leadership Development at Maxwell Air Force Base in Alabama. A native of India, she says serving as a military chaplain allows her to uphold her religious beliefs and convictions.

“I am surrounded with people who respect me and are willing to receive what I bring to the table as a woman, a faith leader, and an immigrant,” Jabeen said in an Air Force press release. “I get to provide spiritual care to all service members, [g]uardians, and families and advise the commanders on religious and moral matters regardless of my faith, ethnicity, or gender.”

Rear Adm. Eleanor Concepcion Mariano, MD, became the first Filipino American to serve as a U.S. Navy Rear Admiral in 2000. Mariano graduated from the Uniformed Services University School of Medicine in Maryland in 1981 and was commissioned as a lieutenant in the Navy. In 1992, the Navy nominated Mariano to serve as a White House physician — making her the first military woman to serve in this role. She later became the first woman director of the White House Medical Unit. Mariano is author of the book *The White House Doctor* and founder of the Center for Executive Medicine, a medical practice modeled after the White House hospital that is designed for executives, celebrities, and their families.

Capt. Haida StarEagle, a member of the Matinecock Tribe, became the first Native American woman to serve as an intelligence officer for the U.S. Space Force in March 2021. This newly developed military branch recently became an official member of the U.S. intelligence community alongside the CIA and National Security Agency, making roles such as StarEagle’s vital for national defense.

“My father told me when I was younger that I must find my own way and figure out how to leave a legacy for our tribe,” she said in a recent government press release. “Joining the Space Force and continuing to serve is the best way to leave my mark within my tribe, create a legacy for my people, and make my father proud.”
In 2017, 1st Lt. Simone Askew became the first Black woman to serve as First Captain of West Point. As the highest-ranking student at the academy, Askew was in charge of leading the school’s 4,400-member Corps of Cadets.

Askew went on to graduate with a degree in international studies and today serves as a first lieutenant with the U.S. Army. She has been a vocal critic of sexism in the military and proponent of the #MeToo movement.

After being named to Glamour magazine’s 2018 list of “10 College Women of the Year,” Askew stated in an interview that she focused on incorporating lessons into West Point’s curriculum “about what right looks like, instead of just avoiding what wrong looks like.”

“The most important thing is that West Point should no longer be considered a boys’ club,” she told the interviewer. “The boys aren’t in charge here. I’m in charge.”

One of the most famous pioneers in military history, Tech Sgt. Leonard Matlovich was the first openly gay member of the U.S. armed forces.

A member of the Air Force, Matlovich received a Purple Heart and Bronze Star for his service during the Vietnam War. In 1975, he worked in consultation with equal rights activists to draft a letter to his supervising officer informing him that he was gay and that, despite the military’s ban on homosexuality, he would like to continue his esteemed Air Force career. Two months later, Matlovich was discharged.

Matlovich’s courageous act made him a prominent symbol for the growing gay rights movement. He was featured in The New York Times and on the cover of Time, making him the first openly gay person to appear on the cover of a U.S. news magazine.

Matlovich eventually sued the Air Force and received financial compensation for his lost career in a settlement. He passed away in 1988, leaving behind a now-famous tombstone. The anonymous marker reads simply “When I was in the military, they gave me a medal for killing two men and a discharge for loving one.”

Capt. Kristen M. Griest and 1st Lt. Shaye L. Haver became the first women to complete Army Ranger School in 2015, the first year that the program allowed women to enroll. Known as the U.S. Army’s toughest voluntary training program, Ranger School is a 60-day tactics and leadership course that involves immense mental and physical strain.

One year after breaking this longtime gender barrier, Griest became the first woman to serve as an Army infantry officer. She and Haver are both alums of West Point. Since their achievement in 2015, 54 women have completed Army Ranger School.
“We encourage the kids to pursue their dreams.”

Diversity in health care starts in elementary school. Through outreach programs, Cariello helps kids from underrepresented communities see themselves in health careers. The programs are pathways for students to become what they never thought possible: doctors in their own communities.

Cariello and her colleagues watch the students grow, providing support along the way. Dynamic mentoring and an optimistic approach to learning are critical.

“We want them to be successful and happy in whatever life path they choose.”

Paloma F. Cariello, MD, MPH
Associate Dean, Health Equity, Diversity, and Inclusion
As conservative lawmakers use falsehoods and fear tactics to suppress anti-racism lessons in the classroom, educators and legal scholars worry about the whitewashing of history and restrictions on academic freedom.

By Mariah Bohanon
On June 1, 2021, people across the U.S. took time to mourn for the hundreds of Black Americans who were murdered 100 years prior during the Tulsa Race Massacre. Many survivors, descendants, and activists had spent decades trying to raise awareness of the tragedy that had been largely overlooked by society — rarely mentioned in a history textbook or acknowledged by government officials.

That same day, Kentucky state lawmakers were prefiling a bill to forbid primary school teachers from discussing “concepts related to race, sex, or religion” with students. Bill Request 60 specifically prohibits classroom lessons that may imply that the U.S. is fundamentally racist or that “meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race,” among other concepts. Another vaguely worded tenet of the proposal states that teachers must not cause any individual to “feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex.”

The bill is one of dozens proposed by conservative state and local lawmakers in recent weeks in a seeming frenzy over anti-racist education, or what opponents have begun mistakenly referring to as critical race theory (CRT). While CRT is an academic theory developed by the famous scholar Kimberle Crenshaw and other legal education experts in the 1970s to explain how systemic racism has shaped the U.S. legal system, many critics have conflated the term with general teachings about race and racism. In a speech promoting Bill Request 60, for example, Kentucky Rep. Joseph Fischer (R) stated, “Critical race theory is not based on facts or evidence but rather serves as a dangerous diversion from education priorities that are actually proven to eliminate disparities. It is a powerful tool for those who seek to divide us into categories and destroy the very institutions that have seen generations of Americans of all races and backgrounds build successful futures.”

As many experts have pointed out in the media and public discussion, CRT is not the correct terminology for the issues under attack by conservative lawmakers — thus representing a fundamental misunderstanding or willful ignorance on the part of Fischer and other anti-CRT activists. Many say that such teachings lead to divisiveness among young people of different races and convince students that they are inherently either oppressors or victims of oppression based on the color of their skin.

