
THE COLOR OF LAW REVIEW

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ABSTRACT

Of the approximately sixty-five Black law review Editors-in-Chief (“EICs”) across United States history, at least thirty-eight—more than 50% of the total—were elected in the past ten years. What inspired the dramatic increase in the diversity of law review leadership in recent history, and why has it taken so long? This question—what this Article calls law review’s ongoing “diversity problem”—does not have an easy answer. While legal scholars have been talking about diversity, equity, and inclusion (“DEI”) on law review boards for far longer than the past decade, no United States law school has yet to solve it. Further, even as an increasing number of law schools promote DEI in the law classroom, from creating antiracist curricula to appointing diversity-focused administrators, only a handful of law schools seem to be paying much attention to the diversity of their law review boards. The overwhelming silence of law schools amidst the persistent racial and ethnic homogeneity of their law reviews suggests that some law school administrators believe the problem lies with the merit of their non-White students. Or, perhaps some believe that law review’s diversity problem is merely symptomatic of ongoing challenges to admit more underrepresented students into J.D. programs nationwide.

This Article argues that law review’s diversity problem must be viewed in the broader context of sociopolitical efforts to eradicate racial injustice in the United States and reform legal education. Applying a critical racial lens toward efforts to promote DEI in law review, this Article clarifies three fundamental drivers of law review’s diversity problem with implications not just for law review, but for legal education writ large. First, this Article claims that the purpose of DEI for law reviews is not solely to increase the number of racially and ethnically minoritized students on the law review roster to enhance the learning experience of student editors, but also to realign the distorted function of law review with its ideal purpose. Second, it argues that the role of DEI for law

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reviews serves not merely to increase the equality of opportunities for underrepresented students or to increase broad-based discussion of marginalized experiences and diverse perspectives of law, but also to challenge the fundamental structure of the sociolegal institutions that coordinate legal education in the United States. Third, and finally, this Article contends that the value of DEI for law reviews is not simply the increased number of marginalized voices engaged in mainstream legal discourse, but perhaps most important, the inclusion of voices into mainstream legal discourse that do not always have the perceived academic merit or societal prestige necessary to gain access.

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I got power, poison, pain, and joy inside my DNA. I got hustle though, ambition flow inside my DNA.

—Kendrick Lamar¹

[I]f our society truly values education as a means of preparing citizens . . . we need to reexamine exactly how we define “merit.”

—Lani Guinier²

INTRODUCTION

In the first seventy-three years of the *Virginia Law Review*'s existence, established on March 15, 1913, there were no Black members.³ In 1987, three Black students were welcomed as members of the *Virginia Law Review*, two of whom were invited because of a newly-implemented affirmative action plan.⁴ Yet, it would take until the year 2021—approximately 108 years after the law journal's establishment—for the *Virginia Law Review* to elect its first Black EIC, Tiffany Mickel.⁵ Some might argue that this narrative merely reflects the difficulty of joining, much less leading, one of the nation's most prestigious law journals at one of its top-ranked law schools where the enrollment of Black students is routinely low, year after year. After all, Mickel is exceptional among Black law students nationwide as one of only a few Black women in the United States with a materials science and engineering degree from MIT.⁶ Her election is well-deserved, and her accomplishments deserve praise. Yet, the *Virginia Law Review*'s

¹ KENDRICK LAMAR, *DNA., on DAMN.* (Top Dawg Ent. 2017).

² LANI GUINIER, *THE TYRANNY OF MERITOCRACY: DEMOCRATIZING HIGHER EDUCATION IN AMERICA* xxi (2015).

³ Frederick Ramos, *Affirmative Action on Law Reviews: An Empirical Study of Its Status and Effect*, 22 UNIV. MICH. J.L. REFORM 179, 179 (1988). Herein, we use the racial term “Black” to describe individuals of African American identification and members of other African diaspora cultures. We also often use the term “minoritized” rather than “minority” to more accurately describe how some cultural groups are pushed to the margins of society based upon racial, cultural, or other social categorizations, such as Hispanic/Latino Americans, certain immigrants, and some religious groups. To be sure, race as a tool for human categorization is a social construction that too often essentializes and oversimplifies. Still, racial categorizations are employed with tangible effect in the United States to exploit, suppress, and dehumanize subordinated populations, therefore demanding our careful attention. See MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES* 13 (3d ed. 2014).

⁴ Frederick Ramos, *supra* note 3, at 179.

⁵ Mike Fox, *Virginia Law Review Names First Black Editor-in-Chief*, UNIV. VA. SCH. LAW: NEWS & MEDIA (Feb. 1, 2021), <https://www.law.virginia.edu/news/202102/virginia-law-review-names-first-black-editor-chief> [<https://perma.cc/8F69-27TF>] (noting that Tiffany Mickel was selected first Black Editor-in-Chief (“EIC”) of *Virginia Law Review* in 2021, which celebrated its 108th year).

⁶ *Id.*

story appears to be more of an illuminating trend concerning law review's diversity problem than a heroic triumph for Black law students.

For example, on January 15, 2022, *Texas Law Review* elected Jason Onyediri as its first Black EIC after nearly 100 years of the journal's existence.⁷ In February 2021, the *Tulane Law Review* elected Antonio Milton as its first Black EIC,⁸ and the *Fordham Law Review* elected Tatiana Hyman as its first Black EIC.⁹ Also in 2021, the Georgia State University College of Law, the University of Minnesota Law School, the Syracuse University College of Law, and the Benjamin N. Cardozo School of Law each elected their first Black EIC in their school's respective histories.¹⁰ In fact, of the approximately sixty-five Black EICs from the top 100 law schools across United States history, roughly thirty-eight—more than 50% of the total—were elected in the past ten years.¹¹ What inspired the dramatic increase in the diversity of law review leadership in recent history, and why has it taken so long?¹²

This question—what this Article calls law review's "diversity problem"—does not have an easy answer. While legal scholars have been talking about DEI on law review boards for far longer than the past decade, no United States law school has yet to solve it. In 1988, then law student Frederick Ramos wrote a law review note exploring the impact of affirmative action policies on the diversity of law review boards.¹³ Of the eighty-four law reviews that responded to Ramos's survey, only six had affirmative action programs for editor selection,

⁷ *Texas Law Review Elects First Black Editor-in-Chief*, 2*L. Jason Onyediri*, UNIV. TEX. AUSTIN SCH. LAW (Feb. 15, 2022), <https://law.utexas.edu/news/2022/02/15/texas-law-review-elects-first-black-editor-in-chief-2l-jason-onyediri/> [<https://perma.cc/JUU2-Y3RS>].

⁸ Alina Hernandez, *Tulane Law Review Names First Black Editor-in-Chief*, TUL. UNIV. (Feb. 4, 2021, 5:15 PM), <https://law.tulane.edu/news/tulane-law-review-names-first-black-editor-in-chief> [<https://perma.cc/FA9U-8AHF>].

⁹ Julia Brodsky, *Tatiana Hyman '22 Elected First Black Editor-in-Chief of Fordham Law Review*, FORDHAM L. NEWS (Feb. 16, 2021), <https://news.law.fordham.edu/blog/2021/02/16/tatiana-hyman-22-elected-first-black-editor-in-chief-of-fordham-law-review/#prettyPhoto> [<https://perma.cc/T5BE-LKBS>].

¹⁰ See *The First Black Editor-in-Chief of the Law Review at Georgia State University*, J. BLACKS HIGHER EDUC. (Mar. 30, 2021), <https://www.jbhe.com/2021/03/the-first-black-editor-in-chief-of-the-law-review-at-georgia-state-university/> [<https://perma.cc/8U4U-J4QV>]; *2L Student Jhaton White Makes History as Cardozo Law Review's First Black Editor in Chief*, CARDOZO L. (Mar. 30, 2021), <https://cardozo.yu.edu/news/2l-student-jhaton-white-makes-history-cardozo-law-reviews-first-black-editor-in-chief> [<https://perma.cc/8X6V-NYS4>].

¹¹ Karen Sloan, *Record Number of Black Students Take the Reins at Flagship Law Journals*, ALM LAW.COM (Mar. 18, 2021, 10:18 AM), <https://www.law.com/2021/03/18/a-record-number-of-black-students-take-the-reins-at-top-law-journals/>.

¹² This Article defines "law review" as "[a] periodic publication of most law schools containing lead articles on topical subjects by law professors, judges or attorneys, and case summaries by law review member-students." See Michael L. Closten & Robert J. Dzielak, *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15, 16 (1996) (quoting BLACK'S LAW DICTIONARY 887 (6th ed. 1990)).

¹³ Ramos, *supra* note 3, at 180.

all of which had non-White members.¹⁴ All six of the law schools with affirmative action programs were so-called “elite” law schools: one in the South, three in the Midwest, and two in the West.¹⁵ Ramos discovered that law reviews with affirmative action programs averaged seventy-six members while those without such programs averaged forty-five members, suggesting that some law review DEI efforts at the time were not reducing the number of White student editors, but instead were increasing the number of editor positions to incorporate more racially and ethnically minoritized students.¹⁶

Ramos’s study further revealed that 60% of the law reviews in the survey pool with affirmative action programs had at least one Black student, 80% had at least one Hispanic student, and 40% had at least one Asian American student.¹⁷ Conversely, of the seventy-eight law reviews that did *not* have an affirmative action program, thirty law reviews had no non-White members at all, comprising almost 40% of the entire sample population.¹⁸ Even more, of the forty-eight law reviews that did *not* have an affirmative action program but *did* have non-White student representation, only seven had at least one Black student on the senior editorial board.¹⁹ For those law reviews in the study that implemented a mixed-

¹⁴ *Id.* at 194, 202 (noting that out of seventy-five law review editors, forty-two responded and that six law reviews indicated implementation of affirmative action programs for editor selection procedure). We use the term “White” to describe non-Black individuals of European ancestry. Contrary to current trends, we choose to capitalize the term because it carries with it significant cultural connotations and sociopolitical implications that are inescapable and must be reckoned with, not neutralized. As LaToya Baldwin Clark eloquently declares, “the proper noun usage of the word [White] forces an understanding of ‘White’ as a social and political construct” See LaToya Baldwin Clark, *Stealing Education*, 68 UCLA L. REV. 566, 568 n.1 (2021); see also Eve L. Ewing, *I’m a Black Scholar Who Studies Race. Here’s Why I Capitalize ‘White.’*, MEDIUM: ZORA (July 2, 2020), <https://zora.medium.com/im-a-black-scholar-who-studiesrace-here-s-why-i-capitalize-white-f94883aa2dd3> [<https://perma.cc/7CET-6B83>] (“Whiteness is not only an absence. It’s not a hole in the map of America’s racial landscape. Rather, it is a specific social category that confers identifiable and measurable social benefits. . . . When we ignore the specificity and significance of Whiteness—the things that it is, the things that it does—we contribute to its seeming neutrality and thereby grant it power to maintain its invisibility.”).

¹⁵ Ramos, *supra* note 3, at 195. Ramos defined “elite” law schools as “law schools Dr. Jack Gourman listed as ‘distinguished’ and ‘strong.’” See *id.* at 203 n.79 (citing JACK GOURMAN, *THE GOURMAN REPORT* 75-80 (3d ed. 1985)).

¹⁶ *Id.* at 195-96.

¹⁷ *Id.* at 198. Notwithstanding such progress, Ramos notes that no law reviews that provided information regarding its demographic had any Native American students. *Id.*

¹⁸ *Id.* Of this group, nineteen law reviews had at least one Black student, one of which had eight; twenty-four law reviews had at least one Hispanic student, one of which had six; two law reviews had at least one Native American student, one of which had eight; and twelve law reviews had at least one Asian American student, one of which had five. *Id.*

¹⁹ *Id.* (noting number of minoritized members on law reviews surveyed that had non-White representation without affirmative action). Also, ten law reviews had at least one

method editor-selection process (e.g., assessing first-year grades alongside performance on a writing competition), 58% had at least one non-White member.²⁰ Based on his analysis of the impact of affirmative action programs on the diversity of law reviews, Ramos concluded that law reviews intent on increasing non-White student membership needed to consider an affirmative action program.²¹ At a minimum, he argued, such reforms should include structural changes to both the editor-selection and scholarship-publication process.²²

Unfortunately, few law reviews heeded Ramos's advice. Instead, ten years later, in 1998, *The Journal of Blacks in Higher Education* determined that not much had changed.²³ In their survey of the twelve highest-ranked United States law schools,²⁴ the journal found that only fifty of the students on their law review self-identified as Black.²⁵ Specifically, Black students made up only 4.8% of the 1,038 law review editors surveyed.²⁶ Even as law schools have been pushing for greater DEI in the classroom,²⁷ few law schools seem to be paying much attention to the diversity of their law review boards. The silence of law schools amidst the persistent homogeneity of their law reviews suggests that at least some law school administrators believe the problem lies with the merit of their non-White students. Perhaps law reviews have been selecting the best law students all along, such adherents presumably contend. Black law students, they no doubt add, alongside other non-White students, have simply fallen short of the mark, time and time again.

To be sure, while this Article focuses on the challenges facing racially and ethnically minoritized students in law reviews, law review's diversity problem transcends issues of race. For example, in 1981, Harvard Law School's student body was 28% female and 14% non-White, but out of the eighty-nine members

Hispanic student on the editorial board; one law review had at least one Native American student on the editorial board; and three law reviews had at least one Asian American student on the editorial board, including one Asian American EIC. *Id.* at 198-99

²⁰ *Id.* at 199-200.

²¹ *Id.* at 201.

²² *Id.* at 201-02 (suggesting implementation of editor-selection process that considers writing performance in addition to grades and publication that "addresses minority concerns" to achieve diverse membership); see *infra* Part III.

²³ The J. of Blacks in Higher Educ., *Many of the Nation's Most Prestigious Law Reviews Have Lily-White Editorial Boards*, 19 J. BLACKS HIGHER EDUC. 55, 55 (1998).

²⁴ See *id.* at 56.

²⁵ *Id.*

²⁶ *Id.*

²⁷ See, e.g., Daniel Sigoreo, *Law School Aims for Faculty Diversity*, YALE DAILY NEWS (Mar. 1, 2012, 12:00 AM), <https://yaledailynews.com/blog/2012/03/01/law-school-aims-for-faculty-diversity/> [<https://perma.cc/BKB8-HY9G>] (noting first offer of tenure to Hispanic female faculty member at Yale Law School and discussing needs to further diversity faculty hiring at Yale Law); Heather Gerken, *Message from the Dean*, YALE L. SCH.: DIVERSITY & INCLUSION, <https://law.yale.edu/student-life/diversity-inclusion> [<https://perma.cc/4776-9LC8>] (last updated Fall 2022) (emphasizing diversity and inclusion as Yale Law School's core values and highlighting diversity achievements such as class demographic).

of the law review, there were only eleven women (about 12%) and only one non-White student (about 1%).²⁸ More recently, a 2009 study showed that “men and women enter law schools in roughly equal numbers,”²⁹ but women at Yale Law School and Harvard Law School were not joining law reviews in percentages that matched their representation in their J.D. classes.³⁰ From 1992 to 2000, Harvard Law School experienced a thirteen percent differential between the percentage of women on the *Harvard Law Review* and their representation in their respective J.D. class.³¹ From 1996 to 2003, women comprised only 42% of *Yale Law Review*, “which was lower than the percentage of women in the [relevant] J.D. class.”³² From 2001 to 2006, *Stanford Law Review* elected no women to serve as EIC.³³ Indeed, it would take until the year 2016 for *Harvard Law Review* to reportedly induct a group of editors with demographics that matched those of the entire law school class, boasting the highest-ever percentages of women and non-White law students.³⁴ These challenges are not relegated to ivy league law schools. Numerous law schools across the country continue to struggle with not only racial and ethnic diversity, but also gender, sex, disability, and class diversity too, among other DEI challenges.³⁵

Critics of affirmative action and progressive DEI efforts argue that law school’s so-called diversity problem does not imply that law schools are failing their law students or their local communities. Rather, too few qualified racially-

²⁸ This was before *Harvard Law Review* implemented an affirmative action policy. See *Harvard Law Review’s Ethnic Screening Criticized*, N.Y. TIMES (Feb. 24, 1981), <https://www.nytimes.com/1981/02/24/us/harvard-law-review-s-ethnic-screening-criticized.html> [<https://perma.cc/HD2C-RLAP>].

²⁹ Megan S. Knize, *The Pen is Mightier: Rethinking the “Gladiator” Ethos of Student-Edited Law Reviews*, 44 MCGEORGE L. REV. 309, 311 (2013) (citing Carolyn B. Lamm, *Diversity and Justice: Promoting Full and Equal Participation in the Legal Profession*, 48 JUDGES’ J. 1, 1 (2009)).

³⁰ *Id.* at 311 (citing Sari Bashi & Maryana Iskander, *Why Legal Education is Failing Women*, 18 YALE J.L. & FEMINISM 389, 424 (2006)); *id.* at 324.

³¹ *Id.* at 324 (citing Tammy R. Pettinato & Hugo Torres, *Internal Law Review Report Leaked*, HARV. L. REC. (Nov. 6, 2003), <https://hlrecord.org/internal-law-review-report-leaked/> [<https://perma.cc/G7M7-RTN2>]).

³² *Id.* at 324-25.

³³ *Id.* at 325.

³⁴ Claire E. Parker, *Law Review Inducts Most Diverse Class of Editors in History*, HARV. CRIMSON (Sept. 6, 2016) <https://www.thecrimson.com/article/2016/9/6/law-review-inducts-most-diverse-class/> [<https://perma.cc/VUG8-R5JB>].

³⁵ See, e.g., Christine Charnosky, *Ahead of the Curve: Exploring the Diverse Approaches of Recent Law School DEI Programs*, ALM (Jan. 31, 2022), <https://www.law.com/2022/01/31/ahead-of-the-curve-exploring-the-diverse-approaches-of-recent-law-school-dei-programs/> (explaining that many law deans were grappling with DEI initiatives at respective schools); Stephanie Villinski, *It’s Time to Remove Professional Barriers for Lawyers With Disabilities*, 2CIVILITY (Jan. 30, 2020), <https://www.2civility.org/its-time-to-remove-professional-barriers-for-lawyers-with-disabilities/> [<https://perma.cc/NPU4-X7NG>].

and ethnically-minoritized students are applying to law school.³⁶ For those few non-White applicants who do qualify for law school, but who are not “skilled” enough to earn admission to the law review, such critics note, law schools offer specialty journals that law students can voluntarily join, alongside other academic-enrichment programs that provide opportunities for strengthening legal research, writing, and advocacy skills.³⁷ Law reviews are not biased, one concludes from this line of reasoning. Instead, the truth is that most law schools are predominantly comprised of White students, which explains why law reviews look the same as most law school classrooms—predominantly White.³⁸ Further still, the typical law review selection process is widely known to be neutral and color-blind, selecting students based on their meritorious performance on first-year law school exams and a legal editing and writing exercise, and not for their popularity amongst peers.³⁹ Perhaps law review’s diversity problem is merely a symptom of the ongoing effort among law schools to admit more underrepresented students into their J.D. programs?

We disagree. Far more must be done than merely tweaking law school enrollment statistics. This Article argues that law review’s diversity problem must be engaged in the broader context of two complementary lenses: (1) sociopolitical efforts to eradicate racial injustice in the United States; and (2) institutional efforts to reform legal education. On the one hand, the lens of sociopolitics suggests that DEI efforts in law reviews experience the push and pull of racial attitudes and perceptions across the nation.⁴⁰ Researchers have shown that although the election of President Barack Obama in 2008 improved the public’s perception of Black people’s work ethic and intelligence,⁴¹ racial attitudes became more polarized between 2009 and 2013, coinciding with an increased number of racially-motivated killings of Black people nationwide.⁴² Such attitudes

³⁶ See Ryan Fortson, Comment, *Affirmative Action, The Bell Curve, and Law School Admissions*, 24 SEATTLE U. L. REV. 1087, 1119-20 (2000); see also Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367, 473-74 (2004) (arguing that elimination of affirmative action would in fact increase the number of Black lawyers where, in part, a “race-blind system” would allow admission of Black students into schools at which they can be “competitive with other students”).

³⁷ See Ramos, *supra* note 3, at 192 (addressing argument against affirmative action which purports that motivated students who are not members of law review can nevertheless obtain legal-writing skills by submitting note to law review).

³⁸ See *Law School Enrollment by Race & Ethnicity (2019)*, ENJURIS, <https://www.enjuris.com/students/law-school-race-2019.html> [<https://perma.cc/V37Y-FRNV>] (last visited Oct. 27, 2022).

³⁹ See Ramos, *supra* note 3, at 186.

⁴⁰ See *infra* Part I.D.

⁴¹ David M. Marx, Sei Jin Ko & Ray A. Friedman, *The “Obama Effect”: How a salient role model reduces race-based performance differences*, 45 J. EXPERIMENTAL SOC. PSYCH. 953, 956 (2009).

⁴² Jeffrey M. Jones, *In U.S., Obama Effect on Racial Matters Falls Short of Hopes*, GALLUP (Aug. 11, 2016), <https://news.gallup.com/poll/194495/obama-effect-racial-matters-falls-short-hopes.aspx> [<https://perma.cc/CJF2-AA93>].

catalyzed Donald Trump's presidential campaign, notwithstanding his divisive rhetoric on the campaign trail.⁴³ Unrelenting police brutality under President Trump's Administration culminated in nationwide calls for racial reckoning in the summer of 2020 after the police killings of Breonna Taylor and George Floyd, among others.⁴⁴ These events coincided with a dramatic uptick in Black EICs in 2021 and 2022.⁴⁵ Accordingly, at least one driver of the increased attention to DEI issues in law reviews during the past ten years may be attributable to the increased attention nationwide to racial injustice since President Obama's election.

On the other hand, the lens of the law school, as an educational institution,⁴⁶ suggests that DEI efforts in law reviews also experience the push and pull of racial attitudes and perceptions across their law school community, including the views and attitudes of their faculty. The current project of "building an Antiracist law school," as Dean Danielle M. Conway of Penn State Dickinson Law puts it,⁴⁷ has been decades in the making, initiated by the founders of Critical Race Theory ("CRT") in the late 1980s.⁴⁸ That effort has only been amplified since the acquittal of George Zimmerman in the shooting death of Trayvon Martin in 2012.⁴⁹ Martin's murder, followed by the murder of Michael Brown and Eric Garner, inspired protestors to declare "Black Lives Matter" in 2013, which

⁴³ See *infra* Part I.D.

⁴⁴ Rachel Scott & Will Steak, *Trump Again Stokes Racial Divides, a Reality at Odds with His Efforts to Court Black Voters*, ABC NEWS (May 30, 2020), <https://abcnews.go.com/Politics/trump-stokes-racial-divides-reality-odds-efforts-court/story?id=70957826> [<https://perma.cc/K6FK-CYNX>].

⁴⁵ See Sloan, *supra* note 11.

⁴⁶ For an introduction to institutional theories, see Henry Farrell, *The Shared Challenges of Institutional Theories: Rational Choice, Historical Institutionalism, and Sociological Institutionalism*, in KNOWLEDGE AND INSTITUTIONS (Johannes Glückler, Regina Lenz & Roy Suddaby eds., 2018).

⁴⁷ Danielle M. Conway, Bekah Saidman-Krauss & Rebecca Schreiber, *Inclusivity in Admissions and Retention of Diverse Students: Leadership Determines DEI Success*, 23 RUTGERS RACE & L. REV. 1, 10 (2021).

⁴⁸ Early Critical Race Theory ("CRT") scholars sought to introduce a critical racial lens into the legal realist tradition and critical legal studies movement. See Etienne Toussaint, *The Purpose of Legal Education*, 111 CAL. L. REV. (forthcoming 2023); Janel George, *A Lesson on Critical Race Theory*, ABA (Jan. 11, 2021), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/a-lesson-on-critical-race-theory/ [<https://perma.cc/VH6K-V9SQ>].

⁴⁹ See *Law Deans Antiracist Clearinghouse Project*, ASS'N OF AM. L. SCHS., <https://www.aals.org/about/publications/antiracist-clearinghouse/> [<https://perma.cc/7T4E-SMUZ>]; see also Keeshea Turner Roberts, *Law Schools Push to Require Anti-Racism Training and Courses*, ABA (Dec. 13, 2020), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/rbgs-impact-on-civil-rights/law-schools-push/ [<https://perma.cc/N6KJ-J6RH>] (discussing different measures taken by law schools to expose and oppose racism following killings of "George Floyd, Breonna Taylor, and Ahmaud Arbery").

inspired law faculty to increasingly prioritize racial justice in their teaching and scholarship.⁵⁰ By revisiting CRT's critique of racism in law (attending to the lens of politics) and the legal academy (attending to the institutional lens of the law school),⁵¹ this Article clarifies three fundamental drivers of law review's diversity problem, with implications not just for the law review, but for legal education writ large.

First, this Article claims that the *purpose* of DEI for law reviews is not solely to increase diversity on the law review roster to enhance the learning experience of students on the journal. A deeper purpose of DEI, we argue, is to realign the distorted function of the law review with its ideal purpose. Alongside its familiar educational and professional purposes for law students, one of the fundamental purposes of the law review is to promote scholarly discourse on law and law reform to promote the public's interest. However, in practice, many law reviews are purposed toward political, social, and economic ends that undermine its lofty ideals. To avoid advancing a limited political vision of legal discourse, law reviews must consider a diverse spectrum of legal issues in their periodicals, not merely those that accord with the lived experiences and academic interests of their prototypical editor, who in most instances is an upper-class person racialized as White. Further, to avoid reproducing social hierarchy and serving as a gatekeeper for elite law practice and prestigious clerkships, law reviews must engage the contributions, needs, interests, and values of historically marginalized groups. In so doing, law reviews challenge the status quo operation of the law review as a "[W]hite space,"⁵² whereby a historically "[W]hite" vision of academic discourse dominates both the production and reception of legal scholarship. For example, many law reviews have recently emphasized nontraditional scholarship on movement lawyering,⁵³ police abolition,⁵⁴ and climate change,⁵⁵ alongside more traditional doctrinal articles on leading Supreme Court constitutional cases.⁵⁶

Second, this Article argues that the *role* of DEI for law reviews is not merely to increase the equality of opportunities for underrepresented students, nor to

⁵⁰ See, e.g., *Rutgers Law School Faculty Resolution on Black Lives Matter and Commitment to Anti-Racist Principles and Action*, RUTGERS (June 21, 2020), <https://law.rutgers.edu/rutgers-law-school-faculty-resolution-black-lives-matter-and-commitment-anti-racist-principles-action> [https://perma.cc/KN2V-L5XT].

⁵¹ See *infra* Part II.

⁵² Bennett Capers, *The Law School as a White Space*, 106 MINN. L. REV. 7, 21-22 (2021).

⁵³ See, e.g., Ellen Yaroshefsky, Symposium Introduction, 47 HOFSTRA L. REV. 1 (2018).

⁵⁴ See, e.g., *UCLA Law Review Symposium 2022: Toward an Abolitionist Future*, UCLA L. REV., <https://law.ucla.edu/events/ucla-law-review-symposium-toward-abolitionist-future> [https://perma.cc/ZM2F-3FEY].

⁵⁵ See, e.g., Ali A. Zaidi, *Mandates for Action: Corporate Governance Meets Climate Change*, 72 STAN. L. REV. 122, 123 (Apr. 2020).

⁵⁶ James M. McGoldrick, *The Commerce Clause, the Preposition, and the Rational Basis Test*, 14 U. MASS REV. 182, 182 (2019).

solely increase the discussion of marginalized experiences and diverse perspectives of law in public forums. Even more, we argue, the role of DEI is to articulate a more ambitious conception of “equity” in legal education.⁵⁷ The equity imperative for law reviews, as it were, presents a challenge to the fundamental structure of the sociolegal institutions that coordinate legal education in the United States. This refers both to the meaning of law in the context of political processes, as well as to the constitution of the law review itself as an instrument of democratic cultural discourse. Equity, as a political concept, must confront the so-called meritocratic mechanisms in law school, and by extension, in the law review.⁵⁸ As Lani Guinier argued, the very conception of meritocracy that governs how racially- and ethnically-minoritized students pursue equitable outcomes on the pathway toward legal practice must be challenged as an historically-limited vision of legal education.⁵⁹ Such views too often ignore the multicultural experiences of low-income Americans and non-White men and women in American society.⁶⁰

Third, and finally, this Article contends that the *value* of DEI for law reviews is not simply the increased number of marginalized voices it introduces to mainstream legal discourse. DEI efforts also challenge the culture of mainstream legal discourse with voices that do not have the perceived academic merit or prestige necessary to gain access to such forums. This framing not only embraces a view of the lawyer as a public citizen with a special responsibility for justice.⁶¹ It also resists the elitism that pervades the legal profession and often renders law school (and the law review) complicit in the production of social hierarchy.⁶²

⁵⁷ See Lisa Holder, *A Paradigm Shift in Race Consciousness Drives the Growing Demand for Diversity, Equity, and Inclusion Consultation*, 34 CAL. LAB. & EMP. L. REV. 8, 8 (2020) (defining equity as “targeted operations that appreciate and support the disparate needs of diverse personnel with different lived experiences”).

