

Call for Participation in a Discussion Group on
Race, Racism, and the Language of Law School: The Power of Words in
Shaping an Antiracist Professional Identity

Abstracts due: Friday, October 9, 2020

Submit using the [online submission form here](#).

Introduction

The following is a Call for Participation in a Discussion Group on *Race, Racism, and the Language of Law School: The Power of Words in Shaping an Antiracist Professional Identity* to be held Friday, January 8, 2021, 11 am – 12:15 pm Eastern during the AALS Annual Meeting from January 5-9, 2021.

Discussion groups allow a small group of faculty to engage in a sustained conversation about a topic of interest. This discussion group’s participants are expected to write and share a short abstract (3 pages, double-spaced) to begin their participation in the discussion. The rest of the session will feature a lively and engaging discussion among the small group of participants. The participants in this discussion group will be the people identified in the original proposal submitted to the Annual Meeting Program Committee, plus additional individuals selected from this call for participation.

Description

Language is identity: we are what we speak. As a profession of words, lawyers do not just instantiate power—to declare, award, enjoin, arrest; we also ideologize and indoctrinate. This process of indoctrination and socialization—of professional identity formation—begins in law school. Despite differences among our institutions, we create “a very particular brand” of lawyer:¹ an upper-class-identified, politically conservative “neutral”² beholden to authority, simultaneously detached from social and moral contexts³ and immersed in myths of color-blindness and individual merit that obscure race and exceptionalize racism into an adversarial system of individual rights and liabilities.

¹ Eli Wald & Russell G. Pearce, *Making Good Lawyers*, 9 U. ST. THOMAS L.J. 403, 405 (2011).

² See Karl Klare, *The Law–School Curriculum in the 1980s: What’s Left?*, 32 J. LEGAL EDUC. 336, 336-39 (1982).

³ See ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL* (2007); Lucy A. Jewel, *Bourdieu & American Legal Education: How Law Schools Reproduce Social Stratification and Class Hierarchy*, 56 BUFF. L. REV. 1155 (2008); DUNCAN KENNEDY, *LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY: A POLEMIC AGAINST THE SYSTEM* (2004).

Even as we remain the Whitest of all professions⁴ and as race constitutes the legal order—“distort[ing] the drafting and implementation of laws; skew[ing] the development, character and mission of legal bureaucracies; alter[ing] how various communities, including Whites, understand and interact with legal institutions; and twist[ing] the self-conception of legal actors, from lawmakers to lawyers, cops to judges”⁵—we persist nonetheless in teaching a color-blind, “perspectiveless” language in law school,⁶ developing in our students a White-normative professional identity, a “bleached out” professionalism⁷—“White lawyering”⁸—that marginalizes non-Whites and reproduces a racist legal status quo.

We need to examine the role that language—our words—play in this process. Thanks to the professional identity curriculum movement, law teachers today pay greater attention not just to the knowledge and skills we impart but also to the values and identities we promote in legal professionals.

In this discussion group, we bring together a diverse group of scholars to address a set of interrelated questions aimed at examining this role while challenging this White-normative professional identity and promoting racial justice, among them:

- How does legal language reproduce race and racism? How does the language of law school—in particular objectivity, neutrality, authority—develop professional identity? How would we define such an identity?
- How do we define our ethical obligation to promote racial justice? To promote an antiracist professional identity? What are the limits of diversity and cross-culturalism—particularly as they relate to hierarchy and power, the defining elements of race and racism—and how does an antiracist identity differ from an identity that promotes diversity and cross-cultural competence? How does a color-blind, post-racial jurisprudence affect the development of such identity?
- How can we infuse the professional identity curriculum with an antiracist ethic? How can we be more attentive to words and language to ensure that we produce professionals committed to racial equality?
- How would a legal language transcending race and racism look like?

⁴ More than 8 out of 10 lawyers are White. See https://www.americanbar.org/content/dam/aba/administrative/market_research/national-lawyer-population-demographics-2009-2019.pdf.

⁵ Ian Haney Lopez, *Introduction*, RACE, LAW, AND SOCIETY xi (2007).

⁶ Kimberle Williams Crenshaw, *Towards a Race-Conscious Pedagogy in Legal Education*, 11 NAT’L BLACK L.J. 1 (1988).

⁷ David B. Wilkins, *Identities and Roles: Race, Recognition, and Professional Responsibility*, 57 MARYLAND L. REV. 1502 (1998).

⁸ Russell G. Pearce, *White Lawyering: Rethinking Race, Lawyer Identity, and Rule of Law*, 73 FORDHAM L. REV. 2081 (2005).

Our plan is to first provide a framework for discussion (along the lines set forth above), then provide each invited participant five minutes to address their respective topics (below), and then facilitate a general discussion among all participants and attendees. We will conclude by inviting and summarizing concrete suggestions for curricular reform. We would prefer not to invite additional speakers but are open to doing so in an open call.