“I would challenge those individuals to show me where critical race theory is being taught in K-12 classrooms. It is an advanced concept, and like many advanced concepts, it’s taught at the appropriate level,” says Gregory Vincent, JD, PhD, a professor in the University of Kentucky Department of Educational Policy Studies and Evaluation and executive director of the department’s Education and Civil Rights Initiative in collaboration with the NAACP. “My experience in education for 25 years is that those concepts are normally introduced at the graduate school and law school level, where students have the ability and the maturity to address those issues in an appropriate way.”

Regardless of the terminology, the groundswell against teaching about racism in public education has scholars like Vincent worried. Banning teachers from discussing racism in the classroom is impossible if they are to provide students with an honest education. Eliminating conversations about racial prejudice would mean omitting crucial aspects of U.S. history, such as lynching, that continue to affect our society, he says. “What you’re advocating for is whitewashing history, which is dangerous because then you’re not teaching students the full story,” Vincent explains.

Prohibiting discussions of race from the classroom is not only contrary to historical fact, but contrary to science as well, he adds. Numerous medical and scientific organizations, including the Centers for Disease Control and Prevention and the American Medical Association, say that systemic racism is a public health crisis. Legislation that denies systemic racism exists therefore goes against evidence-based, clinical expertise.

Teachers and national education associations are fighting back against laws that forbid them from educating students about systemic racism and oppression. Many have held protests in cities and towns across the U.S. In places where anti-CRT bills have already passed, educators say they are forced...
The Spread of Misinformation Online

In addition to copious amounts of misleading political rhetoric, there is abundant misinformation about critical race theory (CRT) online. Sources such as the website criticalairace.org, an offshoot of the Legal Insurrection Foundation, offer deceptive definitions of CRT, stating that it is an “outgrowth of the European Marxist school of critical theory … . Unlike the [c]ivil [r]ights movement, which sought to work within the structures of American democracy, critical race theorists challenge the very foundations of the liberal order, such as rationalism, constitutional law, and legal reasoning.” The website allows users to track the teaching of CRT — which it defines as including diversity, equity, and inclusion efforts — at colleges and universities across the U.S.

Other websites posing as educational resources include Prager University, a conservative nonprofit organization. Its video “What is Critical Race Theory?” has been posted to the organization’s YouTube channel since April 2021, with an accompanying study guide and resources for the video, including a study guide and resources for users. In addition to copious amounts of misinformation, there is also a lack of reliable information about CRT. In its video “What is Critical Race Theory?” it defines as including diversity, equity, and inclusion efforts — at colleges and universities across the U.S.

In fact, the spread of misinformation online can be traced back to the origins of CRT itself. The term “critical race theory” was coined in the late 1980s by scholars who sought to challenge the prevailing narratives of American history and culture. However, these narratives have often been met with resistance from those who seek to maintain the status quo. As a result, misinformation online has become a tool to sow doubt and division about CRT, and the effects of these efforts can be seen in the current climate of anti-CRT legislation in many states.

Prager University also provides users with accompanying resources for the video, including a study guide and resources for users. The real damage caused by these efforts is the "tremendous chilling effect," Krotoszynski explains. The real damage caused by these efforts is the "tremendous chilling effect," that as institutions, public colleges and universities possess academic freedom and shouldn’t ever want to be? The answer is simple: refuse to accept it. Don’t be intimidated by the “heads I win, tails you lose” logic of this self-destructive, America-hating, anti-reality idea. Don’t be bullied into thinking that you’re racist when you know you’re not. Or that you’re a victim when you know you’re not. Defend yourself — while you still can.

To second-guess if their lessons comply with the law.

Telanna Norfar, a high school teacher in Oklahoma City, recently told NPR that she and her colleagues had “planned to discuss a schoolwide approach to help students understand current events — including the murder of George Floyd, family separation at the Mexico border, and the use of racist terms such as the ‘China virus.’” Students want to have these important conversations, Norfar stated, but since the state enacted one of the nation’s strictest bans on CRT in early May, she is unsure how to proceed.

Oklahoma is one of few states whose anti-CRT regulations also extend to colleges and universities. Some institutions, such as Oklahoma City Community College, are already taking major steps to ensure they are in compliance with the ban. The school canceled a course on race and ethnicity this summer, with a spokesperson telling The Washington Post that the class was “paused” because administrators needed “more time to get this right” — or to let the legal issues play out with other universities and colleges before we teach it again in its current form.”

Ronald Krotoszynski, JD, the John S. Stone Chairholder of Law and director of faculty research at the University of Alabama School of Law, says that banning lessons about race and ethnicity in higher education is inherently unconstitutional. He expects that equal rights organizations like the American Civil Liberties Union or the NAACP will successfully challenge these new policies in court. “The Supreme Court has been very clear that as institutions, public colleges and universities possess academic freedom as an aspect of the First Amendment,” Krotoszynski explains.

The real damage caused by these laws is the "tremendous chilling effect," that they could have on educators and institutions, he says. While advocacy groups or students can challenge the laws in court, faculty and colleges do not have the same ability to fight back against state lawmakers — who hold the purse strings for education funding — without risking retaliation.

In Idaho, for example, the state
Building Pathways

We are proud that this partnership solidifies another pathway for more Black law students to follow their dreams of advocating for justice. Our hope is that this program will move us one step closer to the legal profession reflecting the diverse community around us.

Samford University’s Cumberland School of Law and Tuskegee University, one of the nation’s most respected Historically Black Colleges and Universities, have formalized a partnership to offer an accelerated undergraduate to law school program to Tuskegee students.

recently passed a law that disallows higher education institutions from using state funds to support CRT education. Colleges there may be less likely to even invite a CRT scholar to give a guest lecture for fear that would violate the law, Krotoszynski explains. “A complete ban on the lawful use of state funds for advancing the tenets of CRT strikes me as a really powerful disincentive for a [department] to hire someone who works in CRT or to invite a speaker who talks on related themes,” he says. “It is just grossly anti-intellectual and fundamentally inconsistent with permitting universities to perform their function in our society.”

While not a CRT scholar himself, Krotoszynski has colleagues who work in this area, including Richard Delgado, one of its leading scholars. In a recent op-ed in the Post, Krotoszynski defends Delgado and others for their important contributions to law and society. Banning CRT in legal education — the academic discipline in which it originated — would not only be a violation of academic freedom for scholars, but a disservice to law students as well, he says. “Not every student takes a course on critical race theory, but many do, and it should be part of our offerings just like law economics or legal history,” Krotoszynski states.