⁵⁸ See *infra* Part II.B.

⁵⁹ See GUINIER, *supra* note 2, at x-xiii.

⁶⁰ See *id.*; Ayanna Alexander, *Racial Gaps in Bar Passage Force Reckoning with Legal Education*, BLOOMBERG L. (June 23, 2021, 2:29 PM), <https://news.bloomberglaw.com/social-justice/racial-gaps-in-bar-passage-force-reckoning-with-legal-education> [<https://perma.cc/CR9Y-9TVF>]; see also Francesco Arreaga, *Law Schools Have a Moral and Social Responsibility to End Systemic Racism*, CAL. L. REV. (Jul. 2020), 2020), <https://www.californialawreview.org/law-schools-systemic-racism/> [<https://perma.cc/ZQB7-FX37>].

⁶¹ MODEL RULES OF PRO. CONDUCT: Preamble & Scope § 1 (AM. BAR ASS’N 1983) (“A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.”); Etienne C. Toussaint, *The Miseducation of Public Citizens*, 29 GEO. J. ON POVERTY L. & POL’Y 287, 287 (2022).

⁶² Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy*, 32 J. LEGAL EDU. 591, 603 (1982) (“Law teachers enlist on the side of hierarchy all the vulnerabilities students feel as they begin to understand what lies ahead of them. In law school, students have

Challenging elitism in the legal profession, we argue, requires a bold critique of the toxic ideologies that color societal views on meritocracy and leadership.⁶³ Research has shown that in-group models have the potential to dramatically reduce or even eliminate the stereotype threats that inhibit diverse law review applicants.⁶⁴ Accordingly, law review DEI efforts must take seriously the call to increase the numbers of diverse EICs, which ultimately demands redefining their leadership structures altogether. To be sure, the recent wave of Black law review EICs is a bold step in the right direction. However, as we conclude in this Article, more work remains to dismantle the gatekeeping functionality of the law review and transform it into an educational space open to all law students and all members of the broader community.

This Article pursues descriptive, normative, and prescriptive ambitions. Part I provides a descriptive analysis of the history of the law review, including a discussion of its purpose, function, and editor-selection process. Further, building upon the work of Elijah Anderson and Bennett Capers, this Part explores the way law reviews often function as a White space, which can hinder broader DEI goals in legal education. It also highlights ongoing efforts to combat this challenge by briefly outlining the history of Black law review leadership in United States law schools. Appendix A to this Article provides a more comprehensive compendium of the Black law review EICs across United States history to call attention to their notable achievements and amplify the call for continued DEI efforts in law reviews nationwide.

Part II follows with a normative assessment of the fundamental drivers of law review's diversity problem. Applying a critical racial lens to modern DEI efforts across law reviews nationwide, this Part urges scholars to reconsider the meaning of DEI and leadership in the context of modern legal education. Further, it explains why the DEI challenges facing law reviews must be situated within broader societal efforts to reckon with racial injustice in the United States and difference-based hierarchies in higher education.

Finally, Part III offers a pathway forward by prescribing several strategies that law schools can implement to reimagine the law review experience. By pushing back on the standard theory of meritocracy governing the editor-election process, thereby calling into question its supposed neutrality, this Part urges law reviews to embrace a more progressive vision of legal education and academic discourse.

to come to grips with implications of their social class, sex, and race in a way that is different from (but not necessarily less important than) the experience of college.”).

⁶³ See, e.g., Vitor M. Dias, *Black Lawyers Matter: Enduring Racism in American Law Firms*, 55 U. MICH. J.L. REFORM 99, 131-32 (2021); Hassan Kanu, 'Exclusionary and classist': Why the Legal Profession Is Getting Whiter, REUTERS, Aug. 10, 2021, (stating that minorities such as Blacks and Natives experience racial microaggressions and overt discrimination which make it difficult for them to make their way at top firms and schools).

⁶⁴ See Bettina J. Casad & William J. Bryant, *Addressing Stereotype Threat is Critical to Diversity and Inclusion in Organizational Psychology*, 7 FRONTIER PSYCH. 1, 7 (2016).

I. A BRIEF HISTORY OF THE LAW REVIEW

Although the study of legal treatises and legal periodicals in the United States boasts a long history that predates the emergence of U.S. law as it is known today,⁶⁵ the first contemporary legal periodicals arose during the mid-nineteenth century. At that time, scholarly publications served to both clarify the meaning of law and debate its interpretation by courts.⁶⁶ The *University of Pennsylvania Law Review*, which stands today as the oldest surviving law review in the United States, began as the *American Law Register* in 1852.⁶⁷ *Harvard Law Review* was founded soon thereafter in 1887, followed by *Yale Law Journal* in 1891, the *Pennsylvania Law Journal* in 1896, and the *Columbia Law Review* in 1901.⁶⁸ Since that time, the law review has pursued at least three primary objectives toward achieving an ideal vision of scholarly legal discourse.

First, the law review has pursued an *educational* purpose, which not only includes training future lawyers, professors, and judges how to conduct legal research, legal writing, and legal analysis, but also providing a public forum for lawyers to clarify misrepresentations and incorrect interpretations of law.⁶⁹ Second, law review has pursued a societal, or *public* purpose. Beyond the walls of the law school, law reviews seek to foster democratic debate amongst academicians, lawyers, and citizens about law and public policy in relation to the evolving and diverse cultural and political views of society.⁷⁰ Finally, law review has pursued a *political* purpose, aiming to inspire progressive law reform in the courts, legal innovation in the economic marketplace, and contextual legal analysis to influence future legislation in local, state, and federal governments toward just ends.

Yet, despite their noble mission and idealistic pursuits, law reviews have historically functioned in three discrete ways that diverge from this tripart idealistic purpose. First, law reviews have furthered social hierarchy. By employing a selection process for law journal editors that typically ranks law students based upon their perceived intellectual merit and professional promise as future attorneys, they further a myth of meritocracy that perpetuates structural discrimination. Second, law reviews have served as gatekeepers to elite opportunities in the legal profession. Participation in the law review is widely embraced by the legal academy and professional bar as a signal of one's intellectual merit,

⁶⁵ See *Legal History: The Year Books*, BOS. UNIV. SCH. OF L., <https://www.bu.edu/law/faculty-scholarship/legal-history-the-year-books/> [<https://perma.cc/WL3C-PJLU>].

⁶⁶ See *infra* notes 67, 68, 112-120.

⁶⁷ *About the Law Review*, U. PA. L. REV., <https://www.pennlawreview.com/about-the-law-review/> [<https://perma.cc/DX3L-XJLS>].

⁶⁸ ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S*, at 127 n.34 (1983).

⁶⁹ See *infra* notes 72, 92.

⁷⁰ See Clozen & Dzielak, *supra* note 12, at 18 (“[G]overnment officials, professors from non-law fields, accountants, health care professionals, and others pen lead articles appearing in the law reviews.”).

conferring prestige upon student editors that shapes future career opportunities and maintains social class distinctions. Third, the law review constructs and confers sociopolitical power. Generally, it is the leadership team of law reviews that manages the social and political purposes of the law review, which can silence minority viewpoints and reify dominant cultural ideas about law and law reform.⁷¹ For example, if progressive students opt out of the law review due to a distaste for its elitist culture, the law review may devolve into a factory for back-door conservatism to dominate the legal profession.⁷² When these three distortions of law review's functionality are viewed in concert, they tend to perpetuate the law review as a "White space"—an institution predominantly shaped by White cultural expressions of law, politics, and political economy. This outcome threatens harm not only to non-White law students whose cultural experiences and political views are silenced, but also to the citizens of our multicultural society, more generally.

This Part explores the disjuncture between the idealistic purpose and the distorted function of United States law reviews. Specifically, Section I.A discusses the traditional purpose and function of law reviews. Section I.B assesses several scholarly critiques of the law review through a critical racial lens. Section I.C discusses the mechanics of the editor selection process. Finally, Section I.D explores law review leadership. Specifically, this final Section reviews the history of Black student representation in law review leadership roles to provide an example of law review's historic DEI problem.

A. *The Purpose and Function of Law Reviews*

The law review pursues several important goals that benefit the legal community, from enabling lawyers to advocate for law reforms that protect the rights and entitlements of individual citizens, to providing a forum for the critique of judicial opinions that render unjust legal outcomes for communities or political institutions. Further, beyond serving as a public forum to publish the most important scholarly opinions and insights of legal academics nationwide, the law review also enables law schools to enhance the legal acumen of their highest achieving students.⁷³ Perhaps as a result, student editor positions on law reviews have traditionally been filled by the top-ranked students of law schools.⁷⁴ This aura—the notion that law reviews comprise the “best of the best” law students publishing the “best of the best” legal ideas from the “best of the best” legal minds—has transformed law review membership into a much-sought-after

⁷¹ See Mark A. Godsey, *Educational Inequalities, the Myth of Meritocracy, and the Silencing of Minority Voices: The Need for Diversity on America's Law Reviews*, 12 HARV. BLACKLETTER L.J. 59, 70 (1995).

⁷² See E. Joshua Rosenkranz, *Law Review's Empire*, 39 HASTINGS L.J. 859, 921 (1988) (asserting law review “is more politically repressive than the institution of which it is a part”); Paul Willison, Comment, *Rethinking the Writing Competition: Developing Diversity Policies on Law Journals After FASORP I and II*, 71 CASE W. RES. L. REV. 351, 375 (2020).

⁷³ See Cloven et al., *supra* note 12, at 24.

⁷⁴ See Knize, *supra* note 30, at 326.

résumé-booster, often serving as a necessary stepping stone to prestigious judicial clerkships and coveted associate positions at renowned law firms.⁷⁵

As Mark A. Godsey puts it, the law review has become one of, if not *the* most important “marketplace of ideas” for fresh and innovative insights about law, public policy, and law reform.⁷⁶ Accordingly, it boasts tangible benefits to law students seeking employment. As the author of a popular pre-law school guide described its influence in the hiring process, “doors *are* opened. And if it is through one of those that you wish to pass to gain entrance to the profession, whether it’s a Wall Street firm, a choice public service spot, or a prestigious clerkship, you’ll have to do your damndest to make the law review.”⁷⁷ Law firms and non-legal employers alike recognize that law student editors engage in the substantive and technical editing of lengthy and complex law articles (i.e., verifying the accuracy of footnotes, ensuring the logical flow of doctrinal analysis, identifying ways to strengthen legal reasoning, etc.).⁷⁸ In so doing, students gain important insights for future law practice.⁷⁹ In some cases, law review editors write their own student note or case comment on recent court decisions, further sharpening their legal skills.⁸⁰

According to E. Joshua Rosenkranz, alongside honing important lawyering skills by encouraging students to develop novel solutions to sociolegal and political problems, the law review can also counterbalance an often abstract and theoretical law school experience, which is especially important for students who crave greater engagement with the legal dimensions of social movements.⁸¹ Whereas doctrinal discourse in the traditional law classroom has been described as uninspiring due to its neutral and often apolitical posture,⁸² the law review editing and publishing process provides law review editors with a unique invitation to become advocates and critics through legal scholarship.⁸³ As Rosenkranz elaborates, “[l]aw reviews purport to complement substantive study by affording the student an opportunity to ‘perfect knowledge . . . acquired in

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⁷⁵ *Id.* at 190. See Rosenkranz, *supra* note [], at 907.

⁷⁶ Godsey, *supra* note 71, at 59, 60 (highlighting influence and impact of law reviews, claiming they play “unparalleled role in nurturing jurisprudential thought and sculpting America’s everchanging legal climate”).

⁷⁷ JEFF DEEVER, *THE COMPLETE LAW SCHOOL COMPANION* 201 (2nd ed. 1992).

⁷⁸ See Rosenkranz, *supra* note 65, at 907.

⁷⁹ Knize, *supra* note 30, at 322.

⁸⁰ See Closten et al., *supra* note 12, at 17.

⁸¹ See Rosenkranz, *supra* note 65, at 862 (1988).

⁸² See, e.g., Nicole P. Dyszlewski, *Inspiration and Resources for Integrating Doctrine and Diversity in Law School Classrooms*, JURIST (Oct. 21, 2021), <https://www.jurist.org/commentary/2021/10/nicole-dyszlewski-resources-diversity-inclusion-law-school/> [<https://perma.cc/9SHE-5XKU>]; see also Rosa Castello, *Incorporating Social Justice into the Law School Curriculum with a Hybrid Doctrinal/Writing Course*, 50 J. MARSHALL L. REV. 221, 222-23 (2017).

⁸³ See Rosenkranz, *supra* note 65, at 883-85.

coursework.’ . . . But law review is not just a job, it’s an adventure.”⁸⁴ Throughout this adventure, as it were, law students also build bonds of friendship that impart the lessons of teamwork and camaraderie.⁸⁵

Even more, many law professors, judges, politicians, and legal practitioners read law reviews to gain access to novel ideas about judicial opinions, law reform, legislation, and even social movements.⁸⁶ Thus, as Chief Justice Charles E. Hughes asserts, the law review boasts the power to “shap[e] the law itself as announced by the courts,” rendering law review publications as perhaps one of the biggest influencers for judges, practicing attorneys, law professors, and legislators seeking to address the social and economic inequities that plague their communities.⁸⁷ In this way, the law review represents a platform for political protest and dissent that is a necessary part of a liberal democratic government.⁸⁸

Further still, beyond its important public purpose, the law review serves an important function for law schools on an organizational level. The law review “improves a school’s reputation by attracting articles written by distinguished faculty,” which can reap benefits in the hiring of new faculty members and the recruitment of high-achieving prospective students.⁸⁹ Moreover, the law review provides law professors with a creative outlet. As Stephen Bainbridge explains, “I enjoy the process of finding a puzzle, doing the research, and then . . . writing it up. . . . Thinking about how best to express an idea.”⁹⁰ Other scholars argue that writing caters to the writer’s “sheer egoism, aesthetic enthusiasm, historical impulse, and political purpose.”⁹¹ Either way, the law review provides for a more robust and engaging educational environment, which ultimately serves the law school’s bottom line.

These benefits point toward the ideal purposes of the law review. Scholars and practitioners have identified at least three: (1) an *educational* purpose, providing intense training on legal research and writing for law students;⁹² (2) a *political* purpose, influencing the legislative process and judicial decision-making;⁹³ and (3) a *public* purpose, offering a public forum for scholarly debate on

⁸⁴ *Id.* at 885-886.

⁸⁵ Knize, *supra* note 30, at 322.

⁸⁶ See, e.g., Mark Cooney, *What Judges Cite: A Study of Three Appellate Courts*, 50 STETSON L. REV. 1, 9 (2020).

⁸⁷ Godsey, *supra* note 71, at 60 (quoting Charles E. Hughes, *Foreword*, 50 YALE L.J. 737, 737 (1941)).

⁸⁸ See Simon Cottle, *Reporting Demonstrations: The Changing Media Politics of Dissent*, 30 MEDIA, CULTURE & SOC’Y 853, 853-54 (2008).

⁸⁹ Knize, *supra* note 30, at 322.

⁹⁰ Lawprofblawg & Darren Bush, *Law Reviews, Citation Counts, and Twitter (Oh My!): Behind the Curtains of the Law Professor’s Search for Meaning*, 50 LOY. U. CHI. L.J. 327, 329, 331 (2018).

⁹¹ *Id.* at 330.

⁹² See Smith, *supra* note 24, at 83-84.

⁹³ Godsey, *supra* note 71, at 60, 72-74.

diverse interpretations of law, public policy, and political economy.⁹⁴ In this way, the law review can be viewed as both an academic extracurricular activity and a professional organization operating inside of the law school institution. Godsey notes the importance of the third aim, quoting an editorial that contended, “[A] law review does not exist to honor its members’ prior academic achievements, or to serve as a gold star on a student’s resume. It has a role to play in sparking scholarly debate in the law and in training future lawyers, professors and judges.”⁹⁵

Unfortunately, the lofty aims that justify the existence of law reviews do not reflect their distorted function in practice. As Part II argues below, the law review tends to further the political, social, and economic interests of its membership (wherein White male law students often comprise a majority), thereby reproducing social hierarchy based on the privileges that flow from membership. Specifically, since law review membership provides a competitive advantage for students applying to elite law firms, prestigious clerkships, and other elite institutions, the lack of diversity in law reviews ensures that such opportunities will be more accessible to upper-class White students.

Further, for law faculty, publishing legal articles in highly ranked law journals provides a competitive advantage for prestigious law teaching jobs and academic fellowship.⁹⁶ In this way, the law review serves as a gatekeeper for both law students and law faculty alike to access legal positions and legal forums that influence the trajectory of law reform. In other words, the law review confers socioeconomic power and can disempower certain groups by excluding them from participation. When the student editors of law reviews share similar political views, and when such views shape the tenor of the articles selected for publication, then the law review can also become an engine for political empowerment or disempowerment.⁹⁷ As a result, the stakes of law review membership are much bigger than mere entry into high-paying jobs. Law review membership can determine the trajectory of law reform and public policy writ large.

Perhaps it is for these reasons that Godsey and other legal scholars conclude that the diversity, equity, and inclusion of law review membership is paramount. When a law review “persistently excludes large segments of society,” it will fail to “provide the diversity of perspective necessary to ensure the law’s continuing vitality and responsiveness to social concerns.”⁹⁸ The importance of publishing diverse perspectives becomes even clearer when one considers the origins of the law review in the United States.⁹⁹

⁹⁴ See Godsey, *supra* note 71, at 60, 67-71.

⁹⁵ *Id.* at 89 (quoting Robert J. Lack, Letter to the Editor, *Challenge to the White, Male Legal Establishment*, N.Y. TIMES, Mar. 9, 1981, at A22).

⁹⁶ See Lawprofblawg et al., *supra* note 90, at 334.

⁹⁷ Godsey, *supra* note 71, at 70.

⁹⁸ *Id.* at 89 (quoting Robert J. Lack, Letter to the Editor, *Challenge to the White, Male Legal Establishment*, N.Y. TIMES, Mar. 9, 1981, at A22).

⁹⁹ See Willison, *supra* note 65, at 368-372.

B. *Law Review as a White Space*

Scholars such as Wendy Leo Moore and Bennett Capers argue that law schools—from the portraits of White men that frequently adorn lecture halls, to the European names that commonly grace library entryways, to the White judges that typically author the case law itself—often function as a “White space.”¹⁰⁰ Indeed, according to the Law School Survey of Student Engagement (“LSSSE”) conducted in 2019, sixty percent of American law students were White, while under ten percent were Black, Latinx, Asian American, or multiracial, and fewer than one percent were Native American.¹⁰¹ Here, Moore and Capers reflect the insights of Elijah Anderson, who notes of the legacy of racial segregation in the United States, “The wider society is still replete with overwhelmingly [W]hite neighborhoods, restaurants, schools, universities, workplaces, churches and other associations, courthouses, and cemeteries, a situation that reinforces a normative sensibility in settings in which [B]lack people are typically absent, not expected, or marginalized when present.”¹⁰²

Non-White people must quickly learn how to navigate the cultural nuances of such domains to ensure their success and well-being, even if they are unfamiliar.¹⁰³ Conversely, for many White people, the inclusion of merely one or two non-White persons into “homogeneously [W]hite and relatively privileged” spaces renders such spaces “diverse” because it disrupts the status quo.¹⁰⁴ Indeed, some White people in such scenarios “immediately try to make sense of [the Black person]—to figure out ‘who that is,’ or to gain a sense of the nature of the person’s business and whether they need to be concerned.”¹⁰⁵

Much of the same can be said of the law review. In the early 19th century, newspapers were the primary medium through which daily news reached the American public.¹⁰⁶ However, these publications were usually written by journalists who had little to no knowledge of the law, leading to widely circulated

¹⁰⁰ See WENDY LEO MOORE, REPRODUCING RACISM: WHITE SPACE, ELITE LAW SCHOOLS, AND RACIAL INEQUALITY 13-14 (2007) (“[Law] schools are uniquely located to reproduce notions of legal authority and sociological racial ideologies.”); Capers, *supra* note 52, at 12 (quoting ADRIENNE RICH, *The Burning of Paper Instead of Children*, in THE FACT OF A DOORFRAME 116, 117 (1984)) (“I was certainly aware that what I was learning seemed more about justifying the status quo—including the racial status quo—than disrupting it. Still, I followed the rules. Learned the language. Learned how to think like a lawyer. Though perhaps in the recesses of my mind, the line from an Adrienne Rich poem would have resonated: ‘[T]his is the oppressor’s language, yet I need it to talk to you.’”).

¹⁰¹ Meera E. Deo, *The End of Affirmative Action*, 100 N.C. L. REV. 237, 253 (2021).

¹⁰² Elijah Anderson, “*The White Space*,” 1 SOCIO. RACE & ETHNICITY 10, 10 (2015).

¹⁰³ See *id.* at 13.

¹⁰⁴ *Id.* at 11.

¹⁰⁵ *Id.* at 13.

¹⁰⁶ Willison, *supra* note 65, at 366.

misrepresentations and misinterpretations of the law.¹⁰⁷ To mitigate confusion, lawyers began developing their own periodicals where they could discuss major law cases and opine on changes in the law or the need for law reform.¹⁰⁸ The first law journal in the United States, the *American Law Journal and Miscellaneous Repertory*, was founded in 1808 in Philadelphia.¹⁰⁹ Competing law journals were created soon thereafter, however most were eventually discontinued.¹¹⁰ All of the law journals published during this era were authored by White lawyers, rendering mainstream legal discourse an historically White space.¹¹¹

Two law journals—the *American Law Review* and the *American Law Register*—stood the test of time and rose to prominence, even as others dwindled.¹¹² The oldest continuously published law journal, the *University of Pennsylvania Law Review*, which emerged from the *American Law Register*, featured legal analysis of recent court decisions and discussed other important legal news of the time.¹¹³ The first student-managed law review was created at Albany Law School in 1875.¹¹⁴ Following Albany’s lead, Harvard Law School founded the Langdell Society “for the serious discussion of legal topics and for other serious work on law.”¹¹⁵ The *Harvard Law Review* published its first issue in 1887 and was managed entirely by White male students,¹¹⁶ despite invitations to law faculty to participate.¹¹⁷ The student editors of the *Harvard Law Review* intended for the publication to serve as a school newsletter that showcased the talents of Harvard Law School students while keeping alumni engaged.¹¹⁸ Following Harvard’s lead, other prestigious law schools, from Yale Law School (1891) to the University of Pennsylvania Law School (1896), Columbia Law School (1901), University of Michigan Law School (1902), and Northwestern Pritzker School of Law (1906) all formed student law review groups.¹¹⁹ In each instance, the law

¹⁰⁷ See Michael I. Swygert & Jon W. Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 HASTINGS L.J. 739, 750 (1985); see also HAZEL DICKEN-GARCIA, JOURNALISTIC STANDARDS IN NINETEENTH-CENTURY AMERICA 205 (1989).

¹⁰⁸ See Willison, *supra* note 65, at 366.

¹⁰⁹ *Id.*

¹¹⁰ See Closen et al., *supra* note 12, at 30-31.

¹¹¹ See JAY CLAY SMITH JR., EMANCIPATION: THE MAKING OF THE BLACK LAWYER 1844-1944, at 2 (1993).

¹¹² See Willison, *supra* note 65, at 366.

¹¹³ See Knize, *supra* note 30, at 321; *About the Law Review*, *supra* note 67.

¹¹⁴ Willison, *supra* note 65, at 366.

¹¹⁵ *Id.* at 367.

¹¹⁶ See Swygert et al., *supra* note 107, at 771; see also Liz Mineo, *Learning While Leading at Harvard Law Review*, HARV. GAZETTE (Nov. 26, 2018), <https://news.harvard.edu/gazette/story/2018/11/harvard-law-review-president-sees-leadership-as-a-learning-experience/> [<https://perma.cc/V33M-L7FY>].

¹¹⁷ See Swygert et al., *supra* note 107, at 771.

¹¹⁸ *Id.* at 774.

¹¹⁹ *Id.* at 779-80.

review publications were almost exclusively authored and edited by White males because women and non-White men were largely excluded from the legal profession well into the 20th century.¹²⁰ Thus, the student-edited law review was also an historically White space.

Law review periodicals had an immediate impact on the legal profession.¹²¹ For example, Chief Justice Edward Douglass White cited a law review article in a dissenting opinion as early as 1897.¹²² Associate Justice Melville Fuller cited a law review article for the majority opinion for the first time two years later in 1899.¹²³ In the early twentieth century, Associate Justice Benjamin Cardozo recognized the impact and utility of law review publications, stating that “courts are turning more and more to the great scholars of the law schools to canalize the stream and redeem the inundated fields.”¹²⁴ Even beyond the courts, law review articles had a noticeable impact on political discourse, as legislators began turning to the recommendations of law reviews in the early stages of drafting legislation.¹²⁵ Further, law review articles became an increasingly central aspect of legal education, allowing law students who would become future lawmakers and judges to sharpen their understanding of current legal debates and recent developments in law reform.¹²⁶ Thus, the law review as an institution, and law review editors by extension, quickly garnered respect among lawyers as an integral part of a robust legal education and a symbol of lawyering excellence.

Since the early twentieth century, law review editing duties have been viewed by law students as a vehicle to enhance their awareness and understanding of the law.¹²⁷ Perhaps as a result, over the past century, law reviews have proliferated, growing from seventy-eight in the 1950s to over one thousand today,¹²⁸ including the

¹²⁰ See Knize, *supra* note 30, at 315; *id.* at 319 (quoting Carolyn B. Lamm, *Diversity and Justice: Promoting Full and Equal Participation in the Legal Profession*, 48 JUDGES’ J. 1, 1 (2009)).

¹²¹ See Willison, *supra* note 65, at 367-68.

¹²² See *United States v. Trans-Missouri Freight Ass’n*, 166 U.S. 290, 350 (1897) (citing Amasa M. Eaton, *On Contracts in Restraint of Trade*, 4 HARV. L. REV. 128, 129 (1890)).

¹²³ See *Chi., Milwaukee, & St. Paul Ry. Co. v. Clark*, 178 U.S. 353, 365 (1900) (citing James Barr Ames, *Two Theories of Consideration*, 12 HARV. L. REV. 515 (1899)).

¹²⁴ Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 50 (1992).

¹²⁵ See Fred R. Shapiro & Michelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 MICH. L. REV. 1483, 1514 (2012) (“The impact of scholars’ works on government or policy is also reflected through the citation of scholars’ works in government documents and, more often, by the direct and active participation of individual scholars in the legislative process.”).

¹²⁶ See Willison, *supra* note 65, at 370.

¹²⁷ See Knize, *supra* note 30, at 321.

¹²⁸ See *id.* at 322.

emergence of specialty journals that provide a venue to discuss niche legal topics.¹²⁹ However, before the Civil Rights movement amplified the importance of diversity, equity, and inclusion in the legal profession, very few Black lawyers (or other racial and ethnic minorities) were featured as authors in the pages of the nation's elite law reviews, let alone elected to editorial boards as student editors.¹³⁰ The few Black law students who were elected to law review editorial boards in the early twentieth century faced extreme hostility from their White counterparts, which in many instances continued even after the civil rights advances of the 1950s and 1960s.¹³¹ Cultural tropes of Black inferiority influenced the perception of Black legal thinkers at many law schools.¹³² For example, legal scholarship by Black attorneys was frequently criticized by White students and law faculty alike as deficient, while the qualifications of Black law students were often called into question based on the existence of affirmative action policies.¹³³ Such challenges, in many ways, persist today. Even though Black enrollment in law schools nationwide has improved significantly over the past half-century, Black students' membership in law reviews is still alarmingly low.¹³⁴ Most law reviews are still a predominantly "White space" in form and function.¹³⁵

To be sure, as discussed in more detail in Part III below, many law reviews have taken valiant steps to diversify their ranks. The rise of affirmative action policies in law schools during the 1970s and 1980s led to increased attention on DEI as a general higher education goal.¹³⁶ Inevitably, such concepts filtered into conversations about law review membership.¹³⁷ Law reviews identified two primary reasons to take DEI efforts seriously: (1) they enabled a more diverse group of students to access the prestigious career opportunities that stem from law review membership; and (2) they integrated a more diverse range of sociocultural experiences and political views in the law review editing room. Such benefits further the societal and political purposes of the law review by promoting more diverse and inclusive views of the law and legal profession. Nevertheless, in many cases, this mission has remained a

¹²⁹ For example, the *William & Mary Journal of Women and the Law* was founded in 1993. See *William & Mary Journal of Race, Gender, and Social Justice*, WILLIAM & MARY LAW SCHOOL, ("The *William & Mary Journal of Women and the Law* was established in 1993.") <https://scholarship.law.wm.edu/wmjow/> [<https://perma.cc/CNJ3-377Y>].