Call for Abstracts

The Annual Meeting Program Committee invites faculty and administrators who would like to join this Discussion Group to submit a three-page abstract that addresses these questions **by Friday, October 9, 2020**. Current organizers and confirmed discussion participants include:

Eduardo R.C. Capulong
CUNY School of Law

Professor of Law and Director, Lawyering Program

<https://www.law.cuny.edu/faculty/directory/eduardo-capulong/>

Co-author, *Antiracism, Reflection, and Professional Identity*, 18 HASTINGS RACE & POVERTY JOURNAL __ (Fall 2020) (forthcoming)

Monte Mills

University of Montana Alexander Blewett III School of Law

Associate Professor of Law and Co-Director, Margery Hunter Brown Indian Law Clinic

<http://www.umt.edu/law/faculty/directory/default.php?ID=3767>

Co-author, *Antiracism, Reflection, and Professional Identity*, 18 HASTINGS RACE & POVERTY JOURNAL __ (Fall 2020) (forthcoming)

Andrew King-Ries

University of Montana Alexander Blewett III School of Law

Professor of Law and Clinic Supervisor

<https://www.umt.edu/law/faculty/directory/default.php?ID=3219>

Co-author, *Antiracism, Reflection, and Professional Identity*, 18 HASTINGS RACE & POVERTY JOURNAL __ (Fall 2020) (forthcoming)

Elizabeth Mertz

University of Wisconsin-Madison Law School

Professor Emerita

<https://law.wisc.edu/profiles/emertz@abfn.org>

Author, *THE LANGUAGE OF LAW SCHOOL* (2007)

Russell Pearce

Fordham University School of Law

Professor of Law and Edward and Marilyn Bellet Chair in Legal Ethics, Morality, and Religion

https://www.fordham.edu/info/23170/russell_pearce

Author, *White Lawyering: Rethinking Race, Lawyer Identity, and Rule of Law*, 73 FORDHAM L. REV. 2081 (2005).

Lucy Jewel

University of Tennessee School of Law
Professor of Law and Director of Legal Writing

<https://law.utk.edu/directory/lucy-jewel/>

Author, *Neuro-Rhetoric, The Law, and Race: Toxic Neural Pathways and Healing Alternatives*, 76 UNIV. OF MARYLAND L. REV. 663 (2017)

Rhonda Magee

University of San Francisco School of Law
Professor of Law

<https://www.usfca.edu/law/faculty/rhonda-magee>

Author, *The Way of ColorInsight: Understanding Race and Law Effectively Through Mindfulness-Based ColorInsight Practices*, 8 GEO. L. J. MOD. CRIT. RACE PERSP. 251 (2016).

Erin Lain

Drake University School of Law
Professor of Law and Associate Provost for Campus Equity and Inclusion

<https://www.drake.edu/law/facstaff/directory/erin-lain/>

Author, *Racialized Interactions in the Law School Classroom: Pedagogical Approaches to Creating a Safe Learning Environment*, 67 J. LEGAL ED. 780 (2018)

Michalyn Steele

Brigham Young University J. Reuben Clark Law School
Professor of Law

<https://law.byu.edu/faculty/michalyn-steele/>

Author, *Cultivating Professional Identity and Resilience Through the Study of Federal Indian Law*, 2018 B.Y.U. L. REV. 1429 (2019)

Jerry Organ

University of St. Thomas School of Law
Bakken Professor of Law and Co-Director of the Holloran Center for Ethical Leadership in the Professions

<https://www.stthomas.edu/law/facultystaff/a-z-index/jerry-organ.html>

Co-author, *Professional Formation/Professionalism's Foundation: Engaging Each Student's and Lawyer's Tradition on the Question "What Are My Responsibilities to Others?"*, 12 U. ST. THOMAS L.J. 271 (2016)

David B. Wilkins

Harvard Law School

Lester Kissel Professor of Law, Director, Center on the Legal Profession, and Vice Dean for Global Initiatives on the Legal Profession

<https://hls.harvard.edu/faculty/directory/10957/Wilkins>

Author, Identities and Roles: Race, Recognition, and Professional Responsibility, 57 MARYLAND L. REV. 1502 (1998)

Space in this Discussion Group is limited; the Committee, along with the faculty who proposed this discussion, will select the remaining discussion participants from the abstracts submitted. At the AALS Annual Meeting in January, selected participants will make a one-two minute presentation during the Discussion Group. The remaining time will be devoted to a moderated, roundtable group discussion.

Each submission for this Discussion Group should include:

- The title of the submitted presentation/paper;
- The name, school and email of the applying participant;
- A three-page, double-spaced abstract; and
- The curriculum vitae of the applying participant.

In reviewing the submitted abstracts, the discussion group organizer and selection committee will consider the following:

- The fit and overall quality of the abstract for the Discussion Group;
- The diversity that the applying participant may bring in terms of a variety of factors including viewpoint diversity, institutional affiliation and status (tenure-track, non-tenure track, tenured); and if applicable
- The applying participant's willingness to publish his or her paper along with other Discussion Group papers.

Abstracts are due by **Friday, October 9, 2020** and should be submitted using the [online submission form here](#).