Both he and Vincent see the attack on CRT as part of a larger effort by conservatives to suppress ideas contrary to their political agenda — and both say that granting any political party the right to restrict public education sets a dangerous precedent. Krotoszynski notes that while many opponents falsely align anti-racism and CRT with socialism, the type of suppression inherent in anti-CRT laws is similar to the censorship of education that is employed by totalitarian communist states.

“We’re not in the business of telling students what to think. We’re in the business of opening them up to different ideas and exposing them to different schools of thought,” he says. “American higher education is the best in the world, and this is because we scrupulously observe academic freedom.”

Mariah Bohanon is the senior editor of INSIGHT Into Diversity.
In addition to the challenges of a global pandemic and unprecedented political and racial unrest, the past year has been marked by tumultuous legal battles over equal rights, police accountability, educational freedom, and more. Law schools play a pivotal role in these battles by providing expert guidance and research as well as by preparing students to confront these issues in the future.

In this special section, INSIGHT Into Diversity delves into the unique ways that these schools are addressing the challenges of the legal profession and society at large. We highlight innovative legal clinics at law schools across the U.S. that serve marginalized clients while providing students the opportunity to gain hands-on experience. We also explore the problem of underrepresentation when it comes to law school enrollment and curriculum for rural, Native American, and other underserved communities. In addition, this section features the first look at a new pipeline program that promotes criminal justice reform by empowering incarcerated individuals through education.

“We have to go into the systems themselves and break down what has been the norm. We can’t have the status quo.”


GOOD NEWS

Law school applications for the 2021-2022 academic year increased by 17 percent from the previous year, according to the Law School Admissions Council.

BAD NEWS

The high demand means many students may find themselves waitlisted. The law schools at Boston College, Duke University, the University of Pennsylvania, and The University of Texas at Austin are among the list of institutions currently over-enrolled for the fall semester.

GOOD NEWS

The percentage of law schools in fall 2021 that will have women of color at their helm is 14 percent, according to Law.com.

BAD NEWS

A 2020 report by the American Bar Association found that nearly 25 percent of Black, 17 percent of Latinx, and 14 percent of Asian American women faculty at U.S. law schools say their institution does little to support ethnic and racial diversity.

GOOD NEWS

The University of Alaska Anchorage and the University of Alaska Southeast have partnered with Willamette College of Law in Oregon to provide scholarships for Alaskan students interested in law careers.

BAD NEWS

Having no law school of its own, Alaska continues to suffer a severe shortage of attorneys, especially in its most remote regions. Learn more about rural lawyer shortages in our article “Advocating for America’s Overlooked Areas” on page 44.

NAACP Legal Defense Fund Names Inaugural Marshall-Motley Scholars

On the anniversary of the landmark Brown v. Board of Education decision in May, the NAACP Legal Defense Fund (LDF) announced the names of 10 scholars chosen for a new initiative aimed at developing the next generation of civil rights lawyers.

The Marshall-Motley Scholars Program provides financial support for students committed to working as racial justice attorneys in the Southern U.S. for a minimum of eight years. The program is named in honor of the first African American Supreme Court Justice and LDF founder, Thurgood Marshall, and the first Black woman to serve as a federal judge, Constance Baker Motley.

The 10 finalists, all of whom were born or raised in the South, will receive a scholarship that covers the full cost of attending law school — including tuition, room and board, and incidental expenses. They will also have access to specialized training and internship opportunities. At the end of their studies, the students will be placed in a two-year fellowship at a southern civil rights organization with a racial justice law practice.

“As we have seen over the last several months, our democracy requires vigilant protection, particularly for Black communities in the South, which have yet to realize the full and unqualified protection of this nation’s laws and ideals,” stated LDF President Sherrilyn Ifill.

The Marshall-Motley Scholars will focus on issues such as voting rights, housing and educational disparities, discrimination in the criminal justice system, and more.

To learn more about the program, including how to apply, visit marshallmotleyscholars.org.®
Upcoming Bar Exam Changes Could Boost Diversity in the Legal Profession

In January 2021, the National Conference of Bar Examiners’ (NCBE) Board of Trustees approved proposed reforms to the bar exam that include using an integrated approach to better evaluate critical thinking and legal skills. The reforms also involve changes to certain testing procedures meant to improve accessibility and fairness for underrepresented test takers.

While the NCBE is expected to take four to five years to fully implement these changes, some states have already begun altering their bar exams to be more equitable. In summer 2020, California lowered the cut score, or minimum passing score, for its bar exam by nearly 3.5 percent. As a result, the number of people who passed rose by 15 percent overall, including a 29 percent increase for Latinx and a 24 percent increase for Black test takers. Experts note that the higher pass rate was also likely affected by the state’s decision to move the exam online and to reduce the number of questions.

Rhode Island followed California’s example by lowering the cut score on its bar exam in 2021. Now, several other states — including Idaho, Texas, New York, and Pennsylvania — are considering similar reforms, according to the Bloomberg Law website.

“We’re very interested in a diverse legal profession to be able to best represent a very diverse state,” Texas Supreme Court Justice Brett Busby told Bloomberg Law. “We know the cut score may play a role, but we need to collect some real data on this.”

Two studies from last year by the AccessLex Institute found that lowered cut scores do not affect the number of complaints, formal charges, or disciplinary actions taken against attorneys. However, the study did find correlations between reduced cut scores and a smaller achievement gap between White and underrepresented test takers.

“Sadly, we’re kind of the forgotten minority in a lot of things, and that’s why I went to law school.”

Kelsey Haake, student at the University of Pennsylvania Carey Law School and member of the Alaskan Iñupiaq tribe, in “Advocates for Native American Rights Push Law Schools to Expand Indigenous Representation,” on page 40.
Gaining hands-on experience is a critical part of becoming an effective lawyer, which is why many law schools around the nation offer clinical programs for students interested in taking their education from the classroom to the courtroom.

While these programs typically offer academic credit, they also allow students the opportunity to work with real-life clients who are often low-income, racially or ethnically underrepresented, and face significant barriers to accessing justice. Under the supervision of professors and practicing attorneys, students develop fundamental legal skills as they advocate for these clients; in the process, they acquire an understanding of the inequities in the criminal justice system and what must be done to navigate and eradicate them.