¹³⁰ See Smith, *supra* note 24, at 82.

¹³¹ See *id.*

¹³² Jerome McCristal Culp, Jr., *Toward a Black Legal Scholarship: Race and Original Understandings*, 1991 DUKE L.J. 39, 46-47 (1991)

¹³³ See *id.* at 51 (discussing how White scholars frequently ignored or belittled contributions and efforts of Black legal scholars); see also Sander, *supra* note 36, at 474 (discussing that although Black law students may depend on racial preferences to be at school, there has been unjustified delusion that Blacks system-wide are equally dependent on racial preferences).

¹³⁴ See Smith, *supra* note 24, at 82-83.

¹³⁵ Willison, *supra* note 65, at 352.

¹³⁶ See *id.* at 361-65.

¹³⁷ See *id.* at 365.

lofty goal and has not drastically transformed law review practices, policies, and procedures. Most United States law reviews employ superficial DEI “hacks”—ranging from affirmative action policies¹³⁸ (e.g., strict quotas, racial preferences, etc.) to diversity statements, diversity committees or diversity editors.¹³⁹ These short-term fixes may change the appearance of law review rosters, but do not always unsettle longstanding law review cultural norms.

Consider the well-known example of the University of California, Berkeley, School of Law, also known as Boalt. Boalt has historically struggled to racially integrate its law school, notwithstanding many laudable DEI efforts over the years.¹⁴⁰ Like other premier law schools, Boalt’s law school is home to a highly respected law journal, the *California Law Review* (“CLR”).¹⁴¹ Throughout its history, CLR (and Boalt, more generally) has had difficulty maintaining a diverse student membership.¹⁴² In 1969, CLR took its first notable measure to increase non-White representation on the law review by requiring the admission of a minimum of three to five racially and ethnically minoritized student editors per year.¹⁴³ However, the CLR executive board resisted and voted to dissolve the program three years later.¹⁴⁴ Underscoring the contentious nature of such policies, the decision to dissolve the program “was reversed by the entire CLR membership two days later.”¹⁴⁵ During the 1970s and 1980s, the CLR continued to make strides towards improving its DEI metrics. For example, CLR increased its non-White student representation program to a minimum of nine non-White students per year and created numerical goals for each racial sub-group to ensure that all underrepresented racial and ethnic groups were included.¹⁴⁶ However, after 1988, CLR moved away from its proportional representation program and began using racial and ethnic identity purely as a tiebreaker in the student editor selection process.¹⁴⁷

As expected, CLR’s policy change led to a decrease in student editor diversity.¹⁴⁸ While Boalt boasted an overall student population comprised of forty percent non-White students, the percentage of non-White students in CLR had waned to just

¹³⁸ See Ramos, *supra* note 4, at 180-85.

¹³⁹ See DeVaudreuil, *supra* note 141, at 1193, 1199-1200.

¹⁴⁰ Devon W. Carbado & Mitu Gulati, *What Exactly is Racial Diversity?*, 91 CALIF. L. REV. 1149, 1151 (2003).

¹⁴¹ See Amy DeVaudreuil, *Silence at the California Law Review*, 91 CALIF. L. REV. 1183, 1185 (2003) (reviewing ANDREA GUERRERO, *SILENCE AT BOALT HALL: THE DISMANTLING OF AFFIRMATIVE ACTION* (2002)).

¹⁴² See *Id.* at 1192-93.

¹⁴³ *Id.* at 1191 (“Students admitted to CLR under the minority representation program, on the other hand, were judged on ‘their overall first-year academic performance (grades, recommendations, written work, etc.)’”).

¹⁴⁴ *Id.*

¹⁴⁵ See *id.*

¹⁴⁶ *Id.* at 1191-92.

¹⁴⁷ *Id.* at 1192.

¹⁴⁸ *Id.* at 1192-93.

over twenty percent.¹⁴⁹ After facing criticism over their lack of diversity, CLR became one of the first law reviews to create a Diversity Committee, which was tasked with investigating DEI issues and uncovering potential solutions.¹⁵⁰ The Committee proposed various strategies to increase DEI in the CLR, such as allocating racial preferences to non-White students in the student editor selection process.¹⁵¹ Ultimately, the CLR chose to restructure the entry exam for potential law review editors to include a technical edit and a personal statement, alongside a case note exercise.¹⁵²

In 1997, in response to California's Proposition 209, which outlawed the consideration of race, sex, or ethnicity in public education, employment, and contracting in the state of California,¹⁵³ CLR ended its decades-old affirmative action policy. Even though CLR was a 501(c)(3) nonprofit organization that existed independently from the law school, and therefore was not likely to be subject to the proposition, the law review elected to disband the program anyway to avoid controversy.¹⁵⁴ Instead, it moved toward "race-blind" admissions.¹⁵⁵ Perhaps as a result, CLR saw an even further decrease in non-White student representation in the ensuing years. In 2001 and 2002, a mere two percent of underrepresented non-White students at Boalt were admitted to CLR, compared to their representation of thirteen percent and ten percent of the entire student body in each respective year.¹⁵⁶ The statistics were only marginally better in 2003 and 2004, measuring at four percent in both years.¹⁵⁷

To be sure, Boalt stands out today as a leader in terms of its consistent efforts to prioritize DEI in its law review.¹⁵⁸ In 2003, CLR published an article exploring institutional racism within its own ranks, *Silence at the California Law Review*.¹⁵⁹ In recent years, Boalt has taken additional steps to promote DEI, such as publishing a diversity statement on its website,

... creating a diversity department that is represented on the CLR Executive Committee, ... [c]ollecting and maintaining demographic information for Write-On participants and *California Law Review* members, maintaining a diversity committee to plan events and assess ... diversity-related programs, [i]ntegrating diversity

¹⁴⁹ *Id.* at 1193.

¹⁵⁰ *Id.*

¹⁵¹ *Id.* at 1195.

¹⁵² *Id.*

¹⁵³ See *Prohibition Against Discrimination or Preferential Treatment by State and Other Public Entities*, PROPOSITION 209 (Nov. 1996), (proposing elimination of affirmative action in public education in California) https://lao.ca.gov/ballot/1996/prop209_11_1996.html [<https://perma.cc/BT7R-LVHC>].

¹⁵⁴ DeVaudreuil, *supra* note 141, at 1196-97.

¹⁵⁵ See DeVaudreuil, *supra* note 141, at 1196.

¹⁵⁶ *Id.* at 1197-99.

¹⁵⁷ *Id.* at 1188-89.

¹⁵⁸ See Willison, *supra* note 65, at 383.

¹⁵⁹ DeVaudreuil, *supra* note 141, at 1183-86.

workshops into California Law Review's orientation, . . . and [p]artnering with other [Boalt] student organizations to co-sponsor events that promote diversity.¹⁶⁰

CLR also includes a land acknowledgment statement on its website that "recognizes that Berkeley sits on the territory of Xučyun, the ancestral and unceded land of the Chochenyo Ohlone, the successors of the historic and sovereign Verona Band of Alameda County."¹⁶¹

Nevertheless, the diversity of the student editors of Boalt's prestigious law review, much like most law reviews around the country, remains a topic of concern.¹⁶² Despite noteworthy efforts to integrate law reviews and increase diversity nationwide, the results have been disappointing. Law review editorial staffs remain overwhelmingly dominated by White males, preserving generations of racial and class-based privilege.¹⁶³

C. Law Review Editor Selection

For many law students, the pinnacle of legal education is joining their school's law review, which is generally deemed the most exclusive extracurricular activity in law school.¹⁶⁴ Law reviews offer their members a plethora of benefits, from "an intense research and writing course"¹⁶⁵ to "a pathway to judicial clerkships and employment at large law firms."¹⁶⁶ Furthermore, a highly regarded law review can improve a law school's reputation by attracting articles and essays written by prominent scholars.¹⁶⁷ This boost in reputation can attract the best faculty candidates to seek employment at the school.¹⁶⁸ Such benefits, however, are exclusive and zero-sum: some students win, and other students lose. While those students who are deemed worthy of law review membership witness their careers blossom, law students who are not chosen must seek other ways to distinguish themselves from their peers.¹⁶⁹ In addition, prestigious clerkships and positions at top law firms establish a pipeline to future positions in government and business that confer wealth and power.¹⁷⁰ With so much at stake, it is worth examining the mechanisms that law reviews use to pick each new class of law student editors.

¹⁶⁰ *Diversity*, CALIF. L. REV., <https://www.californialawreview.org/about/diversity/> [<https://perma.cc/ZXW6-LGVQ>].

¹⁶¹ *Land Acknowledgment Statement*, CALIF. L. REV., <https://www.californialawreview.org/land-acknowledgement-statement/> [<https://perma.cc/B844-W72L>].

¹⁶² See Willison, *supra* note 99, at 352.

¹⁶³ *Id.*

¹⁶⁴ See Knize, *supra* note 30, at 310 (quoting ROBERT H. MILLER, LAW SCHOOL CONFIDENTIAL 202-204 (2000)).

¹⁶⁵ See Godsey, *supra* note 76, at 62.

¹⁶⁶ Smith, *supra* note 24, at 83.

¹⁶⁷ See Knize, *supra* note 30, at 322.

¹⁶⁸ See *id.*

¹⁶⁹ See Rosenkranz, *supra* note 81, at 890.

¹⁷⁰ See Godsey, *supra* note 71, at 61.

At many law schools, law reviews rely upon three primary methods of choosing editors, often employing some combination of the three. The first pathway to gain membership onto a law review is called “grading-on,” whereby student editors are selected solely based on their first-year grades.¹⁷¹ The second common method of editor selection is called “writing-on,” which consists of a canned writing competition that can last from one to six weeks.¹⁷² These two methods, either used alone or in conjunction, encompass the majority of law review selection processes.¹⁷³ The third method, used less frequently, is called “publishing-on,” which assesses potential student editors based on the quality of a publishable note.¹⁷⁴ Based on a study conducted in the late 1980s, eleven percent of the eighty-four law reviews surveyed solely used a write-on method to assess applicants, while two percent used grades as the only factor.¹⁷⁵ The rest of the law reviews in that study used a combination of grades and a writing competition.¹⁷⁶ Not much has changed since that study.

Consider, for example, the *Harvard Law Review* (“HLR”). A 2020 study revealed that HLR selects its editors based on the following criteria (with numbers varying from year to year): twenty editors are chosen based on a writing competition score alone; seven are chosen from an assessment of writing competition scores and first-year grades based on class section (each valued at fifty percent of the overall score); three are chosen from an assessment of writing competition scores and first-year grades with no regard to class section; and eighteen are selected by a holistic anonymous review of all the information available.¹⁷⁷

Each editor selection method is not without its share of critiques. For example, out of the three primary selection methods, the grading-on method is often viewed as the most “objective” selection criteria because it centers on academic performance.¹⁷⁸ As of 2012, around eighty-eight percent of law reviews used “grades or class rank as factors in selecting students for law review membership.”¹⁷⁹ However, critics lament that first-year law school grades often have a limited correlation with a student’s skill in scholarly writing or their aptitude for editing legal texts.¹⁸⁰ Further, relying on first-year grades tends to underemphasize an applicant’s reading and writing ability and overemphasize their ability to excel at law school exams, which may not adequately capture their legal editing skills or ability to think critically about legal scholarship.¹⁸¹ Indeed, some

¹⁷¹ Rosenkranz, *supra* note 81, at 892-94.

¹⁷² *Id.* at 859, 894.

¹⁷³ *Id.* at 898.

¹⁷⁴ *Id.* at 897-98.

¹⁷⁵ Ramos, *supra* note 4, at 199.

¹⁷⁶ *Id.* at 179, 199.

¹⁷⁷ Willison, *supra* note 99, 384-385.

¹⁷⁸ See Ramos, *supra* note 4, at 185-86.

¹⁷⁹ Willison, *supra* note 99, at 377.

¹⁸⁰ See Rosenkranz, *supra* note 81, at 892-93.

¹⁸¹ See Rosenkranz, *supra* note 81, at 893.

aspects of law exam writing—e.g., the familiar temptation to write as much information on the page in the time allotted at the expense of the logical flow of ideas or even grammar—are incompatible with strong legal writing.¹⁸² Thus, many upper-level courses where grades are based on a legal research paper may be better indicators of one’s legal writing ability than first-year doctrinal classes. Would the same students grade-on to the law review if the first year of law school was comprised of seminars in critical legal theory and public law? Perhaps as a result, many potentially excellent law review members “fall through the cracks because the methods utilized are not designed to detect the necessary attributes.”¹⁸³

The write-on selection method, which is used in most law reviews, is deemed less objective than first-year grades but most reflective of one’s legal editing skills.¹⁸⁴ In this canned competition, “[s]tudents write a piece of academic legal research but avoid sifting through the tomes of legal knowledge surrounding the subject to find the relevant law and policy considerations that could undergird an author’s proposed solution. The ‘closed universe’ limits their sources.”¹⁸⁵ By limiting the pool of legal insights at the fingertips of the law student, this competition, in theory, assesses a student’s raw “research, analysis, and writing skills” and eliminates the risk that some students will benefit from luck in the legal research process.¹⁸⁶ However, critics of the writing competition point toward its canned nature, limited timeframe, emphasis on “formalistic conformity,” and limited resource pool as shortcomings.¹⁸⁷ These factors not only hinder creativity, but also stymie opportunities to critique dominant views with nontraditional legal opinions, insights, and resources.

The publishing-on selection method, which involves writing a publishable student note, has been called the approach “that most closely approximates the ideal.”¹⁸⁸ By assessing students based on a long-term project, the process provides a reasonable “basis on which to assess research skills, analytical ability, style, and originality.”¹⁸⁹ Unlike the grading-on process that caters to those students who are adept at traditional first-year law school exams, or the time-pressured canned writing competition, which caters to those students who are familiar with the language of dominant legal discourse or have the time and resources to prepare, the “publishable student note is exhaustively researched and meticulously documented, providing a reliable indication of the student’s research skills.”¹⁹⁰ Despite these clear benefits, the publishing-on method is infrequently

¹⁸² See *id.* at 893.

¹⁸³ Godsey, *supra* note 76, at 80.

¹⁸⁴ See Rosenkranz, *supra* note 81, at 894-95, 897.

¹⁸⁵ Willison, *supra* note 99, at 381.

¹⁸⁶ See Rosenkranz, *supra* note 81, at 894.

¹⁸⁷ See *id.* at 894-897.

¹⁸⁸ *Id.* at 897.

¹⁸⁹ *Id.* at 897-98.

¹⁹⁰ *Id.* at 898.

used by law reviews.¹⁹¹ One reason might be the time constraints that law reviews must navigate as they select new editors each year. Further, anecdotal evidence suggests that publishing-on is far less common than the “writing-on” or “grading-on” process even when these methods are used in conjunction.¹⁹²

For law reviews that manage to overcome these individual shortcomings by engaging all three methods of selection, there remains the ongoing challenge of the homogeneity of law review membership. Although some law reviews have adopted affirmative action plans, many others choose to explicitly ignore race, ethnicity, and sex during the selection process.¹⁹³ Such neutrality or “colorblindness” appears to provide the fairest selection process for all students by eschewing categorizations that often carry with them hidden biases, stereotypes, and prejudices. However, as critical race theory founder Derrick Bell argued, “the selection process favors [B]lacks who reject or minimize their blackness, exhibit little empathy for or interest in [B]lack students, and express views on racial issues that are far removed from positions held by most [B]lacks.”¹⁹⁴ In other words, law students that tend to perform well on law school exams or on writing competitions are often those who have mastered the language of so-called *traditional* legal analysis. Such legal discourse, as noted above, has not historically catered to countercultural views or framed legal analysis through the lens of race, gender, or sexuality in explicit ways.¹⁹⁵ Rather, traditional legal analysis tends to normalize the cultural views of the White men who are its predominant authors.¹⁹⁶ Thus, even legal analysis has historically served as a White space, underscoring the goal of critical race theorists to expose the embeddedness of racial ideology in many laws and public policies.

Some law schools have adopted policies that allow students to write letters explaining how they would diversify the law review. These so-called diversity statements aim to “increase the likelihood that students of color will become law review members,” as well as students from other under-represented groups.¹⁹⁷ But, often missing from such efforts is an acknowledgement of the unfair burden that diversity statements place on racially and ethnically minoritized students by asking them to either prove that they have been marginalized by retelling trauma stories, or to justify why they deserve special consideration by advocating for their cultural inclusion. In each instance, the hidden implication is that non-White students must convince their White counterparts (and not vice versa) that

¹⁹¹ *Id.* According to recent surveys, less than one-eighth of all law reviews chose their membership by this method alone. *Id.*

¹⁹² *Id.* at 898-99 (arguing that few students publishing-on when allowed to underscores truth that law review selection criteria is false).

¹⁹³ *Id.* at 892 n.100.

¹⁹⁴ Smith, *supra* note 24, at 86 n.83.

¹⁹⁵ *See id.*

¹⁹⁶ *Id.*

¹⁹⁷ Sharon E. Rush, *Beyond Admissions: Racial Equality in Law Schools*, 48 FLA. L. REV. 373, 381 (1996).

their minority experience qualifies for diversity and is worthy of inclusion in law reviews to render legal discourse more equitable.

Aside from the various methods of choosing the general membership of law reviews, there remains the hidden process by which editors-in-chief are selected from the already elite group of editors. Much in the way law review has historically struggled with diversity among its general ranks, the diversity of the subclass of editors-in-chief is no different. In fact, it's worse. According to the 2011 to 2013 Law Review Diversity Report's analysis of gender diversity in law review leadership, "[i]n 2011-2012, women held 42% of law review leadership positions in the Top 50 Sample, and only 29% of EIC positions."¹⁹⁸ Further, according to the same report, "[i]n 2012-2013, women continued to lag behind their male counterparts in the Top 50 Sample, as women held 46% of leadership positions, and only 38% of EIC positions."¹⁹⁹

Adriane Kayoko Peralta's recounting of a selection meeting for an editor-in-chief position, during which the group spent time contrasting two candidates and their potential contributions to the law review, is revealing as much as it is disconcerting. Peralta writes, "[a]t first glance, the two candidates seemed well qualified and notably similar. Both candidates' résumés reflected similar years of previous work experience, and they were approximately the same age. Based on their résumés, both appeared interested in pursuing public interest legal careers."²⁰⁰

However, as Peralta explains, the students quickly homed in on the fact that the non-White woman stated an interest in increasing diversity on the law review, whereas the White woman had not identified diversity as one of her stated goals.²⁰¹ Furthermore, the non-White woman scored several points higher on the objective and anonymously graded editing exercise than the White woman.²⁰² After this discussion, Peralta recounts, the "selection committee admitted that the woman of color was qualified, more approachable, and would likely increase the diversity of the *Law Review*."²⁰³ Nevertheless, despite the non-White candidate's impressive qualifications, editing skills, and interpersonal capabilities, "the committee selected the 'neutral' [W]hite candidate—likely because she was less polarizing."²⁰⁴

To be sure, Peralta's experience is an isolated incident and may very well be an anomaly. Notwithstanding, it suggests that at least some law reviews may avoid preferencing non-White candidates out of a desire to appear neutral and

¹⁹⁸ Adriane Kayoko Peralta, *The Underrepresentation of Women of Color in Law Review Leadership Positions*, 25 BERKELEY LA RAZA L.J. 68, 72 (2015).

¹⁹⁹ *Id.*

²⁰⁰ *Id.* at 70.

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.*

colorblind in the selection of law review EICs.²⁰⁵ Perhaps as a result, EICs have historically been predominantly White and male.²⁰⁶ Only in the past ten years has there been a notable uptick in Black EICs at law schools nationwide. The next Section documents some of that monumental shift, while Part II of this Article explores why this shift has only recently taken hold.

D. *Law Review Leadership and Black Editors-in-Chief*

The process for electing law review members into leadership positions, especially the position of editor-in-chief, is less visible and structured. Typically, law reviews conduct an internal voting process and evaluate candidates based upon uniform selection criteria. However, scholars have noted that both race and gender identity can influence the selection process for organizational leaders. For example, studies have shown that voters tend to vote for individuals who reaffirm their pre-existing beliefs (confirmation bias); who appear to be better leaders by nature (gender bias); or have more experience in a particular domain (e.g., legal writing), even if such skills only comprise one aspect of leadership (conclusion bias).²⁰⁷ Further, White voters sometimes support non-White candidates in public, but vote against them privately due to racial biases (the Bradley effect).²⁰⁸ As a result, law review leadership has historically struggled with issues of diversity, equity, and inclusion, as demonstrated by the historical record of non-White and non-male law review editors-in-chief.²⁰⁹

The history of Black EICs in United States law schools is illustrative. Clara Burrill Bruce of the Boston University School of Law was the first Black student and woman elected editor-in-chief of a law review in 1925.²¹⁰ Bruce published four articles and held many leadership positions during her tenure, and would go on to lead a successful career as an attorney after becoming the third Black woman admitted into the Massachusetts Bar.²¹¹ Other Black students participating in law reviews for the first time during this era include Jasper Alston Atkins (Yale), Charles Hamilton Houston (Harvard), and William Edwin Taylor (Iowa).²¹² Mary Johnson Lowe became the second Black editor-in-chief in United States history in 1952, leading the *Brooklyn Law Review* in 1952, and serving as president of her class.²¹³ After several years of private practice, Lowe

²⁰⁵ *Id.*

²⁰⁶ *Id.* at 70-71.

²⁰⁷ Kirsten Weir, *Politics is personal*, AM. PSYCH. ASS'N: MONITOR ON PSYCH. (Nov. 1, 2019), <https://www.apa.org/monitor/2019/11/cover-politics> [<https://perma.cc/LV5S-QJ7F>].

²⁰⁸ J. Gregory Payne, *The Bradley Effect: Mediated Reality of Race and Politics in the 2008 U.S. Presidential Election*, 54 AM. BEHAV. SCIENTIST 417, 418 (2010).

²⁰⁹ See Peralta, *supra* note 198, at 72.

²¹⁰ SMITH, *supra* note 109 at 39.

²¹¹ *Id.*

²¹² *Id.* at 39.

²¹³ *Trailblazing Judge Mary Johnson Lowe '54 Honored with Named Scholarship to Promote Student Diversity and Inclusion*, BROOK. L. SCH. (Feb. 15, 2022),

would become a judge in the New York court system.²¹⁴ Wiley W. Manuel became the third Black EIC, leading the *Hastings Law Journal* at Hastings Law School in 1953, where he graduated at the top of his class.²¹⁵ Manuel would eventually become the first Black justice of the California Supreme Court.²¹⁶

Gender issues intersected with race. For example, controversy surrounded the appointment of Sadie Tanner Mossell Alexander to the *University of Pennsylvania Law Review* in 1926 due to her Black female identity.²¹⁷ Dean Edward Mikell initially “refused to break precedent” and allow a woman on the board, but after a law review editor, Philip Werner Amram, threatened to resign, the decision was overturned.²¹⁸ Other Black women would eventually follow suit at other schools, including H. Elsie Austin (University of Colorado Law, 1928), Juanita Mitchell (University of Maryland, 1948), Harriet W. Batipps (Howard Law, 1955), Patricia Harris (George Washington Law, 1959), Joyce Anne Hughes (University of Minnesota Law, 1964).²¹⁹

Still, the election of Black EICs was slow. It would take until 1990 for the *Harvard Law Review* to elect its first Black editor-in-chief, Barack Obama, who was only the ninth Black EIC in United States history.²²⁰ *Stanford Law Review* elected its first Black female EIC, Shauna Jackson, that same year, while the *Yale Law Journal* elected Adrienne Davis.²²¹ By the turn of the millennium, the year 2000, there had only been sixteen Black EICs in United States history. After the election of Barack Obama as the first Black president of the United States in 2008, the tide began to turn.²²² Although white Americans’ attitudes towards

<https://www.brooklaw.edu/News-and-Events/News/2022/02/Trailblazing-Judge-Mary-Johnson-Lowe-54-Honored> [<https://perma.cc/76UK-5U5M>].

²¹⁴ *Id.*

²¹⁵ Raymond L. Sullivan, *In Memoriam Wiley W. Manuel*, 32 HASTINGS L.J. 734, 734 (1981).

²¹⁶ *Id.*

²¹⁷ SMITH, *supra* note 210, at 39.

²¹⁸ *Id.*

²¹⁹ *Id.* at 39 (discussing H. Elsie Austin); Nathaniel R. Jones, *In Memoriam: Juanita Jackson Mitchell*, 52 MD. L. REV. 503, 504 (1993); J. Clay Smith, J.R., *Tribute: United States Foreign Policy and Goler Teal Butcher*, 37 HOW. L. J. 139, 147, n.38 (1994) (discussing Harriet W. Batipps); J. Clay Smith, Jr., *Article: Patricia Roberts Harris: A Champion in Pursuit of Excellence*, 29 HOW. L. J. 437, 452 (1986); Nina Burleigh, *Black Women Lawyers Coping with Dual Discrimination*, 74 A.B.A. J. 64, 67 (1988) (discussing Joyce Anne Hughes).

²²⁰ Fox Butterfield, *First Black Elected to Head Harvard’s Law Review*, N.Y. TIMES, Feb. 6, 1990, at A20.

²²¹ 43 STAN. L. REV. (1990) (listing Shauna Jackson as law review president on masthead); *CAMPUS LIFE: Stanford: New President Sets a Precedent at Law Review*, N.Y. TIMES (Mar. 18, 1990), <https://www.nytimes.com/1990/03/18/nyregion/campus-life-stanford-new-president-sets-a-precedent-at-law-review.html> (describing Jackson’s election and year-long goals as editor-in-chief); 100 YALE L.J. (1990) (showing masthead listing Adrienne Davis on executive committee).

²²² *Id.* (finding that over half of all Black editors-in-chief at HBCUs were elected after 2009).

Black Americans somewhat improved, the so-called “Obama Effect” was not as significant as the effect of the election of Donald Trump.²²³

Researchers note that Obama’s election exposed in-group members to a positive and successful member of a stereotyped out-group (i.e., African Americans), causing negative stereotypes to be reduced.²²⁴ However, that trend was not long-lasting. By the end of Obama’s presidency, Americans who believed race relations would improve declined to twenty-nine percent and were outnumbered by Americans who believed racial issues worsened during his presidency, at forty-six percent.²²⁵ These Americans had witnessed racial progress, followed by racial retrenchment.²²⁶ Such tensions inspired acts of racial terror nationwide that culminated in the birth of the Black Lives Matter Movement after the murders of Trayvon Martin, Michael Brown, and Eric Garner.²²⁷ The racial backlash to Obama’s presidency also inspired student protests for racial justice in higher education, such as the “I, Too, Am Harvard” campaign.²²⁸ It also set the stage for the presidential campaign of Donald Trump. The chaos and unpredictability of Trump’s presidency deployed partisan rhetoric to garner support from the far right.²²⁹ However, in so doing, Trump amplified political polarization and racial divides, culminating in the murder of Breonna Taylor and George Floyd during the COVID-19 pandemic.²³⁰ The summer of 2020 would witness the reemergence of Black Lives Matter protests around the globe, ushering calls for racial reckoning.²³¹

Perhaps responding to the national racial angst, countless law reviews soon elected their first Black EICs, with 7 elected in 2020 and 10 elected in 2021.²³²

²²³ Susan Welch & Sigelman Lee, *The “Obama Effect” and White Racial Attitudes*, 634 ANNALS AM. ACAD. POL. & SOC. SCI., 207, 217 (2011).

²²⁴ David M. Marx, Sei Jin Ko, & Ray A. Friedman, *The “Obama Effect”: How a salient role model reduces race-based performance differences*, 45 J. EXPERIMENTAL SOC. PSYCH. 953, 953-56 (2009).

²²⁵ Jeffrey M. Jones, *In U.S., Obama Effect on Racial Matters Falls Short of Hopes*, GALLUP, (Aug. 11, 2016) <https://news.gallup.com/poll/194495/obama-effect-racial-matters-falls-short-hopes.aspx>. [<https://perma.cc/2FBZ-HCB6>].

²²⁶ Monika L. McDermott & Cornell Belcher, *Barack Obama and Americans’ Racial Attitudes: Rallying and Polarization*, 46 POLITY 449, 467 (2014).

²²⁷ See *id.* at 460.

²²⁸ Jolie Lee, *‘I, Too, Am Harvard’ photos tell black students’ stories*, USA TODAY (Mar. 5, 2014, 1:50 PM), <https://www.usatoday.com/story/news/nation-now/2014/03/05/black-students-harvard-tumblr/6013023/> [<https://perma.cc/2UTV-6E5U>].

²²⁹ See Mandi Bailey & Steven P. Nawara, *Racial Animosity, Homophobia, and Nativism in Predicting Trump’s Support among College Students in the 2016 Primaries*, 20 NAT’L POL. SCI. REV. 95, 107 (2019); Nicholas M. Anspach, *Trumping the Equality Norm? Presidential Tweets and Revealed Racial Attitudes*, 23 NEW MEDIA & SOC’Y 2691, 2704 (2020).

²³⁰ See Bailey & Nawara, *supra* note 229, at 101.

²³¹ Larry Buchanan, Quoctrung Bui, & Jugal K. Patel, *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

²³² Sloan, *supra* note 11.

Such outcomes are commendable. Still, time will tell whether the Trump effect introduced a new trend in law review leadership, or merely stoked a momentary spike in DEI efforts. As we argue next, short-term fixes will not resolve the deep-rooted DEI challenges facing law reviews.

II. WHY DIVERSITY, EQUITY, AND INCLUSION FAILS

Diversity, equity, and inclusion efforts in law reviews across the United States often fall short of their laudable goals because law reviews, and by extension law schools, more generally, are often unwilling to wrestle with their significant role in constructing and sustaining political, social, and economic stratifications in society. As this Part discusses in Section II.A, diversity and inclusion goals are often viewed as a numbers game. Law reviews tend to focus on getting more non-White students and women into editor positions, but do not always challenge the status quo operation of the law review as a “White space.”²³³ In so doing, law reviews tend to privilege traditional notions of merit while silencing non-traditional modes of legal analysis and countercultural views of scholarly discourse that might produce a more capacious vision of legal scholarship.²³⁴

Further, as Section II.B examines, equity goals are often framed as measures to facilitate the equality of opportunity for marginalized students, yet they rarely question whether the meritocratic systems that grounds the law review selection process are inherently fair on procedural or substantive grounds. Conventional notions of equal educational opportunity stem from seminal Supreme Court cases, such as *Brown v. Board of Education*²³⁵ and *San Antonio Independent School District v. Rodriguez*²³⁶ that have produced a narrow view of equity in the educational context. Finally, Section II.C argues that many law reviews promote a brand of professional lawyering identity and leadership that perpetuates elitism by relying upon traditional markers of legal acumen and academic success. Taken together, these hurdles have made it difficult for law reviews to achieve the ambitious goals of their DEI initiatives.

A. *Rethinking Diversity and Inclusion*

Diversity and inclusion as two discrete law review organizational goals are often framed as a numbers game. Law reviews tend to focus on strategies that will attract more non-White students to apply for membership, such as racial quotas, racial preferences, and diversity statements.²³⁷ While such efforts can yield positive results, they also can oversimplify the problem by rendering skin

²³³ See *infra* Section II.A (arguing that truly diverse law reviews require more than using race as proxy for diversity, but also efforts towards highlighting lived experiences, ideological views, and cultural beliefs of marginalized groups).

²³⁴ See Smith, *supra* note 24, at 85.

²³⁵ 347 U.S. 483, 493 (1954) (holding that children cannot succeed while “denied the opportunity of an education”).

²³⁶ 411 U.S. 1, 2 (1973) (holding that education is not fundamental right).

²³⁷ Ramos, *supra* note 4, at 181.

color as a proxy for diversity and inclusion. The benefits of diversity and inclusion extend beyond the visible to the invisible. For example, underrepresented students bring cultural and ideological views and lived experiences that can transform the student editor experience and the nature of published legal scholarship.²³⁸ While most scholars agree that law review boards can benefit from an enhanced mixture of cultures, political perspectives, and lived experiences in the editing room, scholars differ on the proposals they recommend toward achieving such ends, some more radical than others.²³⁹

For example, Frederick Ramos notes that some law reviews rely upon a strict quota model to enhance their diversity and inclusion.²⁴⁰ A strict quota system allocates a predetermined number of seats on the editorial board only to affirmative action candidates.²⁴¹ Eligible students compete for such slots, either through a holistic application process or by achieving top scores in their first-year grades or on a writing competition, but they only compete against other eligible applicants for the affirmative action slots.²⁴² To guarantee minority representation on the board, a law review can eliminate the competition score requirement in the application process altogether for such affirmative action candidates.²⁴³ However, even if the size of the law review board remains unchanged, modifying the application standards for racially and ethnically minoritized applicants will more than likely perpetuate the stereotype that non-White candidates are less qualified than their White peers.²⁴⁴ In some instances, this can lead to imposter syndrome among prospective non-White candidates, and even reduce their interest in applying to the law review altogether.²⁴⁵

Scholars further suggest that law reviews could allow second-year students to apply to law review, noting that underrepresented students often have trouble adjusting to law school curricula that cater to the educational and lived experiences of upper-class White students.²⁴⁶ According to Ramos, “this plan compensates minority students who got off to a ‘slow start’ during their first year because of the difficulties involved in adjusting culturally to law school.”²⁴⁷ By applying to law review during their second year, racially and ethnically

²³⁸ Peralta, *supra* note 198, at 81.

²³⁹ *See id.*

²⁴⁰ Ramos, *supra* note 4, at 181.

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ Julia Omotade, Jamie King & Richard A. Kahn, *Imposter Syndrome and Diversity Graduate Students*, 16 ASBMB TODAY, Feb. 2017, at 22, 22 (“[S]tereotypes and misperceptions, which challenge the notion that [underrepresented minority students’] successes are due to merit alone, make these students particularly susceptible” to imposter syndrome, which “is a condition where one feels inadequate or unworthy of his or her success or accomplishments despite evidence suggesting otherwise.”).

²⁴⁵ *See id.*

²⁴⁶ Ramos, *supra* note 4, at 181.

²⁴⁷ *Id.* at 182.

minoritized students can “demonstrate either improved writing and research skills or better grades,” which might convince their peers that they have the skills necessary to succeed in law review.²⁴⁸ Yet, while the so-called Second-Year Model facilitates the inclusion of more diverse law review members, scholars forewarn that the law review could become “inefficient or unwieldy” with the second-year additions, principally because of the increased number of students on the board.²⁴⁹ Moreover, the Second-Year Model does little to address the overreliance on law school grades as a proxy for success on the law review.²⁵⁰

Further still, scholars have offered a third model simply called “Goals,” in which “the publication determines the number of minorities to invite” based on the overall representation of racially and ethnically minoritized students in the law school student population.²⁵¹ In this case, unlike a strict quota system, the law review board considers race or ethnicity only if the traditional selection process does not produce the desired number of student editors.²⁵² Here, “[t]he object is not to limit the number of minority members on the law review, but to ensure that a minimum number of affirmative action candidates become members,” such that “the number of minorities remains constant from year to year.”²⁵³

As yet another example, Sharon Rush describes the practice of some law reviews to “allow note authors to write letters explaining how they would bring diversity to the review” through factors such as their “race, sex, sexual orientation, religion, socio-economic background, personal disadvantages, culture, or even ideology.”²⁵⁴ Such personal letters are read alongside the notes during the application process and “membership decisions are based on a combination of a particular author’s writing and analytical ability as well as [their] ability to bring diversity to the review.”²⁵⁵ Rush contends that these personal statement policies not only increase the odds of admittance on law review for racially and ethnically minoritized students, but they also improve admission odds for other under-represented groups as well.²⁵⁶ Other scholars, such as Megan Knize, have advocated for the widespread usage of diversity statements, contending that they allow law reviews to combine the subjective experiences of students with the objective implications of their law school grades and writing competition scores.²⁵⁷

²⁴⁸ *Id.*

²⁴⁹ *Id.*

²⁵⁰ *Id.*

²⁵¹ *Id.* at 183.

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ Rush, *supra* note 197, at 381.

²⁵⁵ *Id.*

²⁵⁶ *Id.*

²⁵⁷ See Knize, *supra* note 30, at 332.

These various affirmative action approaches toward promoting diversity and inclusion, from strict quotas to diversity statements, have been exhaustively studied and critiqued. For example, Mary J. Fischer and Douglas S. Massey have investigated the claims of scholars like Shelby Steele, Stephen Thernstrom, and Abigail Thernstrom that affirmative action fuels a deeply rooted belief in American culture that non-White students—especially Black students—are intellectually inferior.²⁵⁸ Fischer and Massey did find limited support for stereotype threat in their study of an affirmative action program for college applicants, but they concluded that it does not undermine the achievement of such students, and may be caused by a range of other competing factors.²⁵⁹ Further, Jesse Rothstein and Albert H. Yoon review claims that affirmative action leads to a “mismatch,” providing beneficiaries with access to schools that are too difficult and competitive for them, thereby harming their overall educational experience and career prospects.²⁶⁰ Looking at affirmative action’s impact on Black student access to top law schools, Rothstein and Yoon conclude that racial preferences are important for law school diversity.²⁶¹ Specifically, they note that “the available evidence offers only weak support for the mismatch hypothesis. Half or more of the [B]lack-[W]hite gap in law school outcomes can be attributed to differences in entering academic credentials that have nothing to do with the selectivity of the schools that students attend.”²⁶² On the other hand, Meera Deo argues that the individuals who are admitted into academic programs using traditional affirmative action programs are often not the applicants who are most in need of support or are most underrepresented at universities and colleges.²⁶³ Deo further claims that there is often inadequate support for students of color once they are enrolled into higher education institutions.²⁶⁴ Thus, initiatives simply aimed at getting more non-White students into the room where it happens, as it were, do not always account for the complexities of race, racism, and the lived experiences of contemporary students of difference-based identities.²⁶⁵

²⁵⁸ See MARY J. FISCHER & DOUGLAS S. MASSEY, *The Effects of Affirmative Action in Higher Education*, 36 SOC. SCI. RSCH. 531, 533 (2007); Stephan Thernstrom & Abigail Thernstrom, *Reflections on The Shape of the River*, 46 UCLA L. REV. 1583, 1608 (1999); see also SHELBY STEELE, *THE CONTENT OF OUR CHARACTER: A NEW VISION OF RACE IN AMERICA* 116 (1990).

²⁵⁹ Fischer, *supra* note 173, at 540.

²⁶⁰ See Jesse Rothstein & Albert H. Yoon, *Affirmative Action in Law School Admissions: What Do Racial Preferences Do?*, 75 U. CHI L. REV. 649, 650-51 (2008).

²⁶¹ *Id.* at 652.

²⁶² *Id.* at 632.

²⁶³ Deo, *supra* note 101, at 239.

²⁶⁴ *Id.* (arguing that students of color receive less support after entering law school because those students can serve their purpose of providing diverse perspective to white classmates without any additional support).

²⁶⁵ *Id.* at 245 (arguing that former static policies can no longer account for contemporary racism and lived experience of diverse students).

Some scholars argue that affirmative action policies are heavily scrutinized because the privileges enjoyed by upper-class White students—like early exposure to legal discourse in the household from lawyer relatives, business professionals, or even academic parents—are devalued in affirmative action selection processes, thereby calling into question the moral legitimacy of standard selection methods.²⁶⁶ If affirmative action strategies are morally just, then the status quo selection methods of law reviews must be viewed as fundamentally unfair, or at least morally suspect. Such a view delegitimizes the theory of meritocracy that has sanctioned decades of homogenous law review boards. Regardless of whether these scholars are right, what remains clear is that “the perfect method to select law review members has yet to be discovered.”²⁶⁷ Although measuring the fairness of any selection process requires general agreement on the legitimacy of the system of measurement—in this case, the legitimacy of academic “merit” as a metric to measure legal writing and legal reasoning skills—it is no doubt questionable whether “fairness” is a fixed concept.²⁶⁸ Indeed, the concept of fairness in society evolves in relation to political priorities and socio-cultural views.

Timothy Hall’s critique of affirmative action focuses on the legality of racial quotas.²⁶⁹ Whereas some DEI models guarantee non-White student representation on law reviews, regardless of their qualifications, Hall contends that the Supreme Court’s opinion in *Regents of the University of California v. Bakke*²⁷⁰ ensures that “the use of racial quotas in an admissions process [is] not a narrowly tailored means of attaining the state’s interest in diversity.”²⁷¹ In *Bakke*, decided in 1978, Allan P. Bakke sued the state of California challenging the constitutionality of the affirmative program at the University of California Davis School of Medicine after he was rejected from the medical school.²⁷² The California Supreme Court declared the quota program a violation of the rights of ineligible White students under Title VI of the Civil Rights Act of 1964.²⁷³ Upon review, the United States Supreme Court found diversity to be a compelling state

²⁶⁶ Rush, *supra* note 197, at 388-89 (arguing that the traditional methods of selecting law review members devalues different ways of measuring analytical and writing ability).

²⁶⁷ Godsey, *supra* note 76, at 89.

²⁶⁸ Richard Stith, *A Critique of Fairness*, 16 VAL. U. L. REV. 459, 460-61 (1982) (explaining the differences and application of different types of fairness).

²⁶⁹ See generally Timothy L. Hall, *Educational Diversity: Viewpoints and Proxies*, 59 OHIO ST. L. J. 551 (1998).

²⁷⁰ 553 P.2d 1152, 1155 (Cal. 1976) *cert granted* 438 U.S. 265 (1978).

²⁷¹ Hall, *supra* note 277, at 591.

²⁷² *Bakke*, 553 P.2d at 1155.

²⁷³ *Id.* at 1166 (Justice Stanley Mosk wrote, “no applicant may be rejected because of his race, in favor of another who is less qualified, as measured by standards applied without regard to race.”).

interest, thereby legitimizing traditional affirmative action,²⁷⁴ but also concluded that UC Davis's sixteen-seat quota program was unconstitutional.²⁷⁵ In 2003, in *Grutter v. Bollinger*, the Supreme Court upheld the Bakke decision and declared that racial preferences in admissions processes that favor underrepresented racial groups do not violate the Fourteenth Amendment's Equal Protection clause as long as it takes into account other factors alongside race.²⁷⁶

Such conclusions favor a holistic approach over "the reservation of a particular number of seats for minority applicants," which can hinder "the attainment of the 'genuine diversity' of viewpoints in which the state ha[s] a compelling interest."²⁷⁷ However, Timothy Hall argues that any attempt to "distinguish between a racial quota and the use of race as a 'plus' factor is simply untenable" because "the use of race as a 'plus' factor is facially discriminatory" and such discrimination "is not altered simply because [it] takes place in connection with other classifying devices."²⁷⁸ In other words, to Hall, if an organization's goal is not to address historical harms, but to enable the benefits of diversity to accrue to all students, then even the usage of 'plus' factors is unfair and discriminatory to racially and ethnically minoritized students because it creates a presumption of inferiority based upon their racial or ethnic identity.

To further the point, Hall describes the experiences of a professor who benefited from a racial quota, noting:

Each time that I have been hired . . . I am surprised to find out how few members of the faculty bothered to acquaint themselves with the *quality* or *substance* of my scholarship. It is easier to say that I diversify the faculty because of my gender or sexual orientation rather than to ask the more probing question of whether [they] have affected my scholarship in ways that are original and thought-provoking.²⁷⁹

Hall's critique suggests that diversity and inclusion policies can produce the visible appearance of diversity without ensuring that the so-called diverse community is truly inclusive.²⁸⁰ In other words, it ignores the possibility that a Black law student, for example, can be politically conservative and thereby fail to substantively change the culture of an historically conservative law review, even while bringing a unique lived experience. When affirmative action programs rely solely on race as a proxy for ideological diversity, and thereby ignore the

²⁷⁴ See Laurence H. Tribe, Comment, *Perspectives on Bakke: Equal Protection, Procedural Fairness, or Structural Justice?*, 92 HARV. L. REV. 864, 864 (1979) ("The Court thus upheld the kind of affirmative action plan used by most American colleges and universities, and disallowed only the unusually mechanical—some would say unusually candid, others would say unusually impolitic—approach taken by the Medical School.")

²⁷⁵ *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 315-320 (1978).

²⁷⁶ *Grutter v. Bollinger*, 539 U.S. 306, 334-35 (2003).

²⁷⁷ Hall, *supra* note 277, at 591.

²⁷⁸ *Id.* at 592.

²⁷⁹ *Id.* at 599.

²⁸⁰ *Id.* .

diversity of lived experiences, ideological viewpoints, and cultural beliefs within and across racial and ethnic groups, they fail to establish the foundation for a robust exchange of scholarly ideas.²⁸¹ Further, by essentializing a racial identity full of diverse perspectives and cultural interests to a singular ideal, law reviews eliminate opportunities to learn from marginalized histories that might produce the educational diversity desired.²⁸² Perhaps as a result, recent research has shown that racially and ethnically minoritized students often feel a weaker sense of belonging at law school as compared to their White peers.²⁸³

Deo recommends disaggregating racial and ethnic data and identifying sub-groups instead of using all-inclusive terms like “BIPOC” (Black, Indigenous, and People of Color) to avoid erasing those who are minorities within the so-called “people of color” umbrella.²⁸⁴ Cedric Herring and Loren Henderson recommend shifting resources away from privileged groups and toward excluded groups.²⁸⁵ By targeting law review resources toward the lived experiences, ideological viewpoints, and cultural beliefs of marginalized groups, the law review can further distributive justice. In so doing, law reviews will create a law review board that reflects the rich diversity of lived experiences and cultural viewpoints across the United States. Achieving this goal would not only promote structural diversity, but also interactional diversity and classroom diversity, too.²⁸⁶ Even more, such efforts will call into questions the legitimacy of the current function of the law review.

Law reviews have historically functioned to: (1) legitimate meritocracy as a sorting mechanism; (2) facilitate the hoarding of prestige by an elite, wealthy class; and (3) enable the manipulation of power by the dominant class toward silencing marginalized voices and non-traditional modes of legal analysis in law and policy making.²⁸⁷ However, as Lani Guinier argued,

[M]any of the criteria we associate with individual talent and effort do not measure the individual in isolation but rather parallel the phenomena associated with aristocracy; what we’re calling individual talent is actually a

²⁸¹ *Id.*

²⁸² *Id.* at 597 (stating “[T]he proper constitutional inquiry . . . is whether a diversity of outlooks and perspectives requires race-conscious decisionmaking . . . [and] whether other non race-conscious admissions and hiring criteria might produce the educational diversity desired.”).

²⁸³ Deo, *supra* note 101, at 278.

²⁸⁴ Meera E. Deo, *Why BIPOC Fails*, 107 VA. L. REV. 115, 117-119, 142 (2021).

²⁸⁵ Cedric Herring & Loren Henderson, *From Affirmative Action to Diversity: Toward a Critical Diversity Perspective*, 38 CRITICAL SOCIO. 629, 638 (2011).

²⁸⁶ Deo, *supra* note 101, at 274-277.

²⁸⁷ See Geoffrey Preckshot, Comment, *All Hail Emperor Law Review: Criticism of the Law Review System and Its Success at Provoking Change*, 55 MO. L. REV. 1005, 1008 (1990); see also Roger C. Cramton, “The Most Remarkable Institution”: *The American Law Review*, 36 J. LEGAL EDU. 1, 5 (1986).

function of that individual's social position or opportunities gained by virtue of family and ancestry.²⁸⁸

These distorted functions deviate from what the Authors view as law review's ideal educational, societal, and political purposes. A non-diverse law review board, in the fullest sense of the word, does not merely fail non-White law students by limiting their educational experience, but it also fails society at large by limiting law review's public-facing educational, societal, and political purposes.

B. *Rethinking Equity*

Some law reviews have adopted DEI policies that focus on boosting equity or fairness in the editor selection process. Fairness in the law review context is generally measured by comparing the different opportunities and resources that students enjoyed prior to competing for law review editor positions. For example, do some law students suffer from a lack of exposure to lawyers or lawyering prior to law school while others benefit from familiarity with legal reasoning and case analysis due to their upper-class status? By boosting marginalized students in the editor selection process—e.g., allocating preference points to racially or ethnically minoritized students who have experienced limited access to relevant educational enrichment—law reviews aim to level the playing field. In this way, when affirmative action programs employ preference points to make editor selection processes fairer, they send an implicit message that the supposed meritocratic system that underlies the law review is inherently inequitable on procedural grounds. Or, they suggest that certain individuals have been denied the necessary opportunities and resources to compete, thereby tainting the process. Blind grading of writing competitions purports to solve the procedural dilemma by eliminating opportunities for implicit biases and stereotypes to cloud student judgements.

However, a focus on procedure could obscure the *substantive* shortcomings of the editor selection process. Is the status quo meritocratic system—i.e., the focus on law school grades; writing competition scores; etc.—a fair way to measure merit among law students? As Guinier puts it, “[A]ffirmative action’s weakness and vulnerability cooperate with, and perhaps unintentionally legitimate, a meritocracy that privileges test scores over other indicators of student potential in the first place.”²⁸⁹ Ignoring these questions perpetuates the myth that decades of homogenous law review boards filled primarily with White men has not been shaped by structural inequities within law schools or society. Further, it conveys the false notion that a lack of equal opportunities for racially and ethnically minoritized students and women to compete with their upper-class White male counterparts is due to their substandard pre-law training or the personal biases of existing law review members. Incorporating questions of equity

²⁸⁸ GUINIER, *supra* note 2, at [].

²⁸⁹ GUINIER, *supra* note 2, at 41.

and inclusion into diversity initiatives encourages the consideration of anti-subordination and anti-racist principles.²⁹⁰ In other words, the solutions to DEI problem can be both procedural and substantive.

Lawyers typically view the law review as the place where the best of the best convene to edit and publish leading scholarly articles; a place where one's legal writing and reasoning skills are of the utmost importance.²⁹¹ First year grades and one's performance in a writing competition, we are told, provide a neutral forum to showcase such skills.²⁹² This vision of merit suggests that students with high law school grades are smarter, more diligent, and better time managers than their lower performing peers.²⁹³ As a result, if one of the chief goals of law reviews is to select "students who have shown they are hard workers by obtaining high grades or writing onto the publication" then admitting applicants that are "neither at the top of their classes nor among the best writers" will presumably undermine the law review's commitment to fairness.²⁹⁴

Yet, as Sharon Rush notes, when "schools that adhere to traditional criteria for law review selection . . . want to achieve diversity and, in particular, racial diversity," the false association between traditional selection criteria and equity can undermine substantive fairness.²⁹⁵ Affirmative action policies that do not deviate from using first-year grades and writing samples to assess affirmative action candidates risk achieving diversity while failing to wrestle with hidden inequities embedded in status quo metrics.²⁹⁶ For example, scholars have argued that an overreliance on grades and competition scores can "devalue different ways of measuring analytical skills and writing ability . . . [and] other ways of critiquing law."²⁹⁷ Further, students often have competing demands on their time that differ based on their socioeconomic background, such as the need to work a part-time job during the academic semester. Even more, many law schools require a forced grading curve, which manufactures a grade distribution even when there may be an insubstantial difference in student performance.

By failing to consider the substantive fairness of the editor selection process, law students risk perpetuating implicit biases when applicant profiles match racial or gender stereotypes. As Amy DeVaudreuil puts it, "if some people (or groups of people) do not succeed at the same rate as others, it is their own faults."²⁹⁸ Accordingly, even if the law review achieves its diversity goals, some

²⁹⁰ Deo, *supra* note 284, at 123 ("Similarly, recent efforts to promote equity and belonging signal the importance of moving beyond diversity to consider broader anti-subordination and even antiracist principles.").

²⁹¹ Ramos, *supra* note 4, at 191.

²⁹² *Id.* at 186-87.

²⁹³ *Id.*

²⁹⁴ *Id.*

²⁹⁵ Rush, *supra* note 197 at 382.

²⁹⁶ *Id.* at 381-83.

²⁹⁷ *Id.* at 388-89.

²⁹⁸ DeVaudreuil, *supra* note 141, at 1202.

“White [members] may imagine that underrepresented students of color are just not as good as White students at performing well in the writing competition” or do not “have the same skill levels that White students have” based on the law review’s seemingly objective measures of merit.²⁹⁹ Such biases can even influence which law review members are elevated into positions of leadership on the law review board, such as the heralded EIC position. Students that do not see themselves in positions of influence and authority can fall prey to stereotype threat or experience a lack of belonging. Carliss Chatman notes the experience of one Black student in a law school without a robust commitment to DEI,

As an African American law student at a predominantly white institution, I feel out of place and treated as an insular minority. During the admissions process we are highly sought after and made to believe that these environments are worth buying into. Upon starting, I was hit with the cruel realization that I belong to a marginalized group who, regardless of the level of professionalism portrayed within the institution, would be looked at as a target of hate and deceit.³⁰⁰

Offering another example of substantive inequities in the selection process, Frederick Ramos argues that “cultural bias” can influence the scoring of writing samples when editorial boards are predominantly comprised of White students from upper-class households.³⁰¹ In such instances, editors tend to reward writing styles that reflect the standards of excellence that are dominant in their upper-class communities.³⁰² Marginalized students across various racial, ethnic, or class backgrounds may lack prior exposure to the desired writing style. Rather than select the best law student editors, the homogenous law review board may merely select the students who are best equipped to match their expectations of merit.³⁰³ Sharon Rush similarly argues that one can perform well on law school exams yet lack strong legal writing skills, or one can possess strong legal writing skills yet perform poorly on law school exams.³⁰⁴ In each case, students with skills that would benefit the law review fall short in the desired selection criteria.

To combat the risk of implicit bias in the editor selection process, Megan Knize argues for additional “subjective qualifiers,” such as an application essay. This provides prospective editors with space to elaborate on their unique backgrounds and perspectives while preserving the integrity of the law review as a meritocracy.³⁰⁵ According to Timothy Hall, considering whether applicants

²⁹⁹ *Id.*

³⁰⁰ Carliss N. Chatman & Najarian R. Peters, *The Soft-Shoe and Shuffle of Law School Hiring Committee Practices*, UCLA L. REV. (May 8, 2021), <https://www.uclalawreview.org/the-soft-shoe-and-shuffle-of-law-school-hiring-committee-practices/> [<https://perma.cc/64JY-XV4L>].

³⁰¹ Rush, *supra* note 197 at 381-83.

³⁰² Ramos, *supra* note 4, at 187.

³⁰³ *Id.* at 187-188.

³⁰⁴ Rush, *supra* note 197, at 388.

³⁰⁵ Knize, *supra* note 30, at 332.

possess “viewpoints or perspectives likely to enrich an educational institution’s academic discourse,” creates room for an expanded definition of merit.³⁰⁶ As Hall further explains, “[t]he diversity rationale simply suggests that merit may reside in other features of an individual’s background besides that individual’s record of academic achievement on standardized tests or in previous educational environments.”³⁰⁷

A second challenge facing procedural reforms that fail to address the substantive critiques of the editor selection processes is the risk of stigmatizing minority applicants. According to Ramos, conventional affirmative action programs tend to portray underrepresented applicants “as unqualified in the eyes of many classmates and employers.”³⁰⁸ This “hollow victory” can cause more harm than good to underrepresented students by perpetuating “the belief that minorities are intellectually inferior and need affirmative action to obtain law review membership.”³⁰⁹ Even more, if employers believe that minority law review editors are the beneficiaries of affirmative action policies, they may withhold high-level job opportunities or judicial clerkships, or they may only accept racially and ethnically minoritized applicants after rigorously scrutinizing their credentials, in some cases more so than they would have done otherwise.³¹⁰ As Michelle Obama reminded us of the burden many Black parents pass on to their children: “Be twice as good.”³¹¹ In such instances, affirmative action programs do little to open up doors from which non-White people have been excluded.³¹² Arguably, they may make matters worse.

Some critics even argue that law reviews will witness a decrease in the quality of their journal submissions if they set aside traditional selection criteria in favor of affirmative action policies primed toward addressing equity concerns. Professors and law students, they argue, “will hesitate to submit their articles to these law reviews, fearing an improper edit” by law students with skills that are not up to par.³¹³ For such critics, although “affirmative action has its merits, . . . the quality of work published cannot be sacrificed to achieve those benefits.”³¹⁴ And for law professors at elite law schools, publishing in elite law reviews is even harder to sacrifice due to the prestige, power, and political clout that it can confer. The goal, it seems, as Rush summarizes it, is for law schools “to introduce

³⁰⁶ Hall, *supra* note **Error! Bookmark not defined.**, at 557.