INSIGHT highlights some of the most innovative legal clinics at law schools across the U.S. that are focused on achieving justice for those who are often overlooked by the legal system.

CIVIL RIGHTS CLINIC
Howard University School of Law
This unique clinic at the nation’s top-ranked historically Black law school equips students with legal acumen and a dedication for delivering justice to disadvantaged clients. Students collaborate in teams to write amicus briefs, participate in an intra-clinic moot court program, and engage in public education focused on combating employment and housing discrimination, police brutality, voter suppression, and more. In 2020, the clinic began a partnership with The Appellate Project, a nonprofit organization that provides law students of color with appellate-related resources such as professional development, mentorship, and clerkship opportunities.

CREATING LAW ENFORCEMENT ACCOUNTABILITY & RESPONSIBILITY (CLEAR) CLINIC
City University of New York School of Law
Following the terrorist attacks on September 11, 2001, many Arab and Muslim Americans reported facing increased scrutiny from law enforcement, especially in New York City. In 2002, the city’s police department launched a surveillance program to monitor Muslims that continued for more than a decade. In response to these acts of racial and religious profiling, the City University of New York School of Law established the CLEAR Clinic to provide free legal representation to Muslim, Arab, South Asian, and other communities unjustly targeted by law enforcement. The clinic’s teams of students, attorneys, and professors have served nearly 400 clients since its founding. In 2020, CLEAR successfully argued a case before the U.S. Supreme Court concerning the New York City surveillance program, effectively setting the precedent that Muslims can hold the government accountable for religious discrimination.

CRITICAL RACE LAWYERING CIVIL RIGHTS CLINIC
University of North Carolina School of Law
In fall 2020, the University of North Carolina School of Law opened a first-of-its-kind program that combines critical race theory (CRT) with the practice of civil rights law. Created in the wake of last summer’s racial justice movement, the clinic teaches students how to apply CRT, or the study of race and racism in society, to real-life cases and advocacy projects. Among the topics covered are employment discrimination, fair housing, racial disparities in education, and more. Recent projects have included advocating for the North Carolina Parole Commission to release clients incarcerated for more than 20 years and assisting with expunging criminal records under the state’s Second Chance Act.

GENDER JUSTICE CLINIC
Cornell University Law School
The Gender Justice Clinic at Cornell University Law School combats gender-based violence and discrimination on local, national, and global levels. Law students directly participate in human rights advocacy work through projects focused on intimate partner violence, workplace discrimination, and sexual violence in the military and schools. Students assist with litigation on cases for human rights experts and major organizations, including the United Nations, in identifying cultural and political barriers affecting the advancement of gender equality worldwide.
**IMMIGRANT FAMILY LEGAL CLINIC**

*University of California, Los Angeles School of Law*

While there are dozens of immigration clinics at law schools across the country, the University of California, Los Angeles School of Law Immigrant Family Legal Clinic is the only one located on a K-12 public school campus. Law school officials chose the Robert F. Kennedy (RFK) Community School’s campus in the Koreatown neighborhood of Los Angeles because the location is considered a safe, trusted space for immigrant students and their families. Since its launch in January 2019, the clinic has provided confidential legal consultations to more than 100 individuals in the RFK community and represented more than 20 people in immigration cases. Clients include unaccompanied minors, asylum-seeking families, low-wage workers, and more. In addition to providing legal services, law students offer group workshops and individual consultations on immigration issues to RFK students and teachers as well as nearby residents.

**INDIAN LEGAL CLINIC**

*Arizona State University Sandra Day O’Connor College of Law*

With 22 federally recognized tribes, Arizona has one of the largest populations of Native Americans in the country. The Indian Legal Clinic serves these often-marginalized residents by providing free, high-quality legal services. Law students work alongside tribal courts on criminal prosecutions and defense actions as well as drafting code provisions and court rules. The clinic has also worked on national policy issues affecting Native Americans. Its achievements include producing a comprehensive survey of all 350 tribes in the U.S. and the development of the Arizona Native Vote Election Protection Project, which is aimed at combating Native American disenfranchisement.

**THE INTERDISCIPLINARY CHILD ADVOCACY CLINIC**

*University of Pennsylvania Carey Law School*

Since 1983, the Interdisciplinary Child Advocacy Clinic at the University of Pennsylvania Carey Law School has combined law, social work, medicine, and mental health to assist vulnerable adolescents in navigating the legal system. Working in pairs with graduate-level social work students, law students in the clinic represent clients in family and immigration courts on matters involving child welfare, education, mental health, and more. Through firsthand experience in client-centered lawyering, students learn about the various injustices in the child welfare system that disproportionately punish families of color. The clinic’s current docket includes cases representing youth in foster care, teen parents, and unaccompanied minors seeking Special Immigrant Juvenile Status.

**JUVENILE LIFER ADVOCACY CLINIC**

*University of Maryland Francis King Carey School of Law*

As of 2020, nearly 1,500 people under the age of 18 were serving life sentences without parole in U.S. prisons, according to the nonprofit organization The Sentencing Project. At the Juvenile Lifer Advocacy Clinic, student-attorneys from the University of Maryland Francis King Carey School of Law assist in obtaining release for juvenile lifers through parole or sentence modifications under Maryland’s recently passed Juvenile Restoration Act. Each semester, participating students develop their skills in interviewing, legal writing, oral advocacy, and more as they attend hearings, visit state prisons, and build cases in support of their clients. In the process, students also form an understanding of issues central to the criminal justice system, such as the harmful impact of mass incarceration on children.

**POVERTY AND HOUSING LAW CLINIC**

*The University of Chicago Law School*

In a city where nearly 22 percent of residents fall below the federal poverty level, many Chicago families struggle to access and maintain housing. The Poverty and Housing Law Clinic at the University of Chicago Law School aims to provide legal defense for these families against unwarranted evictions. Many underserved clients have disabilities, are parents of young children, or have survived domestic abuse. By working closely with these residents, students are exposed to the practice of poverty law work. Case assignments include assisting Legal Aid Chicago, a nonprofit organization that provides free legal services to local indigent people who have housing disputes. In addition to representing defendants in eviction cases, students attend weekly classes on topics such as housing discrimination, the intersection of domestic abuse and housing, the connection between criminal law and subsidized housing, and more.