³⁰⁷ *Id.*

³⁰⁸ Ramos, *supra* note 4, at 188.

³⁰⁹ *Id.*

³¹⁰ *Id.*

³¹¹ Britni Danielle, *Michelle Obama’s ‘Twice as Good’ Speech Doesn’t Cut It with Most African Americans*, GUARDIAN, (May 12, 2015, 9:39 PM), <https://www.theguardian.com/commentisfree/2015/may/12/michelle-obama-twice-as-good-african-americans-black-people> [<https://perma.cc/E5R9-88E4>].

³¹² *Id.*

³¹³ Ramos, *supra* note 4, at 191.

³¹⁴ *Id.*

fair criteria in law review selection that maintain excellence and also promote racial equality” without disrupting the process that everyone has grown accustomed.³¹⁵

However, this goal is misguided. It oversimplifies the relationship between law review excellence and a law review’s racial and ethnic diversity. As Paul Willison explains, a recent study of top-20 law schools found “no evidence that diversity policies for editor selection meaningfully decrease[d] the impact of published articles.”³¹⁶ In fact, the study reported “some evidence that diversity policies may actually increase the impact of published articles.”³¹⁷ On the other hand, Godsey argues that affirmative action policies are beneficial even if the quality of law review publications is not increased.³¹⁸ And, according to Ramos, the historic costs of predominantly White and male law review boards, and the resultant urgency of modern DEI efforts, makes the “cost of diminution of quality—if any occurs . . . worth the benefits achieved by affirmative action.”³¹⁹ In other words, racial discrimination bears a societal cost, and at some point, some groups may have to suffer a cost to not only repair historic harms, but also to further the common good. Thus, DEI efforts could decrease law review excellence and still be worthwhile, depending on one’s perspective of equity and one’s assessment of the significance of law review’s diversity problem. The deeper question, then, is determining how one should define law review excellence.

Willison urges a broader range of assessment criteria in the editor selection process to prioritize a robust exchange of diverse ideas and experiences over the concentration of homogenous students with high grades and familiarity with legal rhetoric.³²⁰ Unique perspectives, Willison argues, lend themselves to unique “social interactions, topic selection, and journal-specific policy creation” than would be the case with a homogenous law review board, thereby amplifying the ability to “publish exceptional legal scholarship annually.”³²¹

To be sure, as they pursue procedural and substantive reforms to the editor selection process, law review boards must not run afoul of the Supreme Court’s affirmative action jurisprudence, which is in flux. “[T]he only justification for accounting for race in admissions policies,” as affirmed by the Supreme Court on three occasions, is to “obtain the benefits that would flow from a diverse editorial staff.”³²² Accordingly, under *Bakke* and *Grutter*, a prospective law review editor’s racial or ethnic identity, for example, can be considered a positive characteristic, but not as a single desired characteristic so as to avoid an illegal

³¹⁵ Rush, *supra* note 197, at 393.

³¹⁶ Willison, *supra* note 65, at 389.

³¹⁷ *Id.*

³¹⁸ Godsey, *supra* note 64, at 70-71.

³¹⁹ Ramos, *supra* note 4, at 192.

³²⁰ Willison, *supra* note 65, at 363.

³²¹ *Id.* at 390.

³²² *Id.* at 392.

quota system.³²³ Under this line of reasoning, pursuing a broad definition of diversity will accrue more benefits to the board, supporting a holistic review process.³²⁴ Further, less targeted affirmative action policies can facilitate a critical mass of diverse voices while avoiding the liability pitfalls of a quota system.³²⁵ Under *Grutter*, affirmative action-based diversity policies are not allowed to exist forever.³²⁶ Thus, law journals should develop “sunset provisions” governing how long the diversity policy will last and maintain regularly scheduled reviews of law journals’ staff diversity to ensure that the policies do not outlive their purpose.³²⁷

Procedural and substantive equity requires law reviews to not merely increase scholarly discourse on marginalized experiences and perspectives by incorporating more diverse editors into the publication process, but also to challenge the structure of legal institutions—including the law review itself—that embed a narrow view of what equity demands for minoritized populations. DEI efforts should encourage reform to the law review itself, as an institution, including its process for selecting law student editors and law review leaders.

C. *Rethinking Professional Identity and Leadership*

Professional identity formation and leadership in law reviews go hand in hand. Law reviews tend to perpetuate social hierarchy in the legal profession by rewarding traditional markers of prestige and academic merit when selecting law students for membership and articles for publication. Further, scholars from low-ranking law schools, or scholars that emphasize marginalized legal perspectives that challenge status quo political views, may struggle to enter mainstream legal discourse using the law review platform.³²⁸ By catering to elitism, even if unintentional, law reviews risk promoting a professional lawyering identity that legitimates inequity under the guise of equality.

Darren Bush’s research suggests that most of the authors for the top ten law reviews also graduated from a top ten law school. For example, in 2017, Yale

³²³ *Frost v. Chrysler Motor Corp.*, 826 F. Supp. 1290, 1296-99 (W.D. Okla. 1993) (“The use of an otherwise valid affirmative action plan as a mere pretext for a hiring decision improperly motivated by racial animus is prohibited, and when a plaintiff demonstrates the absence of a manifest imbalance between the job at issue and the available work force, the use of an affirmative action program may be presumed to be pretextual.”).

³²⁴ Willison, *supra* note 65, at 393 (“[L]aw journals that employ a ‘holistic review’ of multiple factors important to the diversity of its editors can (1) avoid any semblance of a quota, and (2) embrace a broad conception of diversity that will include a broader variety of students.”).

³²⁵ *Id.*

³²⁶ *Grutter v. Bollinger*, 539 U.S. 306, 309 (2003) (“Finally, race-conscious admissions policies must be limited in time.”).

³²⁷ *Id.* at 342.

³²⁸ Godsey, *supra* note 76, at 64.

accounted for 27% and Harvard accounted for 22%.³²⁹ NYU accounted for the next highest level at 6.7%, Stanford at 6.3%, and University of Chicago at 5.46%.³³⁰ Taken together, the graduates of five law schools accounted for nearly 70% of the publications in the top ten law reviews in the year studied.³³¹ Further, Bush notes, “[a] random sample of the top ten law reviews suggests that the number of women authors in 2017 is around 20%,” indicating gender bias.³³² For example, of *The Yale Law Journal*’s published authors in 2017, nine out of the twelve were men.³³³

The legal profession tends to reward the graduates of top law schools with access to the highest paying legal jobs and the most prestigious clerkships, which lead to careers with significant social and political influence.³³⁴ Law review mirrors this social hierarchy by first granting law students with the highest grades access to join the editorial board, and second, granting the graduates of elite law schools preferential access to publishing opportunities. Both patterns reflect a vision of professional lawyering identity that seeks to reward lawyering based on individual talent, effort, and achievement. Yet, it fails to question whether all law students, lawyers, or legal scholars enjoy equal opportunities to compete. Put more simply, is the game fair, or rigged? In the context of the law review, this meritocratic and individualistic vision of lawyering fails to interrogate whether a competitive model best serves the public interest. That is, are the best leaders those students with the highest grades or the strongest editing skills? Some progressive law students who prefer collaborative and community-centered approaches to lawyering may avoid law review for this very reason. Perhaps law reviews should be seeking students who are the best collaborators, best managers, and best advocates of marginalized voices and grassroots movements.

DEI efforts in law reviews must do more than simply increase the number of underrepresented students on law review editorial boards and marginalized voices in mainstream legal discourse. They must also interrogate whether decades of homogeneous law review boards have produced a limited cultural expression of scholarly discourse. If this is the case, then law reviews committed to serving the public interest must consider how a multicultural expression of legal scholarship might differ from the status quo approach. More than seeking to challenge mainstream legal discourse with voices that do not have the perceived academic merit or prestige necessary to gain access to such public forums, law reviews must reconsider what topics deserve to be included in the discussion altogether, and why.

³²⁹ Lawprofblawg & Bush, *supra* note Error! Bookmark not defined., at 336.

³³⁰ *Id.*

³³¹ *Id.*

³³² *Id.* at 337.

³³³ *Id.*

³³⁴ See Dexter Samida, Comment, *The Value of Law Review Membership*, 71 U. CHI. L. REV. 1721, 1724-35 (2004).

For example, law review articles that explore the intersection of race and the law, even when they are doctrinal, are often viewed as fringe topics and therefore not applicable to mainstream law reviews. Instead, such topics usually find a home in specialty journals or symposium collections. Yet, a robust scholarly engagement with race and the law in law reviews might better reflect the diversity of racialized experiences across the United States. Further, it might better enable law reviews to serve the public interest toward answering recent calls for the United States to engage in a “racial reckoning.”³³⁵ This goal would also support the American Bar Association House of Delegates’ revised Standard 303 in the ABA Standards and Rules of Procedure for Approval of Law Schools, which calls for law schools to provide “education on bias, cross-cultural competency and racism” to law students.³³⁶ Such insights call into question the notion that top law reviews have historically published the best ideas about law and law reform. What ideas, experiences, needs, preferences, and values have been missing from the discussion all these years?

A second way to ensure that law review publications better reflect the diversity of experiences and opinions across the U.S. population is to diversify their leadership. Law reviews typically rely upon conventional voting methods to select their editor-in-chief, which entails ranking candidates by conventional markers of academic prestige and in-group perceptions. However, in so doing, law reviews may fall prey to irrational decision making that reflects hidden biases and unconscious discriminatory views about racial and ethnic minorities. For example, they may select leaders who perform at the top of the class but are not best suited to guide the law review toward diversifying the breadth of legal issues and analytical methods it engages in its publication.

Scholars have recently begun to explore a more capacious definition of leadership in the context of legal education. According to Roland B. Smith and Paul Bennett Marrow: “[I]t is now widely recognized that classroom learning is necessary but not sufficient to produce leadership capabilities and alignment among leaders at the top of an organization.”³³⁷ Yet, as Deborah L. Rhode argues, law schools often fail to teach students leadership principles and skills.³³⁸ To fill this gap, Susan R. Jones recommends professional leadership coaching be integrated into legal education.³³⁹ As Jones explains, “Leadership coaching grounds students’ well-being, and incorporating it into experiential learning, leadership

³³⁵ See, e.g., Eugene K. Chow, *A Racial Reckoning*, FORDHAM LAW., Fall-Winter 2021, <https://digital.law.fordham.edu/issue/fall-winter-2021/a-racial-reckoning/> [<https://perma.cc/GR9J-R4TG>] (discussing increased awareness of effects of systemic racism and national movement for racial justice).

³³⁶ *Revised Standards for Approval of Law Schools*, 300 A.B.A. SEC. L. EDUC. & ADMISSIONS TO BAR § 303(c) (2022).

³³⁷ Roland B. Smith & Paul Bennett Marrow, *The Changing Nature of Leadership in Law Firms*, 80 N.Y. ST. BAR ASS’N J. 33, 38 (2008).

³³⁸ See DEBORAH L. RHODE, *LAWYERS AS LEADERS* 1-2 (2013).

³³⁹ See Susan R. Jones, *The Case for Leadership Coaching in Law Schools: A New Way to Support Professional Identity Formation*, 48 HOFSTRA L. REV. 659, 660 (2020).

classes, and academic advising will better equip law students, many of whom are in the Millennial generation and Generation Z, for the changes associated with intergenerational work and a volatile, uncertain, complex, and ambiguous world.”³⁴⁰ Law reviews, too, can benefit from such training.

III. REIMAGINING LAW REVIEW

If diversity, equity, and inclusion in legal education demands more from law schools than merely enrolling more racially and ethnically minoritized students and women, then DEI for law reviews demands more too. Indeed, if one believes that law reviews serve a purpose beyond the self-directed interests of law schools, legal scholars, and law students, then a commitment to diversity, equity, and inclusion urges us to reimagine law review altogether. This Part explores what it might take to enhance the community-facing educational, political, and public purposes of the law review that are part and parcel of the DEI mission.

First, law reviews must reconsider what qualifies as ‘DEI’ in the context of the law review. There is no one-size-fits-all definition of diversity, equity, or inclusion. For example, Sharon Rush includes several identities in her definition of diversity, including “race, sex, sexual orientation, religion, socio-economic background, personal disadvantages, culture, or even ideology.”³⁴¹ Yet, as Rush notes, “[t]his list is not meant to be exhaustive; perhaps there are other ways in which diversity can be achieved.”³⁴² If we envision the law review to have a broader and farther-reaching purpose, then our conception of DEI in the context of the law review must similarly be expanded.

Second, and more fundamental, who gets to make decisions regarding DEI with respect to the law review? Currently, it is the law review board members who assess law student application materials and apply affirmative action policies toward achieving DEI goals. Are there alternative editor selection methods that might better achieve DEI’s stated aims? Should other stakeholders or additional criteria be included in the decision-making process? This Part explores these questions.

A. *Who Qualifies*

A genealogy of the various conceptions of diversity in the academic context can be constructed by clarifying the distinctions between *structural* diversity and *substantive* diversity, or what Dorothy Brown calls “classroom diversity.”³⁴³ Structural diversity is defined as the “percentage of students from a nonwhite racial or ethnic group” that are integrated into a majority White group.³⁴⁴ As

³⁴⁰ *See id.*

³⁴¹ Rush, *supra* note 197, at 383.

³⁴² *Id.*

³⁴³ Dorothy A. Brown, *Taking Grutter Seriously: Getting Beyond the Numbers*, 43 HOUS. L. REV. 1, 16-17 (2006).

³⁴⁴ *Id.*

structural diversity increases in a group, it becomes statistically more likely that a White person will interact with persons who are “members of racial or ethnic minority groups.”³⁴⁵ Thus, from a structural standpoint, diversity is achieved when the percentage of non-White group members increases to the minimum number necessary to facilitate cross-racial subgroup interactions.

On the other hand, substantive diversity is achieved when a member of a group is exposed to knowledge about the racial, ethnic, gender, or other classification of another group member distinct from their own.³⁴⁶ For example, substantive diversity occurs when a White group member is exposed to knowledge about the experiences and cultural beliefs of a Black group member. In the educational context, structural and substantive diversity have a symbiotic relationship. Structural diversity facilitates opportunities for organic student interactions, while substantive diversity seizes on the opportunity to “influence student learning outcomes” by expanding their awareness of multicultural experiences and viewpoints.³⁴⁷

Combining structural and substantive diversity creates a mutually reinforcing diversity that enables individuals to “not have to deny aspects of their identities,” but rather, to “be valued for different identity traits that make them unique.”³⁴⁸ In the context of law reviews, then, DEI efforts should enable editors, scholars, and readers to experience the social esteem that derives from embracing their unique identities and receiving affirmation for their unique contributions as they engage legal scholarship.

For law reviews that have historically lacked racial, ethnic, and gender diversity, the inclusion of additional racially and ethnically minoritized students onto the editorial board can expose law review members to nontraditional ideas and countercultural viewpoints on legal scholarship. This dynamic can inspire the publication of legal scholarship on a wider range of issues, which will, in turn, expose the readers of legal journals to a wider array of viewpoints on various subjects, including the viewpoints of marginalized members of society that rarely enter mainstream legal discourse.³⁴⁹ However, for racial, ethnic, and gender diversity to facilitate ideological diversity within the law review, there must also be an intentional effort to engage the lived experiences and cultural views of applicants during the editor selection process.

³⁴⁵ *Id.* (“One study showed that at the most racially or ethnically diverse colleges, students of different races were most likely to eat together, study together, date, and interact with one another.”).

³⁴⁶ *Id.*

³⁴⁷ *Id.*

³⁴⁸ Rush, *supra* note 197, at 382.

³⁴⁹ Ramos, *supra* note 4, at 193 (describing how increasing law review diversity begets more diverse scholarship which then exposes these viewpoints to wider reading audiences).

Attempts to promote racial and ethnic diversity in law reviews sometimes overlook socioeconomic diversity within subgroups,³⁵⁰ which can discount underrepresented White students who hail from impoverished backgrounds. For example, in *Hillbilly Elegy*, J.D. Vance recounts, “[v]ery few people at Yale Law School are like me. They may look like me, but for all of the Ivy League’s obsession with diversity, virtually everyone—black, white, Jewish, Muslim, whatever—comes from intact families who never worry about money.”³⁵¹

Given the high cost of law school in the United States, many lower-income individuals face limited opportunities to pursue a legal education.³⁵² When such students are admitted into law school, especially at the most elite law schools, they compete against students who have benefited from generational wealth and pre-law training.³⁵³ In some instances, low-income students must work a full or part-time job while studying law, putting them at a disadvantage as compared to students who do not have to earn income to support themselves or their family.³⁵⁴ When it comes to admission to the law review, privileged students benefit from more time to study for law school exams or more time to work on editing and essay competitions, both of which are key components of the traditional law review editor selection process.³⁵⁵

Progressive law reviews have taken steps to address these concerns. For example, several law reviews have added dedicated pages to their websites addressing DEI issues. *The Buffalo Law Review* has a page on their website that explains their definition of diversity and equity:

The *Buffalo Law Review* defines diversity as including, but not being limited to, distinctions in race, nationality, ethnicity, gender, sexual orientation, religion, first-generation college, graduate or law student status, socioeconomic status, and age. We perceive equity to mean treating all members and authors, regardless of their differences, equal and fair. Lastly, we view inclusion to mean including all members and authors, regardless of their distinct attributes, in the overall culture and structure of the Law Review at large.³⁵⁶

³⁵⁰ See Lawprofblawg & Bush, *supra* note **Error! Bookmark not defined.**, at 343 (“It is not as if the top ten law schools are known for being places where the impoverished learn.”).

³⁵¹ *Id.* (quoting J.D. Vance, *As a Poor Kid from the Rust Belt, Yale Law School Brought Me Face-to-Face with Radical Inequality*, HUFFINGTON POST (June 29, 2016, 9:11 AM), https://www.huffpost.com/entry/yale-law-school-inequality_b_5772a27ee4b0dbb1bbbc11b9 [<https://perma.cc/JFA9-MLPK>]).

³⁵² See Richard H. Sander, *Class in American Legal Education* 88 DENV. U. L. REV. 631, 637 (2011).

³⁵³ Jordan Rothman, *Wealthy Students Have a Much Easier Time Succeeding in Law School*, ABOVE THE LAW (Sept. 26, 2018, 9:58 AM), <https://abovethelaw.com/2018/09/wealthy-students-have-a-much-easier-time-succeeding-in-law-school/> [<https://perma.cc/SJ94-VL7C>].

³⁵⁴ *Id.*

³⁵⁵ *Id.*

³⁵⁶ *Buffalo Law Review*, U. BUFF. SCH. L., <https://digitalcommons.law.buffalo.edu/buffalolawreview/dei.html> [<https://perma.cc/9F54-Q5K6>] (last visited Oct. 1, 2022).

Many other schools, such as the *Louisiana Law Review*, the *UC Davis Law Review*, and *Stanford Law Review* have released diversity statements on their websites to note their commitment to DEI and their efforts to achieve it.³⁵⁷ Other law reviews have designated issues to showcase the work of diverse authors, such as the *Boston University Law Review* and the *Washington & Lee Law Review*.³⁵⁸ Still other law reviews have dedicated symposiums to discussing the issue of DEI in higher education, such as the *South Carolina Law Review*, the *Fordham Law Review*, and the *Virginia Law Review*.³⁵⁹

B. *Who Decides*

After considering what “counts” as diversity, equity, and inclusion, one must consider who gets to decide. Law reviews have made many attempts to make the law review editor selection process as objective as possible. For example, some law reviews ask potential affirmative action candidates to grant the law review access to their admissions records to determine if they are included in the law school’s affirmative action plan.³⁶⁰ As Ramos explains, “[t]his solution resolves the problem of what criteria the law review should use to determine affirmative action status.”³⁶¹ However, eliminating the decision-making process altogether might inhibit the ability of the law review to make a more substantive investigation using a broader conception of DEI, especially if the law school’s affirmative action program focuses only on protected classifications, such as race or ethnicity, and not on socioeconomic disparities or other sub-group distinctions, such as disability.

³⁵⁷ E.g., *About*, LA. L. REV., <https://lawreview.law.lsu.edu/about/> [<https://perma.cc/4Z3X-GSSF>] (last visited Oct. 1, 2022); *Commitment to Diversity*, U.C. DAVIS L. REV., <https://lawreview.law.ucdavis.edu/diversity.html> [<https://perma.cc/MH3X-MXA3>] (last visited Oct. 1, 2022); *About the Stanford Law Review*, STAN. L. REV., <https://www.stanfordlawreview.org/about/> [<https://perma.cc/TWG4-NXRV>] (last visited Oct. 1, 2022).

³⁵⁸ E.g., Editor’s Forward, *Volume 102, Number 1 (February 2022)*, B.U. L. REV., <https://www.bu.edu/bulawreview/files/2022/03/EDITORS-FOREWORD-2.pdf> [<https://perma.cc/89ZZ-72Z6>] (last visited Oct. 1, 2022); Peter Jetton, *W&L Law Review Publishes Issue Showcasing Black Authors*, THE COLUMNS (Feb. 25, 2022), <https://columns.wlu.edu/wl-law-review-publishes-issue-showcasing-black-authors/> [<https://perma.cc/5GV3-7A67>].

³⁵⁹ E.g., *Inaugural William Hubbard Conference on Law & Education*, U. S.C. SCH. L., https://sc.edu/study/colleges_schools/law/student_life/journals/sclr/symposium/index.php [<https://perma.cc/JVE2-74QA>] (last visited Oct. 1, 2022); *Colloquium: Diversity in the Legal Profession: A Comparative Perspective*, FORDHAM L. REV., <http://fordhamlawreview.org/symposiumcategory/colloquium-diversity-in-the-legal-profession-a-comparative-perspective/> [<https://perma.cc/9CVC-CRX9>] (last visited Oct. 1, 2022); *Interrogating Legal Pedagogy and Imagining a Better Way to Train Lawyers*, VA. L. REV. (Feb. 18, 2022), <https://www.virginialawreview.org/symposia/symposium/> [<https://perma.cc/DS5J-LTSX>].

³⁶⁰ See Ramos, *supra* note 4, at 184

³⁶¹ *Id.*

Currently, it remains up to the law review leadership in most law schools to determine what counts as diversity and what types of diversity are deemed most important for the law review. To be sure, structural diversity is still an issue in the legal profession, much less in law reviews across the United States. As Paul Willison observes, “only 15% of all lawyers across the U.S. identified as a racial or ethnic minority in 2019 and ‘[n]early all minorities are underrepresented in the legal profession compared with their presence in the U.S. population.’”³⁶² Willison further asserts, “[i]t is difficult to know exactly how the legal profession has become more diverse because, unfortunately, data is scarce. ‘Outside of law firms and Article III judgeships, the profession lacks even basic gender and racial/ethnic breakdowns . . . or more inclusive efforts covering sexual orientation and disability status.’”³⁶³

To Willison, “[l]aw schools and the profession at large can, and should, do better.”³⁶⁴ Nevertheless, as this Article argues, doing “better” requires not only taking inventory of what diversity means and cataloguing its benefits, but also thinking progressively about what our legal institutions—including the law review—can become if they are shaped by a more inclusive dialogue about law and law reform.

Overcoming the lack of diversity, equity, and inclusion in law reviews requires contending with the way homogeneous learning environments create unsafe spaces where minoritized students feel alienated from the university due to being the only one.³⁶⁵ According to Vinay Harpalani, safe spaces “serve as support mechanisms for minority students, by mitigating feelings of isolation among these students and helping them adjust to life on predominantly White campuses.”³⁶⁶ Thus, safe spaces enhance the learning experience for underrepresented and minoritized students by providing academic support, as well as social, cultural, and emotional support.³⁶⁷ The burden of creating safe spaces cannot fall solely on non-White students. Such students are already often faced with the “burden[s] of integration” as they seek to “adapt [themselves] to majority group norms.”³⁶⁸ All students must share this burden, not simply because such collaboration is more equitable, but also because it makes the law review experience more educational for all involved.³⁶⁹

Progressive law reviews have taken steps to address these concerns. For example, law reviews have established DEI committees and DEI editors to focus specifically on DEI issues. The *UCLA Law Review* has a Chief Diversity Editor,

³⁶² Willison, *supra* note 99, at 354.

³⁶³ *Id.* at 355.

³⁶⁴ *Id.*

³⁶⁵ See Vinay Harpalani, “Safe Spaces” and the Educational Benefits of Diversity, 13 DUKE J. CONST. L. & PUB. POL’Y. 117, 127 (2017).

³⁶⁶ *Id.* at 127.

³⁶⁷ *Id.*

³⁶⁸ *Id.* at 147.

³⁶⁹ See *id.* at 149-150.

while the *Wisconsin International Law Journal* has a diversity editor as a part of their senior executive staff.³⁷⁰ Generally, the DEI editor's job is to research ways to improve diversity, and work with the rest of the staff in various stages of the article selection and editing process to keep DEI issues front and center.³⁷¹ The *Drexel Law Review*³⁷² and the *Washington and Lee Law Review*³⁷³ have implemented executive editor positions that are responsible for membership and inclusion, and work to engage the diverse interests and backgrounds of members to foster an enhanced experience for all. Other law reviews, such as the *Stanford Law Review*, *Harvard Law Review*, and *Yale Law Journal*, emphasize 'blind-grading' of prospective member exams and scholarship submissions.³⁷⁴ These efforts aim to minimize the impact of implicit biases and stereotypes from precluding DEI goals.

CONCLUSION

In recent years, law reviews have begun to make significant strides. For example, in 2020, fifteen of the twenty-two members of the Volume 92 editorial board of the *Temple Law Review* identify as women.³⁷⁵ Further, of the seven top leadership positions of *Temple Law Review* in that same year, women filled six

³⁷⁰ *Masthead*, UCLA L. REV., <https://www.uclalawreview.org/volume-70-masthead-3/> [<https://perma.cc/CK7J-MPAS>] (last visited Oct. 1, 2022); *Wisconsin International Law Journal 2022-2023*, WIS. INT'L L. J., <https://wilj.law.wisc.edu/wp-content/uploads/sites/1270/2022/09/WILJ-Masthead-2022-23.pdf> [<https://perma.cc/YD54-UYSX>] (last visited Oct. 1, 2022).

³⁷¹ See, e.g., U. BUFF. SCH. L., *supra* note 356.

³⁷² *Compare Volume XV Executive Board*, DREXEL L. REV., <https://drexel.edu/law/lawreview/> [<https://perma.cc/7U8B-JTRV>] (last visited Oct. 12, 2022), with *Volume XIII Executive Board*, DREXEL L. REV., <https://drexel.edu/law/lawreview/masthead/overview/volume-XIII/> [<https://perma.cc/A4B8-V3N9>] (last visited Oct. 12, 2022) (listing no executive position focused on membership and inclusion).

³⁷³ *Compare Masthead Volume 80*, WASH. & LEE L. REV., <https://lawreview.wlu-law.wlu.edu/masthead-volume-80/> [<https://perma.cc/L2PL-A3XR>] (last visited Oct. 12, 2022) (listing Membership & Inclusion Editor position), with *Washington and Lee Law Review Volume 78*, WASH. & LEE L. REV., <https://lawreview.wlulaw.wlu.edu/wp-content/uploads/sites/15/2021/05/Volume.78.Masthead.pdf> [<https://perma.cc/QC4Z-5TKN>] (last visited Oct. 12, 2022).

³⁷⁴ STANFORD LAW REVIEW, *supra* note 357; Susan Sturm & Kinga Makovi, *Full Participation in the Yale Law Journal*, YALE L. J. 73, https://www.yalelawjournal.org/files/FullParticipationintheYaleLawJournal_e929dpx1.pdf [<https://perma.cc/4A55-7U9P>] (last visited Oct. 3, 2022) (describing blind review process for law review admission); *HLR Fact Sheet*, HARVARD L. REV., https://harvardlawreview.org/wp-content/uploads/2020/03/HLR_Fact_Sheet.pdf [<https://perma.cc/P9GW-R8NF>] (last visited Oct. 3, 2022) (describing blind review process for law review admissions).

³⁷⁵ Brittany R. Steane, *Preface: Commending Temple's Spirit of Changemaking*, 92 TEMP. L. REV. 707, 709 (2020) (stating that fifteen of twenty members of editorial board of law review were women).

of them.³⁷⁶ This stands in stark contrast to some of the trends observed by scholars less than a decade ago when men held most leadership positions in law reviews.³⁷⁷ *Temple Law Review* has also increased the number of evening student members in the last five years, with the Volume 92 editorial board including six part-time evening students, three of whom hold leadership positions.³⁷⁸ Evening students make up about 15% of each graduating class, but they are about 27% of Temple's Volume 92 editorial board.³⁷⁹ Finally, *Temple Law Review* has a dedicated Diversity Editor and adopted a Diversity Statement in November of 2019 to ensure they it would "promot[e] diversity in both its membership and scholarship."³⁸⁰

Still, diversity, equity, and inclusion remain a significant challenge for law reviews across the United States. In this Article, we have argued that law review's diversity problem must be viewed in the broader context of sociopolitical efforts to eradicate racial injustice in the United States and reform legal education. To realign the distorted function of the law review with its ideal purpose we recommend that law reviews focus on not merely increasing the equality of opportunities for underrepresented students and the discussion of marginalized experiences and diverse perspectives of law, but also challenge the fundamental structure of the law review and legal discourse, more generally. In so doing, law reviews will push back on the standard theory of meritocracy that governs the eligibility of prospective law review editors. Even more, they will embrace a more progressive vision of legal education and scholarly academic discourse.

³⁷⁶ *Id.*

³⁷⁷ See Lynne N. Kolodinsky, *The Law Review Divide: A Study of Gender Diversity on the Top Twenty Law Reviews* 5 (May 2014) (unpublished student note) <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1007&context=cllrp> [<https://perma.cc/FJN9-6MWT>].

³⁷⁸ Steane, *supra* note 375, at 709-10.

³⁷⁹ *Id.* at n.29.

³⁸⁰ *Id.* at 710 (quoting *Diversity Statement*, TEMP. L. REV. (Mar. 3, 2020), <https://www.templelawreview.org/diversity-statement> [<https://perma.cc/22ZR-45Q6>]).

APPENDIX A. BLACK LAW REVIEW EDITORS-IN-CHIEF

Clara Burrill Bruce

Clara Burrill Bruce was the first Black student and Black woman to lead a law review when she was elected editor-in-chief of the *Boston University Law Review* in 1925.³⁸¹ Bruce attended Miner Normal School, which pioneered Black female education and led to the development of the Black school system in the nation's capital.³⁸² Bruce then studied at Howard University for a year before transferring to Radcliffe College, where she studied history, education, and philosophy.³⁸³ After many years focusing on her family life, Bruce pursued her life-long ambition of studying law at Boston University, where she became the first Black editor-in-chief of a law review in the United States.³⁸⁴ Bruce went on to graduate as the top woman of her class and became the third Black woman admitted into the Massachusetts Bar in 1926.³⁸⁵ Bruce never expected her accomplishments to lead to a career as a practicing attorney, especially in a time where the opportunities available for Black attorneys were "reserved for men."³⁸⁶ Rather she studied law in hopes of using such knowledge to benefit the Black community. Bruce became active in politics and earned a nomination to the New York State Assembly in 1938.³⁸⁷ However, she opted to instead focus on submitting essays, articles, and poems for publication.³⁸⁸ She died in 1949 at age sixty-seven.³⁸⁹

Mary Johnson Lowe

Judge Mary Johnson Lowe was a federal judge known for her rulings in discrimination cases.³⁹⁰ Lowe received her law degree with honors from Brooklyn Law School, where she was the president of her class and the first Black editor-in-chief of the *Brooklyn Law Review*.³⁹¹ After years in private practice, Lowe became a judge in the New York City court system, and she was elected as justice

³⁸¹ See SMITH, *supra* note 210 at 39.

³⁸² *Miner Normal School*, D.C. HISTORIC SITES, <https://historicsites.dcpreservation.org/items/show/386> [<https://perma.cc/QQC9-WMCN>] (last visited Oct. 3, 2022).

³⁸³ Corinne Steinbrenner, *Barriers That Bend but Don't Break*, B.U. SCH. L. (Nov. 27, 2020), <http://www.bu.edu/law/record/articles/2020/clara-burrill-bruce-barriers-that-bend-but-dont-break/> [<https://perma.cc/8GP2-SV74>].

³⁸⁴ *A History of Diversity at BU Law*, B.U. SCH. L., <https://www.bu.edu/law/about/diversity/a-history-of-diversity/> [<https://perma.cc/FB3C-WK9A>] (last visited Oct. 3, 2022).

³⁸⁵ See Steinbrenner, *supra* note 383.

³⁸⁶ *Id.*

³⁸⁷ *Id.*

³⁸⁸ *Id.*

³⁸⁹ *Id.*

³⁹⁰ Eric Pace, *Mary J. Lowe, 74, U.S. Judge Noted for Her Rulings on Bias*, N.Y. TIMES, Mar. 3, 1999, at B9 (elaborating on Lowe's judicial record).

³⁹¹ *Id.*

of the Supreme Court of New York in 1977.³⁹² On May 10, 1978, Lowe became the second Black woman appointed to the Federal judiciary and was confirmed by the Senate on June 23, 1978.³⁹³ In 1981, Lowe ruled that a New York pension system was discriminatory against women because it required them to make larger contributions despite smaller monthly benefits.³⁹⁴ In 1984, she issued a notable injunction barring New York City from disenfranchising homeless people due to their lack of residence.³⁹⁵ Lowe assumed senior status in 1991, serving until her death on February 27, 1999.³⁹⁶

Wiley W. Manuel

Wiley William Manuel was the first Black justice of the California Supreme Court.³⁹⁷ Manuel attended Hastings Law School, where he graduated as both valedictorian and editor-in-chief of the *Hastings Law Journal*.³⁹⁸ Manuel began his legal career in 1953, serving twenty-three years with the California Department of Justice.³⁹⁹ He was named a judge of the Superior Court of Alameda County in 1976, and in 1977, he was appointed to the California Supreme Court.⁴⁰⁰ His service, however, was short-lived due to his death in January 1981.⁴⁰¹ To honor his life and dedication to public service, the Sacramento Association of Black Attorneys renamed itself as the Wiley Manuel Bar Association of Sacramento.⁴⁰² In 1982, the Wiley W. Manuel Law Foundation, which provides scholarship and career advice to aspiring lawyers in Northern California, was established.⁴⁰³ The State Bar of California also established the Wiley W. Manuel Certificate in 1989, which is awarded to recognize *pro bono* work to low-income clients.⁴⁰⁴

³⁹² Pace, *supra* note 390.

³⁹³ Lowe, *Mary Johnson*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/lowe-mary-johnson> [<https://perma.cc/F2W5-UAGG>] (last visited Oct. 3, 2022).

³⁹⁴ Pace, *supra* note 390.

³⁹⁵ *Id.*

³⁹⁶ See FEDERAL JUDICIAL CENTER, *supra* note 393.

³⁹⁷ Martha Noble & Noah Pollaczek, *Finding Aid to the Wiley W. Manuel Papers MSS.1102*, ONLINE ARCHIVE OF CAL. (Apr. 2013), https://oac.cdlib.org/findaid/ark:/13030/c8k64kf7/entire_text/ [<https://perma.cc/2CPX-EYRD>] (stating that Manuel was first Black justice on California Supreme Court).

³⁹⁸ Sullivan, *supra* note 215, at 734.

³⁹⁹ Noble & Pollaczek, *supra* note 397.

⁴⁰⁰ Jennifer Wellman, *Wiley W. Manuel (1927-1981)*, BLACKPAST (Aug. 27, 2018), <https://www.blackpast.org/african-american-history/manuel-wiley-w-1927-1981/> [<https://perma.cc/6TQ9-4XHN>].

⁴⁰¹ Noble & Pollaczek, *supra* note 397.

⁴⁰² *Id.*

⁴⁰³ *Id.*

⁴⁰⁴ Wellman, *supra* note 400.

Julius Chambers

Julius Chambers was the third Director-Counsel of the NAACP Legal Defense Fund (“LDF”).⁴⁰⁵ Born in 1936 in Mount Gilead, North Carolina, Julius Chambers was exposed to the racial intolerance and restraints of the Jim Crow South. The discrimination he faced influenced his path to become one of the nation’s leading African American civil rights attorneys.⁴⁰⁶ Chambers attended law school at the University of North Carolina at Chapel Hill in 1959.⁴⁰⁷ There, Chambers became editor-in-chief of the law review, the first African American to do so at a historically white, Southern university.⁴⁰⁸ In 1984, Chambers became Director-Counsel of the NAACP Legal Defense and Educational Fund.⁴⁰⁹ In this role, he won a landmark Supreme Court case against the Charlotte-Mecklenburg Board of Education in 1971, which led to federally mandated busing to reduce segregation.⁴¹⁰ From 1993-2001, Chambers was chancellor at North Carolina Central University.⁴¹¹ In 2020, seven years after Chambers’s death, the same Charlotte school district he litigated against in 1971 named a high school after him.⁴¹²

Vaughn C. Williams

Vaughn C. Williams currently serves on the boards of directors for Lawyers for Children, which offers free legal and social work advocacy for abused children, children within the foster care system, and children in high-conflict custody cases; Saint Vincent’s Hospital; Stanford Children’s Health (Lucile Packard Children’s Hospital Stanford); as well as the Board of Trustees for Stanford University.⁴¹³ Williams received his JD from Stanford University, where he was president of the *Stanford Law Review*.⁴¹⁴ Williams was a partner at Skadden,

⁴⁰⁵ *Julius LeVonne Chambers 1984-1993*, LEGAL DEF. FUND, <https://www.naapldf.org/about-us/history/julius-leVonne-chambers/> [<https://perma.cc/HS66-PJ62>] (last visited Oct. 7, 2022).

⁴⁰⁶ See RICHARD A. ROSEN & JOSEPH MOSNIER, *JULIUS CHAMBERS: A LIFE IN THE LEGAL STRUGGLE FOR CIVIL RIGHTS* 280 (2016).

⁴⁰⁷ *Julius Chambers Biography*, HISTORYMAKERS, <https://www.thehistorymakers.org/biography/julius-chambers-39> [<https://perma.cc/8F42-CEXN>].

⁴⁰⁸ See *id.*

⁴⁰⁹ See *id.*

⁴¹⁰ See *id.*

⁴¹¹ See *id.*

⁴¹² Annie Ma, *Introducing Julius L. Chambers High. CMS drops Vance High’s Confederate namesake*, CHARLOTTE OBSERVER (Oct. 14, 2020, 5:37 PM), <https://www.charlotte-observer.com/news/local/education/article246435735.html>.

⁴¹³ Kathleen J. Sullivan, *Vaughn C. Williams is elected trustee*, STAN. NEWS (Jan. 16, 2008), <http://news.stanford.edu/news/2008/january16/trustee-011608.html> [<https://perma.cc/3KU4-6TQD>]; Vaughn Williams, LINKEDIN, <https://www.linkedin.com/in/vaughn-williams-127b28132/> (last visited Oct. 7, 2022).

⁴¹⁴ Vaughn Williams, LINKEDIN, <https://www.linkedin.com/in/vaughn-williams-127b28132/> (last visited Aug. 30, 2022).

Arps, Slate, Meagher & Flom, LLP and Affiliates, where he represented various companies in investigations by the Securities and Exchange Commission, the New York Stock Exchange, the National Association of Securities Dealers, and other regulatory agencies.⁴¹⁵ Williams was also active in pro bono practice and served on the committee dedicated toward administering the Skadden Fellowship Foundation, a two-year fellowship allowing law school graduates to pursue public interest work full time.⁴¹⁶

Phoebe Haddon

Phoebe Haddon is the former chair of the Federal Reserve of Philadelphia's Board of Directors and chancellor emerita of Rutgers University.⁴¹⁷ Haddon received her JD from Duquesne University School of Law, where she was editor-in-chief of the law review.⁴¹⁸ Afterward, she clerked for Joseph F. Weis, Jr. on the Third Circuit before becoming an associate at what is now WilmerHale.⁴¹⁹ After graduating from Yale with an LLM, Haddon became deputy executive director at the Redevelopment Authority of the City of Philadelphia ("RDA") and then president of the Philadelphia Development Mortgage Assistance Corporation.⁴²⁰ In 1990, Haddon began teaching at the Temple University Beasley School of Law, where she fought against racial and gender bias on the Pennsylvania bench and bar.⁴²¹ She became the first female African American leader of Rutgers University in 2014 when she was appointed as chancellor.⁴²² In 2019, Haddon received the Ruth Bader Ginsburg Lifetime Achievement Award from the Association of American Law Schools.⁴²³

Teresa Wynn Roseborough

Teresa Wynn Roseborough is the Executive Vice President–General Counsel & Corporate Secretary of Home Depot, where she works on securities, litigation, mergers and acquisitions, real estate, and more.⁴²⁴ Roseborough earned a

⁴¹⁵ Sullivan, *supra* note 413.

⁴¹⁶ *Id.*

⁴¹⁷ Phoebe Haddon, LINKEDIN, <https://www.linkedin.com/in/phoebe-haddon-76b5b6113/> (last visited Aug. 30, 2022).

⁴¹⁸ *Phoebe Haddon*, RUTGERS L. (last visited Oct. 7, 2022), <https://law.rutgers.edu/directory/view/ph294> [<https://perma.cc/7573-WZ7Y>].

⁴¹⁹ Haddon, *supra* note 434.

⁴²⁰ *Id.*

⁴²¹ Phoebe Haddon, *supra* note 435.

⁴²² Susan Snyder, *Rutgers-Camden's First Black Female Chancellor Is Stepping Aside After Six Years*, PHILA. INQUIRER (Feb. 17, 2020), <https://www.inquirer.com/news/rutgers-camden-chancellor-phoebe-haddon-leaving-20200217.html>.

⁴²³ *Phoebe A. Haddon*, FED. RSRV. BANK PHILA., <http://www.philadelphiafed.org/our-people/haddon-phoebe-a> [<https://perma.cc/KG84-HQXQ>] (last visited Oct. 7, 2022).

⁴²⁴ *Teresa Wynn Roseborough*, HOME DEPOT, <https://corporate.homedepot.com/leadership/teresa-wynn-roseborough> [<https://perma.cc/ZQ63-SDDP>] (last visited Oct. 7, 2022).

JD from the University of North Carolina, where she was editor-in-chief of the law review.⁴²⁵ Roseborough rose to become a partner with the law firm Sutherland, Asbill & Brennan, LLP, and deputy assistant attorney general of the United States.⁴²⁶ She also clerked for Supreme Court Justice John Paul Stevens.⁴²⁷ In 2009, Roseborough was named one of the 25 Influential Black Women in Business by the *Network Journal* and one of America's top Black attorneys in 2000 by *Black Enterprise*.⁴²⁸ She continues to play an active role in civic involvement, and in 2022, she was presented with the Scales of Justice Award from Equal Justice Works.⁴²⁹

Scott Brewer

Scott Brewer became a professor of law at Harvard in 1991.⁴³⁰ He earned his JD from Yale, where he was the editor-in-chief of the *Yale Law Journal*.⁴³¹ Prior to his teaching, he clerked for Supreme Court Justice Thurgood Marshall.⁴³² Brewer's appointment to Harvard University drew praise from various members of the faculty, as it raised the then-sparse number of minority faculty.⁴³³ Brewer downplayed his racial background, saying he was "not planning any special [minority] perspective" with respect to his teaching or research.⁴³⁴ Brewer writes and teaches about the nature, use, and role of arguments in law, politics, and "everyday life."⁴³⁵ He also co-founded Harvard's annual Summer School on Law and Logic.⁴³⁶

⁴²⁵ *Id.*

⁴²⁶ *Id.*

⁴²⁷ Teresa Wynn Roseborough, SAVOY, <http://savoynetwork.com/features/teresa-wynn-roseborough/> [<https://perma.cc/EE9P-EYRM>] (last visited Oct. 7, 2022).

⁴²⁸ Lauren McDonald, *Home Depot Executive Addresses Ways Women Can Be Successful*, RED & BLACK (last updated Apr. 10, 2014), https://www.redandblack.com/uganews/campus/home-depot-executive-addresses-ways-women-can-be-successful/article_09b0e40a-c034-11e3-ace5-001a4bcf6878.html [<https://perma.cc/63CB-EKM3>].

⁴²⁹ *Equal Justice Works to Honor Teresa Wynn Roseborough at Scales of Justice Event*, EQUAL JUST. WORKS (Mar. 8, 2022) (<https://www.equaljusticeworks.org/news/scales-of-justice-teresa-wynn-roseborough/>) [<https://perma.cc/4BP6-MMNX>].

⁴³⁰ *Scott Brewer*, HARV. L. SCH., <https://hls.harvard.edu/faculty/directory/10106/Brewer> [<https://perma.cc/4AU6-NVMN>] (last visited Oct. 7, 2022).

⁴³¹ *Scott Brewer*, NAT'L UNIV. SINGAPORE L., <https://law.nus.edu.sg/people/scott-brewer/> [<https://perma.cc/E8V5-LLHY>] (last visited Oct. 7, 2022).

⁴³² *Legal Doubt, Scientific Certainty*, UNIV. ALA. SCH. LAW L., <https://www.law.ua.edu/programs/symposiums/symposium-archives/legal-doubt-scientific-certainty/1811-2/> [<https://perma.cc/M7ZK-YM4D>] (last visited Oct. 7, 2022).

⁴³³ Jay K. Varma, *Law School Hires New Prof.: Move Boosts Minority Law Faculty to Six out of 67*, HARV. CRIMSON (Feb. 15, 1990), <https://www.thecrimson.com/article/1990/2/15/law-school-hires-new-prof-pin/>.

⁴³⁴ *Id.*

⁴³⁵ *Scott Brewer*, *supra* note 431.

⁴³⁶ *Scott Brewer*, *supra* note 430.

Barack Obama

Barack Obama was the first African American president of the United States. Before he attended law school, Obama worked with low-income families residing in the South Side of Chicago as a community organizer.⁴³⁷ In 1988, Obama enrolled at Harvard University Law School, where he was elected the first African American president of the *Harvard Law Review*.⁴³⁸ Obama joined the Sidley & Austin law firm in Chicago in 1989 as a summer associate.⁴³⁹ After law school, Obama moved back to Chicago, where he practiced as a civil rights lawyer at the Miner, Barnhill & Galland law firm.⁴⁴⁰ In 2004, Obama, then a state senator, became the third African American to be elected to the U.S. Senate since Reconstruction.⁴⁴¹ As a U.S. senator, Obama passed legislation enacting lobbying reform, removing dangerous weapons, and publishing federal spending online.⁴⁴² In 2007, Obama announced his candidacy for the 2008 Democratic presidential nomination.⁴⁴³ He won the election and was sworn in as president of the United States in 2009.⁴⁴⁴ During his two terms as president, Obama pushed for legislation to save the automotive industry following the Great Recession and to make healthcare more affordable.⁴⁴⁵

Shauna Jackson

Shauna Jackson's accomplishments have been recognized by the *New York Times*, *U.S. News and World Report*, *National Law Review*, as well as *Glamour* and *Ebony Magazine*—where she was noted as “one of the top 25 leaders of the future generation.”⁴⁴⁶ Jackson received her JD from Stanford Law School in 1991, where she was the first Black female president of the *Stanford Law*

⁴³⁷ See Frank Freidel & Hugh Sidey, *Barack Obama*, WHITE HOUSE, <https://www.whitehouse.gov/about-the-white-house/presidents/barack-obama/> [<https://perma.cc/UMY7-HK3U>] (last visited Oct. 8, 2022).

⁴³⁸ *Id.*

⁴³⁹ *Chicago: Where it began*, OBAMA FOUND., <https://www.obama.org/chapter/chicago-where-it-began/> [<https://perma.cc/4M2F-BXGR>] (last visited Oct. 8, 2022).

⁴⁴⁰ *A Firm With a Powerful Story and a Profound Impact*, MINER, BARNHILL & GALLAND, P.C., <https://www.lawmbg.com/history/> [<https://perma.cc/5NJH-62FM>] (last visited Oct. 8, 2022).

⁴⁴¹ See Freidel & Sidey, *supra* note 455.

⁴⁴² *President Barack Obama*, WHITE HOUSE <https://obamawhitehouse.archives.gov/administration/president-obama> [<https://perma.cc/T8V9-HB94>] (last visited Oct. 8, 2022).

⁴⁴³ *Chicago: Where it began*, *supra* note 457.

⁴⁴⁴ *Id.*

⁴⁴⁵ *Id. Economic Progress*, OBAMA FOUND., <https://www.obama.org/our-story/economic-rescue-recovery-rebuilding-new-foundation/> [<https://perma.cc/JV2Q-9TUQ>] (last visited Oct. 8, 2022); *Health Care*, OBAMA FOUND., <https://www.obama.org/chapter/health-care/> [<https://perma.cc/Q3YH-AL4E>] (last visited Oct. 8, 2022).

⁴⁴⁶ *Alumni career advice: Keep open mind, do something you enjoy*, STAN. NEWS (Aug. 25, 1993), <https://news.stanford.edu/pr/93/930825Arc3162.html> [<https://perma.cc/6BDG-DPHQ>].

Review.⁴⁴⁷ After her graduation from Stanford Law School, Jackson was admitted into the State Bar of California in December 1991.⁴⁴⁸ She was also involved in the “Rebuild L.A.” project, Los Angeles’s response to the 1992 Uprising which prioritized the creation of jobs catered to the affected areas.⁴⁴⁹ However, this effort was short-lived and was shut down in 2003.⁴⁵⁰ Jackson was able to represent the Latham & Watkins law firm during this effort.⁴⁵¹ Jackson is currently self-employed and is ineligible to practice law in the state of California since August 16, 2007 due to the inability to pay fees.⁴⁵²

Adrienne Davis

Adrienne Davis is the current vice provost and William M. Van Cleve Professor of Law at Washington University in St. Louis.⁴⁵³ Davis earned her JD from Yale Law School, where she served on the Executive Committee of the *Yale Law Journal*.⁴⁵⁴ She previously worked as Associate Professor and Professor of Law and Co-Director of the Work, Gender, and Family Initiative at American University Washington College of Law.⁴⁵⁵ In addition to her teaching and scholarship roles, Davis has written extensively on the gendered and private law dimensions of American slavery.⁴⁵⁶ She is the co-editor of *Privilege Revealed: How Invisible Preference Undermines America*⁴⁵⁷ and has published various articles in top law reviews.⁴⁵⁸ Davis also received two research grants from the Ford Foundation on topics regarding Black women and labor; and women, slavery, sexuality, and religion.⁴⁵⁹

⁴⁴⁷ *Id.*

⁴⁴⁸ *Attorney Profile: Shauna Daneen Jackson #156185*, STATE BAR CAL., <http://members.calbar.ca.gov/fal/Licensee/Detail/156185> [<https://perma.cc/5E6G-2W3W>].

⁴⁴⁹ See Melissa Chadburn, *The Destructive Force of Rebuild LA*, CURBED LA (Apr. 27, 2017, 10:00 AM), <https://la.curbed.com/2017/4/27/15442350/1992-los-angeles-riots-rebuild-la> [<https://perma.cc/832Q-JBW8>].

⁴⁵⁰ *Id.*

⁴⁵¹ STAN. NEWS, *supra* note 446.

⁴⁵² STATE BAR CAL., *supra* note 448.

⁴⁵³ *Adrienne Davis*, WASH. UNIV. ST. LOUIS SCH. L., <https://law.wustl.edu/faculty-staff-directory/profile/adrienne-davis/> [<https://perma.cc/RG4T-7ALB>] (last visited Oct. 8, 2022).

⁴⁵⁴ *Id.*

⁴⁵⁵ *Adrienne Dale Davis*, LINKEDIN, <https://www.linkedin.com/in/adrienne-dale-davis-2489454b/> (last visited Oct. 8, 2022).

⁴⁵⁶ *Adrienne Davis*, *supra* note 453.

⁴⁵⁷ *Adrienne Davis*, WASH. UNIV. ST. LOUIS ARTS & SCIS., <https://afas.wustl.edu/people/adrienne-davis> [<https://perma.cc/C5Y4-AC6B>] (last visited Oct. 8, 2022).

⁴⁵⁸ *Adrienne Davis*, *supra* note 453.

⁴⁵⁹ *Id.*

Derek Anthony West

Derek Anthony West is a former associate attorney general of the United States and is the current general counsel at Uber.⁴⁶⁰ West earned his J.D. from Stanford University, where he was president of the *Stanford Law Review*.⁴⁶¹ In 1993, West joined the Justice Department as special assistant to the deputy attorney general.⁴⁶² His work focused mainly on crime policy and the Omnibus Crime Bill of 1994.⁴⁶³ In 1999, West served as a special assistant attorney general in California before joining Morrison & Foerster, LLP as a litigation partner in 2001.⁴⁶⁴ West was later appointed as the assistant attorney general for the Civil Division of the U.S. Department by President Barack Obama.⁴⁶⁵ West rose to the position of associate attorney general before leaving in 2014 for the private sector.⁴⁶⁶ In 2017, he started his current position at Uber.⁴⁶⁷

Christopher Cooper

Christopher R. Cooper is currently a judge on the U.S. District Court for the District of Columbia.⁴⁶⁸ Judge Cooper received his J.D. from Stanford Law School, where he was the editor-in-chief of the law review and a board member of the *pro bono* legal clinic.⁴⁶⁹ After graduating, he clerked for Chief Court of

⁴⁶⁰ *Uber Technologies Inc.: Derek Anthony West*, WSJ: MARKETS, <https://www.wsj.com/market-data/quotes/UBER/company-people/executive-profile/131004122> [<https://perma.cc/26LU-H9C7>] (last visited Oct. 14, 2022).

⁴⁶¹ *Id.*; *Derek Anthony West: Biography*, HISTORYMAKERS, (Nov. 11, 2010, 4:00 AM), <https://www.thehistorymakers.org/biography/derek-anthony-west> [<https://perma.cc/24Z8-XD2D>].

⁴⁶² Sari Horwitz, *Justice Dept. Lawyer Tony West to Take Over As Acting Associate General*, WASH. POST, (Feb. 27, 2012), https://www.washingtonpost.com/politics/justice-dept-lawyer-tony-west-to-take-over-as-acting-associate-attorney-general/2012/02/24/gIQAqyBOeR_story.html.

⁴⁶³ *West, Derek A. "Tony,"* OUR CAMPAIGNS, <https://www.ourcampaigns.com/CandidateDetail.html?CandidateID=212285> [<https://perma.cc/C533-UVYM>] (last visited Oct. 7, 2022).

⁴⁶⁴ *See Horwitz, supra note 462.*

⁴⁶⁵ Press Release, White House, President Barack Obama Announces Key DOJ Appointees (Jan. 22, 2009), <https://obamawhitehouse.archives.gov/the-press-office/president-barack-obama-announces-key-doj-appointees> [<https://perma.cc/D6S5-D9AU>].

⁴⁶⁶ Horwitz, *supra* note 462; *Pepsico Names Tony West Executive Vice President, Government Affairs, General Counsel and Corporate Secretary*, PR NEWSWIRE, (Oct. 7, 2014, 6:00 AM), <https://www.prnewswire.com/news-releases/pepsico-names-tony-west-executive-vice-president-government-affairs-general-counsel-and-corporate-secretary-278343281.html> [<https://perma.cc/S9XJ-JFGD>].

⁴⁶⁷ Tony Romm & Johana Bhuiyan, *Uber Has Hired PepsiCo's Tony West As Its New Chief Legal Officer*, VOX, (Oct. 27, 2017, 6:14 PM), <https://www.vox.com/2017/10/27/16562372/uber-hire-pepsico-tony-west-chief-legal-officer> [<https://perma.cc/SK2L-4UXH>].

⁴⁶⁸ *District Judge Christopher R. Cooper*, U.S. DIST. CT. D.C., <https://www.dcd.uscourts.gov/content/district-judge-christopher-r-cooper> [<https://perma.cc/YE6D-6E8C>] (last visited Oct. 7, 2022).

⁴⁶⁹ *Id.*

Appeals Judge Abner J. Mikva in the D.C. Circuit.⁴⁷⁰ He then went on to work for the United States Department of Justice as special assistant to the deputy attorney general. Judge Cooper worked at various private firms in London and Washington D.C for the next 17 years.⁴⁷¹ In August 2013, he was nominated to the United States District Court for the District of Columbia by President Barack Obama.⁴⁷² Judge Cooper has been involved in the Ahmed Abu Khattala case, a lawsuit against the CIA and NSA filed by an MIT graduate student, a petition for a preliminary injunction filed by the Committee of 100, and a racial discrimination case brought against Airbnb.⁴⁷³

Tanya Coke

Tanya Coke is the director of the Ford Foundation's Gender, Racial, and Ethnic Justice team.⁴⁷⁴ Coke studied at NYU School of Law, where she was editor-in-chief of the law review.⁴⁷⁵ After graduating from NYU, Coke began her career at the NAACP Legal Defense & Educational Fund as a research director in the Capital Punishment Project.⁴⁷⁶ Since then, she has been a program development consultant for major social justice organizations and has taught as a distinguished professor at John Jay College.⁴⁷⁷ She also practiced as a trial attorney in the Federal Defender Division of the Legal Aid Society.⁴⁷⁸ Her previous clients include the ACLU, the Open Society Institute, the Brennan Center for Justice, the Ford Foundation, the NAACP Legal Defense Fund, and Atlantic

⁴⁷⁰ *Id.*

⁴⁷¹ *Id.*

⁴⁷² Press Release, White House, President Obama Nominates Six to Serve on the United States District Courts (Aug. 1, 2013), <https://obamawhitehouse.archives.gov/the-press-office/2013/08/01/president-obama-nominates-six-serve-united-states-district-courts> [<https://perma.cc/3KB7-YYLB>].