**REPRODUCTIVE RIGHTS AND JUSTICE PROJECT**

*Yale Law School*

Reproductive rights have remained a contentious area of the law, and conservative lawmakers continue to introduce legislation that limits access to services such as abortion and contraception. Yale Law School attempts to take on this issue through its Reproductive Rights and Justice Project, giving students firsthand experience advocating for the rights of reproductive health care providers and their patients. Throughout their time in the clinic, students learn the importance of client confidentiality and the impact that political strategy and public messaging can have on a movement. They have contributed to litigation matters on the local, state, and federal levels, including representing the City of Baltimore in a 2020 case regarding federal funding for family planning services. Students are also given opportunities to participate in legislative and regulatory work, public education, and strategic planning.●

Lisa O’Malley is the assistant editor of INSIGHT Into Diversity.
Law Schools Support Criminal Justice Reform by Empowering Inmates

By Miun Gleeson
We Are All Free and All Square, both of which are dedicated to supporting inmates and ex-offenders, to develop a revolutionary prison-to-law pipeline (PLP) program. Their goal is to create the first JD program designed specifically for inmates and accredited by the American Bar Association (ABA). The inaugural PLP cohort of students will be from Shakopee, which is a women's prison, and the nearby Stillwater Correctional Facility. The program is set to commence this year and will consist of inmates studying to become paralegals as well as those seeking a JD, according to the Hennepin County Bar Association website. MHSL and other PLP partners intend to provide clinical opportunities for JD students "whether they are actively incarcerated or have returned home," the website states. The program is still in a very early stage, so gaining ABA accreditation will be a long-term goal, Niedwiecki says.

The school already has experience with developing innovative pathways to the legal profession, having launched the nation's first hybrid JD program to accommodate rural students, working parents, and others whose life circumstances make traditional classes less accessible. MHSL faculty and students are also familiar with supporting inmates and ex-offenders through the school's Legal Assistance to Minnesota Prisoners and Reentry Clinic.

"I think people who have gone through the [criminal justice] system and seen the flaws and seen things that work and now are part of the system should be able to make important changes," says Niedwiecki. "We should be encouraging them and taking away those types of barriers to being able to be a lawyer because they bring something to the table that a lot of other people can't bring."

Critical steps remain to fully execute the Prison-to-Law program, including technological logistics and approval from the ABA, but Niedwiecki says the hope is to be fully operational by next year.

Facilitating Second Chances
While schools like MHSL are fostering educational opportunities for current inmates, other law schools are hard at work providing a fresh start for former offenders.

Anthony Niedwiecki, president and dean of Mitchell Hamline School of Law, administered the LSAT at two correctional facilities in April of this year.
One Man’s Experience

Elizer Darris, who used the informal legal education that he received in prison to successfully overturn his life sentence, wrote about his experiences in a recent article in support of the prison-to-law pipeline for the Hennepin County Bar Association, stating:

I am a prime example of someone who, through the study of law, has been able to come out and forge lasting change that continues to impact our community deeply. Although I did not have access to a formal law degree while in prison, the legal training I received from towering legal scholars and the methodical and practical approach that was drilled into me by so many years of study allowed me to excel as a community organizer once I returned home. From there, I worked as an educator, a political field operative, a motivational speaker, and as a community power broker. As a result, I was hired by the ACLU of Minnesota where I created and built out the Smart Justice Campaign, which is a national ACLU effort to impact mass incarceration by 50 percent. To date, our team has worked on cash bail reform, reducing technical violations, prosecutorial reform, expanding the electorate to include impacted voices and communities, policing reform, warrant forgiveness, and civil asset forfeiture reform — all efforts to which my legal training added immense value.

Recently, I was appointed by Gov. Tim Walz as the first formerly incarcerated member of the State Board of Public Defense. I was also recruited by Attorney General Keith Ellison to be one of the founding board members of the newly formed Conviction Review Unit (CRU). The CRU will have the power to review cases of those incarcerated who are proclaiming actual innocence or who believe that they have excessive sentences. Who better than someone like me to work on these efforts?

None of this would be possible if I had not embarked on a journey to understand and embrace the power of the law as an engine to invest in our community and to impact my inner and outer world. My journey with the law was my saving power.

According to research from Brigham Young University’s legal design lab, LawX, former convicts with fully expunged records are up to 13 times more likely to find employment than those whose convictions remain public.

At the University of Notre Dame, law students are closely involved in special expungement clinics that prepare petitions on behalf of hundreds of Indiana residents. Similar work is being conducted at Stanford’s Community Law Clinic, where students help facilitate reintegration for former inmates by researching client eligibility for expungement, drafting motions, and appearing in court.

“Expunction law is important because it focuses on restorative justice,” says Christopher Meadows, JD, a recent graduate of Duke University School of Law who served as co-coordinator of the Duke Law Fair Chance Project. “When you are working with clients and looking at their records, you really only have a snapshot of their life.”

The project consists of partnerships between the law school and local groups dedicated to helping former offenders and recovering addicts re-enter society. Student volunteers work closely with supervising attorneys to assist North Carolinians with eliminating or minimizing the consequences of dismissed charges, juvenile convictions, misdemeanors, and more.

Meadows says the importance of the clinic’s work cannot be overstated, especially considering the daunting challenges many former inmates may face in what he calls the “expunction labyrinth.” Procedural, financial, and logistical requirements can inhibit many clients who may not be able to petition, pay fees, or travel to the necessary jurisdiction to have their record expunged.

“If you don’t jump through these loopholes and procedural barriers, then you are still stuck in the same place. Not to mention, [expunction law] is very technical, so without legal assistance you may not be aware you are eligible at all,” explains Meadows.

Clients who have overcome major hurdles in life such as drug addiction say that having a clear criminal record makes them finally feel free, according to Meadows.

“We’ve had plenty of clients who have beaten their addiction, and me being able to convey to them that they are eligible to have their records eligible for expunction gives them a peace of mind,” he says.

In no small measure, the project’s efforts have provided clients with renewed hope, even for those who are not eligible for a completely clean slate. “You’d be surprised to see how they respond to having something off their plate and having a new beginning,” says Meadows.

As of 2016, North Carolina was one of 12 states whose prison population was more than 50 percent African American, according to a report by The Sentencing Project. Nationwide, three out of five U.S. inmates are Black or Latinx. Such statistics demonstrate why advocates like Meadows and Niedwiecki say criminal justice reform is necessary — and that one way to achieve it is through empowering current and former inmates.