⁴⁷³ Ann E. Marimow, *Well-Connected Rookie Judge to Preside Over Khattala Benghazi Trial*, WASH. POST, (July 7, 2014, 2:49 PM), <https://www.washingtonpost.com/blogs/in-the-loop/wp/2014/07/07/well-connected-rookie-judge-to-preside-over-khattala-benghazi-trial/>; Zenitha Prince, *MIT Historian Sues U.S. Intelligence Agencies Over Mandela Files*, AFRO, (Mar. 27, 2014), <https://afro.com/mit-historian-sues-u-s-intelligence-agencies-over-mandela-files/> [<https://perma.cc/4UZT-W7RV>]; *Judge Denies Request to Stop Work on Virginia Avenue Tunnel*, WASH. POST, https://www.washingtonpost.com/local/judge-denies-request-to-stop-work-on-virginia-avenue-tunnel/2015/04/07/bf0486fe-dd66-11e4-a500-1e5bb1d8ff6a_story.html (last visited Oct. 14, 2022); Katie Benner, *Federal Judge Blocks Racial Discrimination Suit Against Airbnb*, N.Y. TIMES, (Nov. 1, 2016), <https://www.nytimes.com/2016/11/02/technology/federal-judge-blocks-racial-discrimination-suit-against-airbnb.html>.

⁴⁷⁴ *Tanya Coke*, FORD FOUND., <https://www.fordfoundation.org/about/people/tanya-coke/> [<https://perma.cc/8KZ9-SKPN>] (last visited Oct. 10, 2022).

⁴⁷⁵ *Id.*

⁴⁷⁶ *Id.*

⁴⁷⁷ *Id.*

⁴⁷⁸ *Id.*

Philanthropies.⁴⁷⁹ In her current role at the Ford Foundation, she focuses on mass incarceration, the harsh treatment of immigrants, and gender/reproductive justice.⁴⁸⁰ She has received awards for her work, including the Reebok Human Rights Award in 1988 and the Distinguished Recent Graduate Award from NYU's School of Law in 2004.⁴⁸¹

David Panton

David Panton is a managing partner of Navigation Capital Partners, Inc.'s SPAC Operations Group and the chairman of Panton Equity Partners, LLC.⁴⁸² Born and raised in Jamaica, Panton now resides in Atlanta, GA.⁴⁸³ Panton received his J.D. with honors from Harvard Law School, where he was president of the law review.⁴⁸⁴ His prior roles include vice president at Mellon Ventures from 2003-2006, co-founder and managing director of Caribbean Equity Partners, an associate at Morgan Stanley in New York City, co-founder and Chief Strategy Officer at American Virtual Cloud Technologies, and even a senator in the Upper House of Parliament in Jamaica.⁴⁸⁵ A fun fact about Panton is that he was the college roommate of Ted Cruz, who is currently a senator from Texas.⁴⁸⁶

William Burck

William Burck is a co-managing partner at Quinn Emanuel's D.C. office.⁴⁸⁷ In 1998, Burck graduated from Yale Law School, where he was the editor-in-chief of the law journal.⁴⁸⁸ Burck is now a trial lawyer who represents companies, boards of directors, and senior executives.⁴⁸⁹ He advises on white-collar issues.⁴⁹⁰ At Quinn Emanuel, he is the co-chair of the Crisis Law and Strategy Group, the Government and Regulatory Litigation Group, and the Investigations, Government Enforcement, and the White-Collar Criminal Defense Group.⁴⁹¹ Burck has been named D.C. White-Collar Crime and Government

⁴⁷⁹ *Id.*

⁴⁸⁰ FORD FOUND., *supra* note 493.

⁴⁸¹ *Affiliated Faculty*, JOHN JAY COLL. OF CRIM. JUST., <https://www.jjay.cuny.edu/center-race-crime-and-justice/faculty> [<https://perma.cc/3ELX-LZAF>] (last visited Oct. 10, 2022).

⁴⁸² *David Panton*, NAVIGATION CAP. PARTNERS: SPAC OPERATIONS, <http://navigationcapital.com/team/david-panton/> [<https://perma.cc/98WA-UCP8>] (last visited Oct. 9, 2022).

⁴⁸³ *Id.*

⁴⁸⁴ *Id.*

⁴⁸⁵ *Id.*

⁴⁸⁶ Jason Horowitz, *In College Roommate David Panton, Ted Cruz Finds Unwavering Support*, N.Y. TIMES (Apr. 24, 2016), <https://www.nytimes.com/2016/04/24/us/politics/ted-cruz-college-roommate.html>.

⁴⁸⁷ *William A. Burck*, QUINN EMANUEL TRIAL LAWS., <https://www.quinnemanuel.com/attorneys/burck-william/> [<https://perma.cc/6Y3E-SZUZ>] (last visited Oct. 9, 2022).

⁴⁸⁸ *Id.*

⁴⁸⁹ *Id.*

⁴⁹⁰ *Id.*

⁴⁹¹ *Id.*

Investigations Lawyer of the Year by *Chambers USA*, a top-five white-collar defense lawyer by *Law360*, and White-Collar/Investigations/Enforcement Lawyer of the Year by *Benchmark Litigation*.⁴⁹² Formerly, he served as a federal prosecutor in New York City and as a special counsel and deputy counsel to President George W. Bush, serving as the lead prosecutor in *United States v. Martha Stewart*.⁴⁹³

Kedric L. Payne

Kedric L. Payne is the vice president, general counsel, and senior director of ethics at the Campaign Legal Center, specializing in government ethics, lobbying law, and election law.⁴⁹⁴ In 2001, Payne received a J.D. from the University of Pennsylvania, where he was editor-in-chief of the *Pennsylvania Law Review*.⁴⁹⁵ He has worked as a judicial law clerk for the U.S. District Court for the Southern District of New York and was an associate at multiple private law firms.⁴⁹⁶ He then became deputy chief counsel in the Office of Congressional Ethics, a deputy general counsel for Environment and Compliance in the U.S. Department of Energy, and a senior corporate counsel for compliance at Amazon.⁴⁹⁷ At the University of Pennsylvania School of Law, Payne taught government ethics, lobbying law, and election law as an adjunct professor.⁴⁹⁸ He received the 2014 Adjunct Teaching Award.⁴⁹⁹⁵⁰⁰

Leondra Kruger

Leondra Kruger is an associate justice of the California Supreme Court.⁵⁰¹ Justice Kruger received a J.D. from Yale University, where she was editor-in-chief of the *Yale Law Journal*.⁵⁰² In the summer of 1999, she interned in the U.S.

⁴⁹² *Id.*

⁴⁹³ *Id.*

⁴⁹⁴ *Kedric Payne*, CAMPAIGN LEGAL CTR., <https://campaignlegal.org/staff/kedric-payne> [<https://perma.cc/3CDT-24VG>] (last visited Oct. 9, 2022).

⁴⁹⁵ *Id.*

⁴⁹⁶ *Id.*

⁴⁹⁷ *Id.*; *Kedric L. Payne*, LINKEDIN, <https://www.linkedin.com/in/kedric-l-payne-a64573130/> [<https://perma.cc/4GKL-9PGE>] (last visited Oct. 9, 2022).

⁴⁹⁸ *Penn Law Faculty: Kedric Payne L'01*, PENN LAW, <https://www.law.upenn.edu/cf/faculty/kpayne3/> [<https://perma.cc/YJX6-ZQBL>] (last visited May 27, 2021 Oct. 9, 2022).]

⁴⁹⁹ CAMPAIGN LEGAL CTR. *supra* note 513.

⁵⁰⁰ *Id.*

⁵⁰¹ *Associate Justice Leondra R. Kruger*, CAL. CTS.: JUD. BRANCH OF CAL., <https://www.courts.ca.gov/33016.htm> [<https://perma.cc/682Q-WPDC>] (last visited Oct. 9, 2022).

⁵⁰² *Id.*

Attorney's Office in Los Angeles.⁵⁰³ After that, she clerked for Appeals Judge David Tatel in the District of Columbia and for U.S. Supreme Court Justice John Paul Stevens.⁵⁰⁴ Before her nomination to the California Supreme Court, she was an assistant to the U.S. solicitor general and acting principal deputy solicitor general, a position in which she argued twelve cases before the Supreme Court.⁵⁰⁵ In 2013, she became the deputy assistant attorney general at the United States Department of Justice Office of Legal Counsel.⁵⁰⁶ In 2014, she was appointed to the California Supreme Court.⁵⁰⁷ She is sometimes a swing vote on the divided court.⁵⁰⁸ Upon Justice Stevens' retirement, it was speculated that President Barack Obama would nominate Justice Kruger for his seat.⁵⁰⁹

Jack White

Jack White is currently a member of the Government Investigations and White-Collar Litigation Department at McGuireWoods.⁵¹⁰ White served five years in the U.S. Army on active duty and remained in the U.S. Army Reserve while he attended Pepperdine University School of Law.⁵¹¹ He graduated *magna cum laude* and was the editor-in-chief of the school's law review.⁵¹² After graduating, he clerked for Samuel Alito, both as a circuit judge for the Third Circuit and as a Supreme Court justice.⁵¹³ After his clerkships, White became a partner at Fluet Huber + Hoang, where he advised companies, boards of directors, municipalities, academic institutions, and individual and corporate clients.⁵¹⁴ In

⁵⁰³ Amy Howe, *Profile of a Potential Nominee: Leandra Kruger*, SCOTUSBLOG, (Jan. 26, 2022, 2:11 PM), <https://www.scotusblog.com/2022/01/profile-of-a-potential-nominee-leandra-kruger/> [<https://perma.cc/AA8L-JN55>].

⁵⁰⁴ *Id.*

⁵⁰⁵ *Id.*

⁵⁰⁶ *Id.*

⁵⁰⁷ *Id.*

⁵⁰⁸ *Id.* ("And when the court has divided, Kruger has been difficult to pigeonhole. She has sometimes joined Democratic appointees to reach an arguably 'liberal' result, but at other times she has joined Republican appointees to arrive at an arguably 'conservative' result.").

⁵⁰⁹ Adam Liptak, *Justice Leandra R. Kruger of the California Supreme Court is a Possible Nominee*, N.Y. TIMES, (Jan. 26, 2022), <https://www.nytimes.com/2022/01/26/us/politics/justice-leandra-r-kruger.html>.

⁵¹⁰ *Jack White (J.D. '03) Joins Government Investigations Team at McGuireWoods*, PEPPERDINE CARUSO SCH. OF L. (Jan. 20, 2022), <https://law.pepperdine.edu/surf-report/posts/jack-white-jd-03-joins-mcguirewoods-government-investigations-team.htm> [<https://perma.cc/KQ6A-RMDH>].

⁵¹¹ *Jack L. White*, MCGUIREWoods LLP, <https://www.mcguirewoods.com/people/w/jack-l-white> [<https://perma.cc/5A7E-PZ8E>] (last visited Oct. 12, 2022).

⁵¹² *Army Announces Panel For Fort Hood Independent Review*, U.S. ARMY, (July 30, 2020), https://www.army.mil/article/237678/army_announces_panel_for_fort_hood_independent_review [<https://perma.cc/C6VX-4KPJ>].

⁵¹³ *Id.*

⁵¹⁴ *Jack White*, FLUET HUBER+ HOANG PLLC, <https://fhhfirm.com/jack-white> [<https://web.archive.org/web/20210410193434/https://fhhfirm.com/jack-white>] (last visited Oct. 12, 2022).

addition to his legal roles, White is an ordained minister and has had congregations in Savannah, GA and San Francisco, CA.⁵¹⁵ Most recently, White ran for Virginia Attorney General in 2021 as a Republican candidate, vowing to support police officers, access to guns, and in-person learning during the pandemic, but he lost his primary.⁵¹⁶

Robert Boone

Robert Boone is currently a partner at WilmerHale.⁵¹⁷ Boone was one out of forty-four Black students who was accepted into Boalt Hall School of Law at the University of California, Berkeley.⁵¹⁸ He was only one out of fifteen Black students who ended up enrolling.⁵¹⁹ He became the first Black editor-in-chief of the school's law review.⁵²⁰ After graduating, Boone clerked for the U.S. Circuit Court of Appeals for the Sixth Circuit.⁵²¹ He joined private practice for four years before becoming the assistant U.S. attorney for the Southern District of New York.⁵²²

Karin Portlock

Karin Portlock is currently of counsel at Gibson Dunn, where she is also on White-Collar Defense and Investigations, Crisis Management, Labor and Employment, and Litigation teams.⁵²³ Portlock received her J.D. from Columbia Law School where she was a Harlan Fiske Stone scholar, chair of the Civil Rights Law Society, and editor-in-chief of the law review.⁵²⁴ After graduating from law school in 2008, she clerked for Judges Amalya L. Kearse and Jon O. Newman on the Second Circuit. She later became a member of the Second Circuit's *Pro Bono* Panel.⁵²⁵ After clerking, she worked at an international law firm, working with civil cases and appeals, and then became an assistant United States attorney in the U.S. Attorney's Office for the Southern District of New York

⁵¹⁵ *Id.*

⁵¹⁶ Jack White, VA. PUB. ACCESS PROJECT, www.vpap.org/candidates/374661-jack-white/ [<https://perma.cc/U8RL-DS9T>] (last visited Oct. 12, 2022).

⁵¹⁷ Robert L. Boone, WILMER CUTLER PICKERING HALE AND DORR LLP, <https://www.wilmerhale.com/en/people/robert-boone> [<https://perma.cc/GVX6-BGJH>] (last visited Oct. 12, 2022).

⁵¹⁸ Michelle Maitre, *First Black Editor of Boalt Law Review Has Lofty Goals*, E. BAY TIMES (Aug. 17, 2016, 7:10 AM), <https://www.eastbaytimes.com/2006/03/08/first-black-editor-of-boalt-law-review-has-lofty-goals/>.

⁵¹⁹ *Id.*

⁵²⁰ *Id.*

⁵²¹ Robert Boone, LINKEDIN, <https://www.linkedin.com/in/robert-boone-92b791216/> [<https://perma.cc/52D2-YREB>] (last visited Oct. 12, 2022).

⁵²² *Id.*

⁵²³ Karin Portlock, GIBSON, DUNN & CRUTCHER LLP, <https://www.gibsondunn.com/lawyer/portlock-karin/> [<https://perma.cc/MWR6-2W63>] (last visited Oct. 12, 2022).

⁵²⁴ *Id.*

⁵²⁵ *Id.*

from 2015-2020.⁵²⁶ In her role as assistant attorney in the Southern District of New York, Portlock prosecuted federal criminal violations and handled investigations with law enforcement agencies (including the FBI).⁵²⁷ She is also on the Board of Directors for the Columbia Law Review Association.⁵²⁸

Helam Gebremariam

Helam Gebremariam is a partner at Cravath, Swaine & Moore, LLP.⁵²⁹ Gebremariam studied law at NYU, where she was the editor-in-chief of the law review and an AnBryce Scholar.⁵³⁰ After graduating, she became a law clerk to Judge Robert P. Patterson Jr. of the U.S. District Court for the Southern District of New York.⁵³¹ She joined Cravath Swaine & Moore, LLP in 2011 but left in 2015 to work at the United States Department of Justice as senior counsel to Deputy Attorney General Sally Q. Yates and in the Office for Access to Justice.⁵³² She left government work in 2019 and returned to Cravath, where she made partner in 2020.⁵³³ She is the partner liaison to the firm's African American/Black Affinity Group and a member of the firm's Pro Bono Committee.⁵³⁴ At Cravath, she "focuses on complex civil litigation involving antitrust, contractual disputes, securities and shareholder derivative suits, and investigations."⁵³⁵ Her clients have included Alcoa, DuPont, Minerals Technologies, Novartis Pharmaceuticals and Warner Media and Warner Bros. Entertainment.⁵³⁶ In the summer of 2021, she successfully defended Elon Musk in a Delaware Chancery Court suit and the court ruled in favor of Musk on all counts in April 2022.⁵³⁷

Dwayne Robinson

Dwayne Robinson is a partner at Kozyak, Tropin & Throckmorton.⁵³⁸ After receiving his B.S. in Journalism and B.A. in Political Science from the University of Florida, where he was editor-in-chief of the campus newspaper, Robinson worked as a reporter for the *Palm Beach Post*.⁵³⁹ Robinson returned to the University of Florida to obtain his J.D. and was named the editor-in-chief of the law

⁵²⁶ *Id.*

⁵²⁷ *Id.*

⁵²⁸ *Id.*

⁵²⁹ Helam Gebremariam, CRAVATH, SWAINE & MOORE, LLP, <https://www.cravath.com/people/helam-gebremariam.html> [<https://perma.cc/WJ9K-RRQ6>] (last visited Oct. 13, 2022).

⁵³⁰ *Id.*

⁵³¹ *Id.*

⁵³² *Id.*

⁵³³ *Id.*

⁵³⁴ *Id.*

⁵³⁵ *Id.*

⁵³⁶ *Id.*

⁵³⁷ *Id.*

⁵³⁸ Dwayne A. Robinson, KOZYAK TROPIN & THROCKMORTON, <https://kttlaw.com/professionals/dwayne-a-robinson/> [<https://perma.cc/VQ5J-BJGX>] (last visited Oct. 13, 2022).

⁵³⁹ *Id.*

review.⁵⁴⁰ Afterward, Robinson clerked for Judge Ed Carnes on the Eleventh Circuit.⁵⁴¹ At Kozyak Tropin & Throckmorton, he focuses on complex litigation and represents clients in appeals, federal, and state courts.⁵⁴² He was on a litigation and appellate team that won before the U.S. Supreme Court and has presented oral arguments at the U.S. Court of Appeals for the Eleventh Circuit and Florida's Third District Court of Appeals.⁵⁴³ Prior to joining Kozyak Tropin & Throckmorton in 2018, he was a Senior Associate at Hogan Lovells for six years.⁵⁴⁴

Brandon Hasbrouck

Brandon Hasbrouck is an associate professor at Washington and Lee School of Law.⁵⁴⁵ Hasbrouck received his J.D. at Washington and Lee, where he was the editor-in-chief of the law review.⁵⁴⁶ While there, he was a recipient of the Frederic L. Kirgis, Jr. International Law Award for Excellence in International Law and a member of the Black Law Students Association.⁵⁴⁷ After a brief time as a litigation associate at Debevoise & Plimpton, Hasbrouck clerked for District Judge Emmet G. Sullivan in the District of Columbia and for Judge Roger L. Gregory on the Fourth Circuit.⁵⁴⁸ Hasbrouck is an expert in criminal law, criminal procedure, constitutional law, federal courts, appellate advocacy, and the Thirteenth Amendment.⁵⁴⁹ He researches and teaches criminal law, race relations law, and critical law.⁵⁵⁰ His scholarship has been published in multiple top law reviews, and his essays have gained popularity in national media outlets.⁵⁵¹ His work has also been cited in federal court opinions, Supreme Court briefs, and a variety of scholarly publications.⁵⁵²

⁵⁴⁰ *Id.*

⁵⁴¹ *Id.*

⁵⁴² *Id.*

⁵⁴³ *Id.*

⁵⁴⁴ Dwayne Robinson, LINKEDIN, <https://www.linkedin.com/in/dwayne-robinson-09a96573/> [<https://perma.cc/F46S-N5HE>] (last visited Oct. 13, 2022).

⁵⁴⁵ Brandon Hasbrouck, WASHINGTON AND LEE SCH. OF L., <https://law.wlu.edu/faculty/full-time-faculty/brandon-hasbrouck> [<https://perma.cc/7ZAZ-65WZ>] (last visited Oct. 13, 2022).

⁵⁴⁶ *Id.*

⁵⁴⁷ *Id.*

⁵⁴⁸ *Id.*

⁵⁴⁹ See *id.*; Brandon Hasbrouck, *Abolishing Racist Policing With the Thirteenth Amendment*, 67 UCLA L. REV. 1108, 1108 (2020).

⁵⁵⁰ Brandon Hasbrouck, *supra* note 566.

⁵⁵¹ *Id.* (listing law reviews and national media outlets that have published Hasbrouck's works, including the *New York University Law Review*, the *Virginia Law Review*, the *Michigan Law Review*, the *Northwestern University Law Review*, the *Georgetown Law Journal*, the *UCLA Law Review*, the *Washington University Law Review*, the *Boston University Law Review*, and the *Harvard Civil Rights-Civil Liberties Law Review*, *The Washington Post*, *The Nation*, *The Boston Globe*, and *The Richmond Times*).

⁵⁵² *Id.*

Matthew Sykes

Sykes received his J.D. from Rutgers, where he was editor-in-chief of the law journal.⁵⁵³ Sykes was then chosen for the Skadden Fellowship for the Lawyers' Committee for Civil Rights Under Law.⁵⁵⁴ In this role, he provided *pro bono* services for disabled students in child welfare and juvenile justice systems—and motivated other Philadelphia bar members to do the same.⁵⁵⁵

Christopher J. Bryant

Christopher J. Bryant is a visiting assistant professor at the University of Maryland Francis King Carey School of Law.⁵⁵⁶ He co-founded the elections law firm Boroughs Bryant, a firm that provided strategic counsel to small businesses, nonprofits, and political organizations.⁵⁵⁷ At Duke Law, aside from being named the first Black editor-in-chief of the *Duke Law Journal*, Bryant participated in many other student organizations such as the Moot Court Board and the Black Students Association.⁵⁵⁸ Bryant was also an intern at Charletson Legal Access, a South Carolina area Legal Aid, and a summer associate at O'Melveny & Meyers, LLP and Parker Poe Adams & Bernstein, LLP.⁵⁵⁹ After graduating in 2014, Bryant clerked for Judge James A. Wynn, Jr. on the Fourth Circuit and Judge Richard M. Gergel for the District of South Carolina.⁵⁶⁰ As a clerk for Judge Gergel, he met his future firm partner, Adair Boroughs.⁵⁶¹ Until 2021, Bryant worked as a political law group associate at Perkins Coie, LLP.⁵⁶² In that role,

⁵⁵³ Lynda Cohen, *Atlantic City Native Becomes the First Black Editor of the Rutgers Law Journal*, PRESS OF ATLANTIC CITY, (Jun. 20, 2019), https://pressofatlantic-city.com/news/breaking/atlantic-city-native-becomes-the-first-black-editor-of-the-article_915aa8cc-4c43-11e0-a403-001cc4c002e0.html.

⁵⁵⁴ David Lat, *Congratulations to the 2012 Skadden Fellows*, ABOVE THE LAW (Dec. 15, 2012, 3:39 PM), <https://abovethelaw.com/2011/12/congratulations-to-the-2012-skadden-fellows/2/> [https://perma.cc/F5MW-EG3D].

⁵⁵⁵ Diane D'Amico, *Attorney Wants to Help Suspended, Jailed Kids Get Back In School*, (May 10, 2016), PRESS OF ATLANTIC CITY, https://pressofatlanticcity.com/news/breaking/attorney-wants-to-help-suspended-jailed-kids-get-back-in-school/article_bd18c114-1705-11e6-98c7-1765a9f3ef7c.html.

⁵⁵⁶ *Christopher Bryant*, MD. CAREY SCH. OF L., <https://www.law.umaryland.edu/Faculty-and-Staff-List/profile.php?id=1355> [https://perma.cc/YV38-ZYB2].

⁵⁵⁷ *Id.*

⁵⁵⁸ *Id.*

⁵⁵⁹ *Christopher J. Bryant*, PERKINS COIE, <https://www.perkinscoie.com/en/professionals/christopher-j-bryant.html> (last visited May 5, 2020); *Christopher Bryant*, LINKEDIN, <https://www.linkedin.com/in/christopher-bryant-81860017/> [https://perma.cc/WBZ6-ZCBM] (last visited Oct. 13, 2022 May 5, 2020).

⁵⁶⁰ *Christopher Bryant*, *supra* note 578.

⁵⁶¹ *The Boroughs Bryant Story*, BOROUGHS BRYANT, LLC, <https://www.boroughsbryant.com/our-story> [https://web.archive.org/web/20210924010803/https://www.boroughsbryant.com/our-story] (last visited Oct. 13, 2022).

⁵⁶² *Christopher Bryant*, *supra* note 581.

he represented political parties and other affiliated committees at a national level.⁵⁶³

David Leapheart

David Leapheart is an associate at Covington & Burling, LLP.⁵⁶⁴ Leapheart received his J.D. from New York University, where he was editor-in-chief of the law review.⁵⁶⁵ After graduating, Leapheart worked as a litigation associate at Skadden, Arps, Slate, Meagher & Flom, LLP & Associates.⁵⁶⁶ Leapheart also served as a commissioned officer in the United States Marine Corps after graduating from NYU.⁵⁶⁷ After active duty, Leapheart served as a legal assistance attorney for active-duty service members from 2015-2017.⁵⁶⁸ He then went to Afghanistan, where he advised commanders on the legality of military operations and then worked as a military prosecutor within the national capital region.⁵⁶⁹ In 2019, Leapheart started clerking for Circuit Judge Raymond Kethledge of the Sixth Circuit and stayed in that role until 2020.⁵⁷⁰ After clerking, Leapheart started his current position, in which he focuses on white-collar defense, investigations, and civil litigation.⁵⁷¹

Kristen Johnson

Kristen Johnson currently works as an assistant counsel with the LDF.⁵⁷² Johnson received her J.D. from the UCLA School of Law, where she was editor-in-chief of the law review.⁵⁷³ After graduation, Johnson clerked for Judge Harry Pregerson on the Ninth Circuit.⁵⁷⁴ After her clerkship, she worked as a fellow at Fried, Frank, Harris, Shriver & Jacobson, LLP.⁵⁷⁵ Johnson has handled and continues to work with many crucial cases for the LDF.⁵⁷⁶ She currently represents four black and Latina girls who were illegally strip-searched by school officials (*I.S., et al. v. Binghamton City School District, et al.*), and is a member of the

⁵⁶³ *Christopher J. Bryant*, BOROUGHES BRYANT, LLC, <https://www.boroughsbryant.com/chris-bryant> [<https://web.archive.org/web/20220104133744/https://www.boroughsbryant.com/chris-bryant>] (last visited Oct. 13, 2022).

⁵⁶⁴ *David Leapheart*, COVINGTON & BURLING, LLP, <https://www.cov.com/en/professionals/david-leapheart> [<https://perma.cc/FC59-E8K6>].

⁵⁶⁵ *Id.*

⁵⁶⁶ *David Leapheart*, LINKEDIN, <https://www.linkedin.com/in/david-leapheart/details/experience/> [<https://perma.cc/49XC-HWPX>] (last visited Oct. 13, 2022).

⁵⁶⁷ *Id.*

⁵⁶⁸ *Id.*

⁵⁶⁹ *Id.*

⁵⁷⁰ *Id.*

⁵⁷¹ *David Leapheart*, *supra* note 587.

⁵⁷² *Kristen A. Johnson*, LEGAL DEF. FUND, <https://www.naacpldf.org/about-us/staff/kristen-johnson/> [<https://perma.cc/YV46-7G6X>] (last visited Oct. 13, 2022).