“We have to go into the systems themselves and break down what has been the norm,” says Niedwiecki. “We can’t have the status quo. We have to go in and do something different.”

Miu Gleeson is a contributing writer for INSIGHT Into Diversity.
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Learn More at law.uh.edu/pipeline
ADVOCATES FOR NATIVE AMERICAN RIGHTS PUSH LAW SCHOOLS TO EXPAND INDIGENOUS REPRESENTATION

By Mariah Stewart
On June 1, the U.S. Supreme Court announced a unanimous landmark decision on tribal sovereignty by granting tribal police the right to investigate and detain non-Native people traveling on highways that pass through their lands and reservations.

This decision is a major win for tribal communities, who have been stripped of legal authority over non-Indigenous people for more than 35 years, according to the nonprofit Indian Law Resource Center.

The aforementioned case, U.S. v. Cooley, is just one example of how tribal law intersects with the broader U.S. legal system. Yet many students leave law school with little to no understanding of this subject area. Only 12 percent of the nation’s nearly 200 accredited law schools offer a certificate, program, or legal clinic that specializes in American Indian and Alaska Native (AI/AN) issues, according to the U.S. News & World Report website. Other colleges of law offer electives on this topic. Advocates for AI/AN rights, however, say that this subject should be better represented in U.S. legal education.

Native American law programs often include core courses focused on Indigenous rights, economics, natural resources, sustainability, sovereignty, and more. They typically relate to the study of “Indian law,” which concerns the Indigenous community’s legal relationship with U.S. federal, state, and local governments. These programs also cover tribal law, which refers to justice systems protected under tribal sovereignty, or the right of federally recognized tribes to self-govern. Despite being rarely mentioned in mainstream legal education, nearly 400 sovereign tribal courts exist in the U.S.

Part of the problem extends from the fact that most students have never been introduced to these concepts before law school, even in areas with large AI/AN populations, according to Lindsay Robertson, JD, PhD, the Chickasaw Nation Endowed Chair in Native American Law at the University of Oklahoma College of Law (OU Law) and faculty director of the Center for the Study of American Indian Law and Policy.

Recent legislation expanding Indigenous rights, however, has piqued more interest in this topic, Robertson says. In 2020, a Supreme Court ruling in the case McGirt v. Oklahoma designated nearly half of the state as tribal land, further emphasizing how crucial it is for attorneys to understand this complex subject matter.

“You can bet that students at Oklahoma law schools need to know Indian law because otherwise they won’t know what courts to [use],” he explains. “Whether it’s the tribal court or state court, they won’t know who has jurisdiction to prosecute certain crimes unless they’ve taken a class in the subject.”

Since the McGirt decision, enrollment in the master’s program in Indigenous Peoples Law at OU Law has jumped, according to Robertson. The program is designed for people who already have a JD to “further enhance their service to and knowledge of [I]ndigenous peoples in the U.S. and the world,” the school’s website states.

Robertson believes this surge may be reflective of a national trend due to recent social justice activism and political appointments helping to put AI/AN issues “more on the map,” he says.

Having some understanding of Indigenous law is beneficial for students even if they do not live in areas with large AI/AN populations, according to Robertson. When he first began teaching this subject at the University of Virginia in the 1990s, some students in his class assumed that it would be “culturally stimulating” or “interesting.
in a broad policy sense,” but not relevant to modern law, he says.

“When they got in the class, they discovered that it was much more practical, that there are lots of rules, and that Indian tribes are actually separate political entities that exercise jurisdiction over people in territories defined under federal law,” he explains.

Kelsey Haake, a member of the Alaskan Iñupiaq tribe who is currently attending the University of Pennsylvania Carey Law School (Penn Law), advocates for better AI/AN representation in both law school curricula and enrollment.

“Sadly, we’re kind of the forgotten minority in a lot of things, and that’s why I went to law school,” she says. Having just finished her first year of studies, Haake says her classes rarely if ever addressed Indigenous issues unless she made a point to mention them. At some points, her classmates would say she was focusing too much on Native topics.

“[I]t’s already so out of our cultural values to be controversial or outspoken, and I almost had to compartmentalize some of my Native values — not cast them aside, because I will always remember them and always carry them — but almost turn them off during class,” Haake says. “I know if I don’t mention these issues, no one else is going to, and people need to hear this or else we’re just going to continue the status quo.”

Haake notes that she has also received a lot of positive feedback for her advocacy efforts and says the Penn Law faculty and administration have been amazing in supporting her. As the school’s only Indigenous student, she has had meetings with its diversity, equity, and inclusion personnel about improving AI/AN student recruitment.

“I’ve been pressing Penn to make it to where I’m not the only Native in the law class, because it gets lonely, especially if you’ve been surrounded by Native people your entire life,” Haake explains.

In 2020, only 0.3 percent of students admitted to U.S. colleges of law were Native American, according to the Law School Admissions Council. Yet this demographic accounts for 1.6 percent of the total U.S. population.

The National Native American Law Students Association (NNALSA), which celebrated its 50th anniversary in 2020, represents more than 200 AI/AN students. As co-chair of the association’s advocacy committee, Haake says her goal is to increase the number of Indigenous lawyers nationwide. She hopes to begin working soon with NNALSA chapters at the nation’s top 14 law schools to move forward with this effort.

Haake encourages all Native students to conduct informational interviews with law school faculty and staff before considering where to attend school. The greatest advice she received before beginning her legal studies came from interviews with AI/AN faculty at other colleges, who told her that going into law would require “a steel spine,” she says.

“I know I’m going to need to have that if I’m going to try to represent my people,” Haake explains. “I have to be an agent of change.”

Mariah Stewart is a senior staff writer for INSIGHT Into Diversity.
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ADVOCATING FOR AMERICA’S OVERLOOKED AREAS

UC Davis law professor shines light on rural marginalization in legal policy and practice

By Mariah Bohanon
Lisa Pruitt, JD, PhD, the Martin Luther King Jr. Professor of Law at the University of California, Davis (UC Davis) School of Law, has fought for justice around the world, working on issues as diverse as Eastern European intellectual property law to the investigation of sex crimes during the 1994 Rwandan genocide.

Now she dedicates her time to advocating for overlooked rural pockets of the U.S. like her hometown in northwestern Arkansas, where the entire county has fewer than 8,000 residents. Her wide range of experiences as an attorney made it apparent that rural areas such as this one — and the people from them — are largely underrepresented in legal policy and practice.

“I knew from practicing in different sectors, both public and private, that [law] is implicitly urban,” Pruitt explains. “I call this metro-centricity or urban-normativity, the way that legal scholarship and lawmaking in many settings assumes the urban and is unaware or neglectful of rural districts.”

Much of her research has focused on issues related to rural poverty, drug abuse, domestic violence, and environmental law. Understanding rural-urban differences when it comes to demographics and resources is necessary for developing effective policies and services that address these issues.

One important disparity is a lack of interventions for nonviolent drug offenders in rural areas. Criminal justice policies that encourage participation in drug treatment programs as an alternative to more punitive measures may not take into account how inaccessible such programs can be for people in sparsely populated regions.

“One issue that people may not realize about rural areas is [the dilemma] of what to do with drug users when there’s no treatment programs or other supports that a judge or judicial system would prefer to use [for sentencing],” Pruitt says. “A judge can say ‘I’m not going to throw you in jail as long as you show up to this treatment course,’ but if the closest program is 50 miles away and you have to be there three days a week, that’s not going to work in areas where people are poor and there’s no public transportation.”

A lack of interventions for drug use is just one factor behind the phenomenon of growing rural incarceration rates. In urban areas, mounting pressure to reduce the nation’s sizable prison population has led to fewer jail sentences, yet the number of inmates in rural jails has drastically expanded. From 2013 to 2019, urban jail populations dropped 18 percent while rural ones rose 27 percent, according to The New York Times. As of 2019, lockup rates in rural counties were more than double those of urban counties.

Another contributor to the disparity in incarceration rates is a lack of attorneys who can provide criminal defense and general legal services for rural residents.

““The debate on how best to bring opportunity to rural America tends to focus on agricultural or postindustrial areas in the Midwest, often applying lessons learned or policy prescriptions to other U.S. regions without accounting for their differences. Moreover, the dominant narratives about rural America frequently neglect the experiences of [B]lack, Native American, and nonwhite Latinx populations—not to mention immigrants, LGBTQ people, and disabled people. Rural America is not homogenous and should not be discussed or treated as such.”

“Redefining Rural America” report by the Center for American Progress

This shortage has been a primary focus of Pruitt’s work in recent years and a topic of increasing concern for the legal community. The American Bar Association (ABA) and the Center for American Progress have written about how this shortage affects severely overburdened rural courts and jails and plays into the larger narrative around criminal justice reform. The ABA even added a special section on legal deserts, or areas with few lawyers, to its 2020 “Profile of the Legal Profession” report, which states:

“There are more than 3,100 counties and county equivalents in the U.S., and 54 of them have no lawyers. Another 182
have only one or two lawyers. Many are parts of legal deserts — large areas where residents have to travel far to find a lawyer for routine matters like drawing up a will, handling a divorce, or disputing a traffic violation.

Pruitt points out that this shortage affects communities of many different demographics. The term “rural” is often considered synonymous with “White,” she says, yet rural America is far more diverse than is often assumed. At UC Davis, for example, law students who are passionate about immigration rights often find that their interests intersect with issues affecting rural communities that are home to large populations of migrant workers.

One way to combat the rural attorney shortage is for colleges and law schools to recruit more students from nonmetropolitan areas, Pruitt says. This population already tends to be underrepresented in higher education, with only one in five people in rural areas nationwide holding a bachelor’s degree or higher, according to the U.S. Department of Agriculture. The pandemic has further diminished the likelihood of these students pursuing higher education, with FAFSA completion rates decreasing by 18 percent or more at rural high schools across the U.S., according to the National College Attainment Network.

A small but growing number of legal education programs in primarily rural states have begun targeting students from small towns and sparsely populated areas to address this problem. In Nebraska, where 12 out of 93 counties do not have a single attorney, the Rural Law Opportunities Program operates as a partnership through the University of Nebraska College of Law and several smaller colleges throughout the state. Participants receive scholarships to fund their undergraduate education and regularly visit the law school for guest lectures, networking events, and more. They also participate in rural law internships and, should they meet certain admissions criteria, are guaranteed automatic acceptance into the university’s college of law upon completing their undergraduate degrees.

Other law schools, states, and legal organizations have developed similar pipeline programs in recent years. Some offer incentives such as partial loan forgiveness or financial assistance for establishing a rural practice. This type of support can help offset the disparity in earnings potential for urban versus rural attorneys, which is one factor that contributes to the shortage.

Pruitt suggests that students who are interested in pursuing legal careers in small towns but are worried about hefty law school debt should bear in mind that obtaining a JD in rural states is often much more affordable than other places. The Universities of South Dakota, North Dakota, Nebraska, and Montana all top the 2021 list of most affordable law schools as ranked by BestValueSchools.org.

She also recommends that more educators, regardless of location, teach students about the benefits of working in rural communities. “One of the things that law schools can do is to validate and affirm rural practice as a legitimate and fulfilling choice,” Pruitt says, adding that many times these careers are seen as less prestigious than working in urban firms.

At UC Davis, Pruitt’s Law and Rural Livelihoods course introduces students — most of whom are from cities and suburbs — to some of these concepts. The class recently hosted a Zoom seminar in which several attorneys who work in rural practices shared their experiences. The students also run a blog, legalruralism.blogspot.com, that tracks news and research on everything from rural law enforcement practices to vaccine access and more.

One of Pruitt’s students from New Jersey, the most densely populated state in the nation, who was studying to become an environmental lawyer decided to study rural water laws for the course. The opportunity allowed him to expand his knowledge beyond an urban framework and deepen his expertise in this subject area. “He realized that most of the land in the U.S. is rural, that there’s a lot of land out there, and some of it is being polluted,” says Pruitt.

The rising interest in environmentalism, especially when it comes to protecting food and water sources, has brought more attention to rural issues in recent years, she explains. Furthermore, other schools are beginning to view legal ruralism as a viable area of study. Since Pruitt first developed the Law and Rural Livelihoods class in 2007, Harvard University, the University of Michigan, and the University of South Carolina have developed similar course offerings.

“It is good to know that awareness of and engagement with these issues is growing and that we’re serving an important educational function,” Pruitt says. “We’re disseminating knowledge and sending students out into the world with an enhanced skillset for whatever type of law they choose to do.”

Mariah Bohanon is the senior editor of INSIGHT Into Diversity.
As the world closed, we were finding doors to open. For us, diversity and inclusion are the normal, the now, and the necessary.
Law Schools Commit to Furthering Anti-Racist Training, Addressing Inequity

By Erik Cliburn

Law schools, perhaps more than any other institutions in higher education, are in a unique position to address structural racism and effect meaningful societal change in the nation’s criminal justice system. Today’s law students will be tomorrow’s politicians, judges, attorneys, and legal scholars, so it is imperative that they have a foundational understanding of the role institutional racism has played in forming the country’s legal system.

As national attention on race and racism has grown over the past year, especially with regard to the law and law enforcement, administrators at law schools across the country have recognized the importance of educating students and faculty on structural racism and working toward a more equitable justice system and society overall. In recent months, law schools have taken the initiative to create inaugural diversity, equity, and inclusion (DEI) positions; hold seminars or conferences on how to combat institutional racism; and design or expand courses to address inequity and promote anti-racism in the legal profession. Additionally, legal education associations have enacted or are considering initiatives to expand anti-racist education in law schools.

“The crux of the solution will be law and policy. Those who are studying law who become policymakers will be in the forefront of creating an anti-racist society.”

Ibram X. Kendi

Nationwide Initiatives
In August 2020, deans from 150 of the 204 law schools accredited by the American Bar Association (ABA) petitioned the ABA’s Council to the Section of Legal Education and Admissions to the Bar to make anti-racist education mandatory in order for law schools to maintain or earn accreditation. The suggested education includes anti-bias, anti-racism, and cross-cultural competency training.

“We are in a unique moment in history to confront racism that is deeply embedded in our institutions, including in the legal profession, and we hope that the Council will take this important first step,” the letter read.

On May 14, the council advanced the proposed changes and is currently seeking input from legal educators and the public. They will reconvene in August to discuss in more detail after the public has had the opportunity to submit feedback. If approved, the changes will be voted on by the ABA’s House of Delegates in February 2022. If the new accreditation requirements move through the council and house of delegates promptly, they could be in place as early as fall 2022.

In an effort to address police reform and implement better policing practices nationwide, the ABA also collaborated with 52 law schools in October 2020 to form the Legal Education Police Practices Consortium. Legal scholars in the consortium have worked to develop model police practices and initiate projects that promote racial equity in the criminal justice system, eliminate those that are racially motivated or have a disproportionate impact on minoritized communities, and support effective policing, according to an October ABA news release. The consortium will also use law students at participating schools to conduct research regarding criminal justice reform; provide public commentary in the form of op-eds, articles, and blogs; and engage with law enforcement departments to promote equitable practices.

“The ABA has the ability to bring together diverse groups to address these problems and the duty to act to help bring racial equality to our criminal justice system,” ABA President Patricia Lee Refo said in the news release. “The consortium will engage law students and legal experts from around the country in studying and forming solutions to help improve policing practices in our communities.”

In June 2020, the Association of American Law Schools launched the Law Deans Antiracist Clearinghouse
New Courses
While the ABA is still determining which anti-racism courses it will require, a number of law schools have taken the lead either by establishing new courses focused on institutional racism or weaving the subject into existing courses. The law schools at the University of Southern California (USG Law), the University of California, Irvine (Irvine Law), and the University of Maine, among many others, have taken steps to increase anti-racist education in the classroom.

Both USG Law and Irvine Law have instituted required courses that center on racism and inequality in the justice system. In mid-March, USG Law became the first among the nation’s top 25 law schools to require a course on racial justice titled Race, Racism, and the Law. Students in the class of 2024 and beyond will be required to take it in order to graduate. Irvine Law followed suit less than a month later, becoming the first law school in the University of California system to require a graded course related to “race and indigeneity, structural inequity, and the historical bases for such inequity,” according to the news website Above the Law.

Seminars and Conferences
Many legal scholars have expanded the discussion beyond the classroom and their institutions by establishing virtual seminars, teach-ins, and conferences. One such instance was the Law School Anti-Racist Coalition’s Teach-In in early September 2020, which featured educators from colleges of law across the U.S. The virtual event covered a wide range of topics within the overarching theme of anti-racism, such as implicit bias in bankruptcy law and water rights in Native American territories.

Steps in the Right Direction
These changes have been a long time coming, and there is still much work to be done to eliminate institutional racism and inequity, but it appears that many law schools are on the right path.

“We all must pull racism by the roots and expose it to light. The only way to expose racism, both overt and covert, is by having those difficult conversations.”

Keeshea Turner Roberts

“Although the conversation [regarding anti-racism] is not an easy one to have, I believe that it is a necessary one,” writes Keeshea Turner Roberts, adjunct professor at Howard University’s School of Law and supervising attorney for the Fair Housing Clinic, in the ABA’s Human Rights Magazine. “We all must pull racism by the roots and expose it to light. The only way to expose racism, both overt and covert, is by having those difficult conversations.”

Erik Cliburn is a senior staff writer for INSIGHT Into Diversity.
Reflecting on the 100-Year Anniversary of the Tulsa Race Massacre

May 31, 2021, marked the 100th anniversary of the 1921 Tulsa Race Massacre, one of the worst incidents of racial violence in U.S. history. During the massacre, White rioters, including police officers, looted and burned more than 1,000 Black-owned homes and businesses in Tulsa, Oklahoma’s wealthy Greenwood District, also known as America’s Black Wall Street. The massacre lasted more than 18 hours and resulted in the murder of an estimated 300 African American residents.

The carnage and devastation have affected the Black community for generations, with the legacy of trauma, grief, and lost economic opportunity passed down through survivors and their descendants.

“What if we had been allowed to maintain our family business?” Brenda Nails-Alford, a Tulsa resident, recently said in The New York Times. Nails-Alford’s grandfather and his brother owned a shop that was destroyed during the riot. “If they had been allowed to carry on that legacy, there’s no telling where we could be now.”

To bring awareness to the tragic event and honor victims, the Tulsa Race Massacre Centennial Commission hosted an anniversary ceremony on June 2, 2021, in front of its flagship project, Greenwood Rising, a history center dedicated to Black Wall Street. The center, which officially opens in July, will host exhibits and educational events that address racial justice and reconciliation.
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