⁵⁷³ *Id.*

⁵⁷⁴ *Id.*

⁵⁷⁵ *Id.*

⁵⁷⁶ *Id.*

litigation team that is challenging Arkansas' method of electing judges to appellate courts (*CMA, et al. v. Arkansas, et al.*).⁵⁷⁷ Johnson also co-authored an amicus brief in the Supreme Court case *Ramos v. Louisiana*,⁵⁷⁸ arguing the history of the Fourteenth Amendment compels the incorporation of the unanimous jury trial right of the Sixth Amendment.⁵⁷⁹

Monica Smith

Monica Smith is currently an antitrust associate at Wachtell, Lipton, Rosen & Katz.⁵⁸⁰ Smith graduated with her B.A. in Political Science from Washington University in St. Louis in 2011 before joining Goldman Sachs as an Investment Banking Analyst until 2013.⁵⁸¹ Smith subsequently attended NYU School of Law, where she was editor-in-chief of the law review.⁵⁸² After graduating, Smith clerked for Chief Justice Leo E. Strine, Jr. of the Delaware Supreme Court from 2017 to 2018.⁵⁸³

Casey Duhart

Casey Duhart is a Labor and Employment Counsel at Acadia Healthcare Company, Inc.⁵⁸⁴ Prior to this, she was an associate at Waller, Lansden, Dortch & Davis.⁵⁸⁵ Duhart attended the University of Tennessee College of Law, where she was the first African American editor-in-chief of the *Tennessee Law Review*.⁵⁸⁶ While in law school, she was a judicial extern on the Knox County Circuit Court and a summer law clerk at multiple firms.⁵⁸⁷ After graduating, Duhart worked for one year as a bankruptcy and restructuring associate at Frost Brown Todd.⁵⁸⁸ In 2018, Duhart joined Waller, Lansden, Dortch & Davis as an associate.⁵⁸⁹ In her current position with Acadia Healthcare, she provides legal advice and counsel regarding allegations of discrimination, harassment, retaliation, and wrongful discharge claims.⁵⁹⁰

⁵⁷⁷ *Id.*

⁵⁷⁸ 140 S. Ct. 1390 (2020).

⁵⁷⁹ *Id.*

⁵⁸⁰ *Monica L. Smith*, WATCHELL, LIPTON, ROSEN & KATZ, <https://www.wlrk.com/attorney/mlsmith/> [<https://perma.cc/6PWE-LBXH>] (last visited Oct. 13, 2022).

⁵⁸¹ *Monica S.*, LINKEDIN, <https://www.linkedin.com/in/monica-s-10127135/> [<https://perma.cc/EG74-HYDP>] (last visited Aug. 30, 2022).

⁵⁸² *Monica L. Smith*, *supra* note 603.

⁵⁸³ *Id.*

⁵⁸⁴ *Casey Duhart*, LINKEDIN, <https://www.linkedin.com/in/casey-duhart-234a4719/> [<https://perma.cc/NMB2-MY2B>] (last visited Oct. 13, 2022).

⁵⁸⁵ *Id.*

⁵⁸⁶ *Id.*

⁵⁸⁷ *Id.*

⁵⁸⁸ *Id.*

⁵⁸⁹ *Id.*

⁵⁹⁰ 2022 Convention – CLE Speakers, TN. BAR ASS'N, https://www.tba.org/?pg=2022_CLE_Bios [<https://perma.cc/6NZB-BKWN>] (last visited Oct. 13, 2022).

Brian Li-A-Ping

Brian Li-A-Ping is currently a judicial law clerk in the U.S. District Court, Western District of Washington.⁵⁹¹ Previously, he was an associate at Perkins Coie, LLP.⁵⁹² Li-A-Ping graduated with an A.B. of Economics from Princeton in 2010 and worked as a paralegal at Despres, Schwartz & Geoghegan in Chicago from 2011 to 2013.⁵⁹³ At UCLA School of Law, Li-A-Ping served as the editor-in-chief of the Law Review.⁵⁹⁴ After graduating, Li-A-Ping worked as a litigation associate at Winston & Strawn.⁵⁹⁵ Li-A-Ping then clerked for District Judge Richard A. Jones in the Western District of Washington until 2020.⁵⁹⁶ After his clerkship, Li-A-Ping joined Perkins Coie, LLP as an associate specializing in product liability.⁵⁹⁷

Kendra Sandidge

Kendra Sandidge was editor-in-chief of the *Pennsylvania Law Review* and is currently an associate at Davis Polk & Wardwell LLP.⁵⁹⁸ Previously, she was an associate at Cravath, Swaine & Moore.⁵⁹⁹ After receiving a psychology degree from the University of Pennsylvania in 2008, Sandidge worked at both Guardsmark as a relationship manager and Morgan Stanley as an independent consultant until 2013.⁶⁰⁰ In 2016, Sandidge graduated from the University of Pennsylvania Law School and the Wharton School with both her J.D. and MBA.⁶⁰¹ While earning her J.D., she became involved in the law review after winning a writing competition.⁶⁰² In her previous role at Cravath, she has worked on large financial transactions, including a \$2.5 billion revolving credit facility for

⁵⁹¹ *Brian Li-A-Ping*, LinkedIn, <https://www.linkedin.com/in/brian-li-a-ping-1b64a722/> [<https://perma.cc/3ZXZ-CXMQ>] (last visited Oct. 13, 2022).

⁵⁹² *Id.*

⁵⁹³ *Id.*

⁵⁹⁴ *Id.*

⁵⁹⁵ *Id.*

⁵⁹⁶ *Id.*

⁵⁹⁷ Sindhu Sundar, *Big Law Is Scrambling To Recruit Young Attorneys of Color. Here's How Five Firms Are Stepping Up Their Game and Showing Young Lawyers How They Can Make Partner.*, BUS. INSIDER, (Nov. 11, 2021, 8:36 AM), <https://www.businessinsider.com/big-law-is-recruiting-aggressively-to-hire-associates-of-color-2021-11> (explaining how Li-A-Ping joined Perkins Coie and stating which practice group he entered).

⁵⁹⁸ *Kendra Sandidge*, LINKEDIN, <https://www.linkedin.com/in/kendra-sandidge-a444a676/> [<https://perma.cc/3SLE-ZLVA>] (last visited Oct. 13, 2022).

⁵⁹⁹ *Id.*

⁶⁰⁰ *Id.*

⁶⁰¹ *Id.*

⁶⁰² *JD/MBA Student Kendra Sandidge L'16 Named Editor-In-Chief of Law Review*, UNIV. OF PENN CAREY L. SCH., (Apr. 6, 2015), <https://www.law.upenn.edu/live/news/5452-jdmbsa-student-kendra-sandidge-l16-named> [<https://perma.cc/RGL5-MM67>] (explaining how Sandidge got involved in her school's law review).

Viacom in 2019.⁶⁰³ Since 2022, Sandidge has been an associate at Davis Polk's finance practice.⁶⁰⁴

Thanithia Billings

Thanithia Billings was editor-in-chief of the *Boston College Law Review* and is currently an associate in the Litigation and Enforcement group at Ropes & Gray, where she served as a summer associate.⁶⁰⁵ During law school, Billings served on the executive board of Boston College's Black Law Student Association and an LGBT student organization.⁶⁰⁶ After earning her J.D., Billings clerked for District Judge William H. Orrick, III, in the Northern District of California before joining Ropes & Gray, LLP as a litigation and enforcement Associate in 2018.⁶⁰⁷ After one year in that position, Billings started another clerkship, this time with Judge Jill A. Pryor on the Eleventh Circuit.⁶⁰⁸ After this, Billings returned to Ropes & Gray and currently specializes in internal investigation, anti-corruption due diligence, and white-collar defense work.⁶⁰⁹ She also maintains a healthy *pro bono* practice representing asylum applicants and assists with constitutional challenges to federal government policies and actions.⁶¹⁰

Janiel Meyers

Janiel Myers was the first Black editor-in-chief of the *Emory Law Journal*.⁶¹¹ Myers currently works as a restructuring associate at Weil, Gotshal & Manges, LLP, where she was a summer associate during law school.⁶¹² After graduating from Emory, where she was also the academic and professional success chair of the Black Law Students Association, Myers clerked for U.S. Bankruptcy Court

⁶⁰³ *Viacom's \$2.5 Billion Revolving Credit Facility*, CRAVATH, SWAINE & MOORE, LLP, (Feb. 21, 2019), <https://www.cravath.com/news/viacom-s-2-5-billion-revolving-credit-facility.html> [<https://perma.cc/MN8A-YVQF>] (detailing a case Sandidge was involved with during her time at Cravath, her previous employer).

⁶⁰⁴ *Kendra L. Sandidge*, DAVIS POLK & WARDWELL LLP, <https://www.davispolk.com/lawyers/kendra-sandidge>, [<https://perma.cc/3QDW-J2JN>].

⁶⁰⁵ *Thanithia Billings*, ROPES & GRAY LLP, <https://www.ropesgray.com/en/biographies/b/thanithia-billings> [<https://perma.cc/XUY9-QQQ4>] (last visited Oct. 14, 2022); *Thanithia Billings*, LINKEDIN, <https://www.linkedin.com/in/thanithiabillings/> [<https://perma.cc/3JBS-SAWN>] (last visited Oct. 14, 2022).

⁶⁰⁶ *Thanithia Billings*, ROPES & GRAY LLP, *supra* note 629.

⁶⁰⁷ *Thanithia Billings*, LINKEDIN, *supra* note 629.

⁶⁰⁸ *Id.*

⁶⁰⁹ *Id.*

⁶¹⁰ *Id.*

⁶¹¹ A. Kenyatta Greer, *Myers 18L Named First Black Emory Law Journal Editor-In-Chief*, EMORY L., (Mar. 1, 2017), <http://law.emory.edu/news-and-events/releases/2017/03/myers-18L-named-first-black-emory-law-journal-editor-in-chief.html> [<https://perma.cc/ER5D-2XXU>].

⁶¹² *Janiel Meyers*, LINKEDIN, <https://www.linkedin.com/in/janiel-meyers-98146937/> [<https://perma.cc/HMS7-FRSF>] (last visited Oct. 14, 2022).

Judge Deborah J. Saltzman in the Central District of California.⁶¹³ In her current position as a restructuring associate, Meyers specializes in helping clients with distressed financial situations.⁶¹⁴

Imelme Umana

Imelme Umana was the first Black woman to be president of the *Harvard Law Review*.⁶¹⁵ She is currently a staff attorney at the Public Defender Service for the District of Columbia.⁶¹⁶ Umana earned her J.D. from Harvard Law alongside a master's in public policy from the Harvard Kennedy School of Government.⁶¹⁷ During her postgraduate studies, she served as community action chair of Harvard's Institute of Politics and professional development chair for Public Interest in the Harvard Black Law Students Association.⁶¹⁸ She also worked as an intern with the Public Defender Service.⁶¹⁹ After graduating law school, Umana clerked for Court of Appeals Judge Robert L. Wilkins in the District of Columbia and then for Supreme Court Justice Sonia Sotomayor.⁶²⁰

Chelsea Evans

In 2017, Chelsea Evans became the first Black woman to be elected editor-in-chief of the *Carolina Law Review*.⁶²¹ She is currently an attorney at Robinson Bradshaw.⁶²² In 2018, Evans graduated from the University of South Carolina School of Law.⁶²³ In law school, Evans was a summer associate at both Moore & Van Allen and Robinson Bradshaw.⁶²⁴ Immediately after graduating *magna cum laude*, Evans began clerking for Chief Justice Donald W. Beatty of the

⁶¹³ *Id.*

⁶¹⁴ *Id.*

⁶¹⁵ Chandelis R. Duster, *Meet Meet Imelme Umana, Harvard Law Review's First Black Female President*, NBC NEWS (Feb. 15, 2017, 7:02 PM), <https://www.nbcnews.com/news/nbcblk/meet-imeime-umana-harvard-law-review-s-first-black-female-n718366> [https://perma.cc/W7V7-634T].

⁶¹⁶ *Imelme Umana*, LINKEDIN, <https://www.linkedin.com/in/imeime-umana-37718432/> [https://perma.cc/VG97-SR22] (last visited Oct. 14, 2022).

⁶¹⁷ *Imelme Umana*, OPEN SOCIETY FOUND., <https://www.opensocietyfoundations.org/grants/soros-justice-fellowships?follow=imelme-umana¤t=1> [https://perma.cc/GM66-NZJV] (last visited Oct. 14, 2022).

⁶¹⁸ Duster, *supra* note 639.

⁶¹⁹ *Id.*

⁶²⁰ LINKEDIN, *supra* note 640.

⁶²¹ Jane Moon Dail, *SC Law Review elects First Ever African-American Editor-In-Chief*, STATE (COLUMBIA) (Mar. 2, 2017), <https://www.thestate.com/news/local/education/article135962368.html>.

⁶²² *Chelsea N. Evans*, ROBINSON, BRADSHAW & HINSON, P.A., <https://www.robinsonbradshaw.com/professionals-Chelsea-Evans.html> [https://perma.cc/AGA8-TVGZ].

⁶²³ *Id.*

⁶²⁴ *Chelsea Evans*, LINKEDIN, <https://www.linkedin.com/in/chelseanevans/> [https://perma.cc/6W52-BXXR] (last visited Oct. 14, 2022).

South Carolina Supreme Court and stayed in this role until 2019.⁶²⁵ After her clerkship, Evans joined Robinson Bradshaw as a corporate attorney, and in her current position works with mergers and acquisitions, private equity acquisitions, corporate finance, and general corporate law.⁶²⁶

Tomi Williams

Oluwatomi “Tomi” Williams was editor-in-chief of the *Amherst College Law Review* and the *Columbia Law Review*.⁶²⁷ Williams received his J.D. from Columbia Law School in 2019.⁶²⁸ He was a James Kent Scholar and Harlan Fiske Stone Scholar and served as community service chair of the Columbia Black Law Students Association.⁶²⁹ He has also had several publications in the last few years, such as “Lifting Labor’s Voice: A Principled Path Toward Greater Worker Voice and Power Within American Corporate Governance” and “Going Dark: SEC Proposes Amendments to Form 13F; Would Significantly Reduce Already Limited Transparency of Activist Ownership.”⁶³⁰ As editor-in-chief of the *Columbia Law Review*, he helped organize a Spring Break Pro Bono Caravan in New Orleans, where he and other law school students worked at the Capital Appeals Project, which provides representation to indigent defendants sentenced to death in Louisiana.⁶³¹

Michael Thomas, Jr

Michael Thomas, Jr. was president of the *Harvard Law Journal* for 2018 and 2019 and is currently an associate at Wachtell, Lipton, Rosen & Katz, LLP.⁶³² After graduating from Princeton in 2012, he worked in the office of the Counsel

⁶²⁵ *Id.*

⁶²⁶ ROBINSON *Chelsea N. Evans*, *supra* note 646.

⁶²⁷ Columbia L. Sch., *Meet the New Editor in Chief of the Columbia Law Review*, COLUMBIA LAW SCHOOL (April 5, 2018), <https://www.law.columbia.edu/news/archive/meet-new-editor-chief-columbia-law-review> [<https://perma.cc/MQL5-8GG8>].

⁶²⁸ *Id.*

⁶²⁹ *Speaker Biographies: Virtual Black Alumni Week*, AMHERST COLLEGE (last visited Oct. 10, 2022), https://www.amherst.edu/alumni/connect/networks/black_alumni/black-alumni-week-2021/speaker-biographies [<https://perma.cc/8LYW-KLY4>].

⁶³⁰ Leo E. Strine Jr., Aneil Kovvali & Oluwatomi O. Williams, *Lifting Labor’s Voice: A Principled Path toward Greater Worker Voice and Power within American Corporate Governance*, 106 MINN. L. REV. 1325 (2022); Adam O. Emmerich, David M. Silk, & Sabastian V. Niles, *Going Dark: SEC Proposes Amendments to Form 13F; Would Significantly Reduce Already Limited Transparency of Activist Ownership*, HARV. L. SCH. F. ON CORP. GOVERNANCE (July 19, 2020), <https://corpgov.law.harvard.edu/2020/07/19/going-dark-sec-proposes-amendments-to-form-13f/>.

⁶³¹ *Meet the New Editor in Chief of the Columbia Law Review*, *supra* note .

⁶³² *Michael L. Thomas*, WACHTELL, LIPTON, ROSEN & KATZ, <https://www.wlrk.com/attorney/mlthomas/> [<https://perma.cc/SEB9-FTU7>] (last visited Oct. 10, 2022).

to the Mayor of New York.⁶³³ At Harvard, Thomas was involved in the Black Law Students Association and the Harvard Law Documentary Studio.⁶³⁴ He was also a summer associate at Paul, Weiss, Rifkind, Wharton & Garrison and at Wachtell, Lipton, Rosen & Katz in 2019.⁶³⁵ He is deeply interested in the legal issues facing the Black community, and his first piece in the *Harvard Law Review* was about cannabis.⁶³⁶

Megan Brown

Megan Brown, who became the first Black editor-in-chief of the *Michigan Law Review* in 2018, is currently a judicial law clerk at the U.S. District Court for the Northern District of California.⁶³⁷ Brown went through college originally wanting to work in the medical field as a doctor or veterinarian.⁶³⁸ However, after a lecture in which her professor talked about regulations in the pharmaceutical industry, she changed her career path to focus on law in order to achieve the change she wanted to see in the industry.⁶³⁹ During her time at Michigan Law, she joined the Black Law Students Association, worked at Latham & Watkins, LLP as a diversity scholar, chaired the first year Oral Advocacy Competition, and became project manager of the Civil Rights Litigation Clearinghouse (a collective website of civil rights cases).⁶⁴⁰

David Roper

In 2018, David Roper became the first African American editor-in-chief of the *Ohio State Law Journal*.⁶⁴¹ He is currently an associate at Taft, Stettinius &

⁶³³ Carolyn Kelley, *Michael Thomas '19 elected 132nd Harvard Law Review president*, HARV. L. TODAY (Feb. 2, 2018), <https://today.law.harvard.edu/michael-thomas-19-elected-132nd-harvard-law-review-president/> [<https://perma.cc/5FPJ-K74A>].

⁶³⁴ *Id.*

⁶³⁵ *Id.*

⁶³⁶ Angela Helm, *Making Black History: Meet Michael Thomas, the New Editor of the Harvard Law Review*, THE ROOT (Feb. 3, 2018, 10 AM), <https://www.theroot.com/making-black-history-meet-michael-thomas-the-new-edit-1822676194> [<https://perma.cc/2EVM-C4Y6>].

⁶³⁷ Perry A. Farrell, *Michigan Law Review names Megan Brown its 1st African-American editor*, DETROIT FREE PRESS (Jan. 26, 2018), <https://www.freep.com/story/news/local/michigan/2018/01/26/michigan-law-review-editor-chief-african-american/1069210001/> [<https://perma.cc/6AFF-CYUJ>]; Megan Lucille Brown, LINKEDIN (last visited Oct. 10, 2022), <https://www.linkedin.com/in/megan-lucille-brown-070186129/>.

⁶³⁸ *In Pursuit of Regulatory Progress: Megan Brown, '19*, MICHIGAN LAW, <https://michigan.law.umich.edu/alumni/support-michigan-law/megan-brown-19> [<https://perma.cc/L3GU-MQ9P>] (last visited Oct. 10, 2022).

⁶³⁹ *Id.*

⁶⁴⁰ *Id.*

⁶⁴¹ *New Ohio State Law Journal Editor's Leadership Plan: Set Expectations and Communicate Effectively*, OHIO ST. NEWS (Feb. 21, 2018), <https://news.osu.edu/new-ohio-state-law-journal-editors-leadership-plan-set-expectations-and-communicate-effectively/> [<https://perma.cc/JM9P-6RHL>].

Hollister, LLP.⁶⁴² In between his undergraduate studies and law school, Roper spent three years as a legislative aide in the Ohio Senate.⁶⁴³ He also interned for the Columbus office of a national law firm and in the Office of the Federal Public Defender.⁶⁴⁴ He claims that these three years of working experience allowed him to gain the experience and leadership skills necessary for being editor-in-chief.⁶⁴⁵ During law school, Roper volunteered at university events and mentored several students from the law school as well as an undergraduate student.⁶⁴⁶ After graduating from law school, he served as a law clerk for District Judge Raymond A. Jackson of the Eastern District of Virginia.⁶⁴⁷

Djenab Conde

In 2019, Djenab Conde was named the first African American woman and first woman of Asian descent to be editor-in-chief of the *California Law Review*.⁶⁴⁸ She is currently an associate at Latham & Watkins.⁶⁴⁹ Djenab Conde grew up around the world before her family moved to Columbus, Ohio when she was seven.⁶⁵⁰ Her father is Guinean, and her mother is Chinese.⁶⁵¹ Throughout her time at UC Berkeley, she was co-president of the Law Students of African Descent, involved with International Human Rights Law Clinic, and a member of the Women of Color Collective and Asian Pacific American Law Student Association.⁶⁵² Not only was she involved with the CLR, but she was also a member of two other journals: *Berkeley Technology Law Journal* and the *Berkeley Business Law Journal*.⁶⁵³ Additionally, Conde clerked for Judge Victor Bolden in the District of Connecticut and U.S. Circuit Judge Paul Watford on the Ninth Circuit.⁶⁵⁴

⁶⁴² David Roper, LINKEDIN, <https://www.linkedin.com/in/david-roper-27521179/> (last visited Oct. 10, 2022).

⁶⁴³ *New Ohio State Law Journal Editor's Leadership Plan: Set Expectations and Communicate Effectively*, *supra* note 665.

⁶⁴⁴ *Id.*

⁶⁴⁵ *Id.*

⁶⁴⁶ David Roper, Faces of Access, <https://www.facesofaccess.com/david-roper> [<https://perma.cc/6NCY-LVP2>] (last visited Oct. 10, 2022).

⁶⁴⁷ *Id.*

⁶⁴⁸ Andrew Cohen, *Djenab Conde '19 Breaks New Ground at California Law Review*, BERKELEY L., (Jan. 26, 2018), <https://www.law.berkeley.edu/article/djenab-conde-19-breaks-new-ground-california-law-review/> [<https://perma.cc/2F93-6CDH>].

⁶⁴⁹ Djenab Conde, LINKEDIN, <https://www.linkedin.com/in/djenabconde/> (last visited Oct. 10, 2022).

⁶⁵⁰ Cohen, *supra* note 672.

⁶⁵¹ *Id.*

⁶⁵² *Id.*

⁶⁵³ *Id.*

⁶⁵⁴ *Id.*

Jeremy Allen-Arney

In 2019, Jeremy Allen-Arney became the first African American editor-in-chief of the *George Washington Law Review*.⁶⁵⁵ He is currently an associate at Paul, Weiss, Rifkind, Wharton & Garrison, LLP.⁶⁵⁶ Allen-Arney was well-accomplished and involved at GW Law.⁶⁵⁷ He served as the academic chair of the Black Law Students Association and the vice president of stipends of the Equal Justice Foundation, and he was a volunteer legal intern with the Mid-Atlantic Innocence Project, the Legal Aid Society of NYC, and the U.S. Department of Justice.⁶⁵⁸ He was also a George Washington Scholar.⁶⁵⁹

Kenya R. Parrish

In 2019, Kenya Parrish became the first African American editor-in-chief of the *Wake Forest Law Review*.⁶⁶⁰ She is now an associate at K&L Gates, LLP, one of the firms at which she was a summer associate during law school.⁶⁶¹ Parrish studied at Wake Forest as an undergraduate and returned for law school after careers in sports management and teaching.⁶⁶² While in law school, she was also a member of the Black Law Students Association and the Moot Court Board.⁶⁶³ She was also a summer associate at Kuatten Muchin Roseman, LLP and at Bank of America.⁶⁶⁴

Mallori D. Thompson

Mallori Thompson, who was the first Black editor-in-chief of the *Connecticut Law Review* in 2020 and 2021,⁶⁶⁵ is currently an associate at Robinson & Cole, where she was a summer associate during law school.⁶⁶⁶ She is also a first lieutenant and medical operations officer in the U.S. Army Reserve and vice

⁶⁵⁵ 2*Is Jeremy Allen-Arney and Tawanna Lee Make History*, GEORGE WASHINGTON UNIV. L., (Apr. 3, 2019), <https://www.law.gwu.edu/2Is-jeremy-allen-arney-and-tawanna-lee-make-history> [<https://perma.cc/V2WM-T4AA>].

⁶⁵⁶ Jeremy Allen-Arney, LINKEDIN, <https://www.linkedin.com/in/jallenarney> (last visited Aug. 30, 2022).

⁶⁵⁷ GEORGE WASHINGTON UNIV. L., *supra* note 679.

⁶⁵⁸ *Id.*

⁶⁵⁹ *Id.*

⁶⁶⁰ Kenya R. Parrish, K&L GATES, <https://www.klgates.com/Kenya-R-Parrish> [<https://perma.cc/HNSZ-CBFN>] (last visited Oct. 11, 2022).

⁶⁶¹ *Id.*

⁶⁶² *Id.*

⁶⁶³ Kenya Parrish, LINKEDIN, <https://www.linkedin.com/in/kenyaparrish> (last visited Aug. 30, 2022).

⁶⁶⁴ *Id.*

⁶⁶⁵ UConn School of Law, FACEBOOK (Feb. 26, 2021), <https://www.facebook.com/UConnLawSchool/posts/mallori-thompson-21-is-the-first-black-editor-in-chief-of-the-connecticut-law-re/3650957841625302/> [<https://perma.cc/QP99-BBAK>].

⁶⁶⁶ Mallori D. Thompson, ROBINSON & COLE, <https://www.rc.com/people/MalloriDThompson.cfm> [<https://perma.cc/S5J5-YG9Q>] (last visited Oct. 11, 2022).

president of the George W. Crawford Black Bar Association.⁶⁶⁷ Prior to joining Robinson & Cole, she clerked in the chambers of the Connecticut Supreme Court Chief Justice Richard A. Robinson.⁶⁶⁸ Thompson also published an article during law school that highlights the growing threat to reproductive rights and the institutional racism to which Black women are subjected.⁶⁶⁹

Makala Furse

In 2020, Makala Furse was named the first African American woman to be editor-in-chief of the *Florida Law Review*.⁶⁷⁰ She is currently an associate at Hunton Andrews Kurth LLP.⁶⁷¹ Furse received an undergraduate degree in Social Work in 2016 from Florida State University.⁶⁷² She then received her master's in social work from UCLA Luskin School of Public Affairs in 2018.⁶⁷³ During her time at law school, Furse was a summer associate at Shook, Hardy & Bacon, LLP and a legal intern with Legal Aid Foundation of Los Angeles.⁶⁷⁴ In 2019, Furse was a judicial extern at the U.S. District Court for the Central District of California.⁶⁷⁵ She was also a member of the Black Law Student Association.⁶⁷⁶

Toni Deane

Toni Deane was named the *Georgetown Law Review's* first Black editor-in-chief in 2020.⁶⁷⁷ She is currently a clerk at the U.S. Court of Appeals, and was previously an associate at Schulte Roth & Zabel, LLP.⁶⁷⁸ Toni Deane received a BA in Political Science and Government from the University of Florida.⁶⁷⁹ She then attended Georgetown Law School and was a member of the Black Law

⁶⁶⁷ *Id.*

⁶⁶⁸ *Id.*

⁶⁶⁹ Mallori D. Thompson, *The Scales of Reproductive Justice: Casey's Failure to Rebalance Liberty Interests in the Racially Disparate State of Maternal Medicine*, 26 MICH. J. RACE & L. 241, 241-259 (2020).

⁶⁷⁰ Kaelyn Cassidy, *Florida Law Review Elects New Editor-in-Chief*, INDEP. FLA. ALLIGATOR (Feb. 25, 2020, 6:52 PM), <https://www.alligator.org/article/2020/02/florida-law-review-elects-new-editor-in-chief> [<https://perma.cc/P2WP-FDCA>].

⁶⁷¹ Makala Furse, LINKEDIN, <https://www.linkedin.com/in/makala-furse-872675165/> (last visited Aug. 30, 2022).

⁶⁷² *Id.*

⁶⁷³ *Id.*

⁶⁷⁴ *Id.*

⁶⁷⁵

⁶⁷⁶ Cassidy, *supra* note 694.

⁶⁷⁷ *First RISE Students Rise to Top Posts and Prospects*, Georgetown L. (May 19, 2021), <https://www.law.georgetown.edu/news/first-rise-students-rise-to-top-posts-and-prospects/> [<https://perma.cc/RU9Q-GT9Z>].

⁶⁷⁸ Toni Deane, LINKEDIN, <https://www.linkedin.com/in/toni-deane-ab4887177> (last visited Aug. 30, 2022).

⁶⁷⁹ *Id.*

Student Association.⁶⁸⁰ She was also a legal diversity scholar on a 1L leadership council at Akerman LLP.⁶⁸¹ During her time at law school, she was a member of RISE, which is a program to support students from underrepresented backgrounds in law school.⁶⁸² Toni has a lot of gratitude for this program and thinks of it as an important part of her time in law school.⁶⁸³

Brandon Wharton

In 2020, Brandon Wharton was named the first Black editor-in-chief of the *Maryland Law Review*.⁶⁸⁴ He is currently a term clerk for the U.S. Court of Appeals for the Fourth Circuit, and was previously a term clerk for the U.S. District Court for the District of Maryland.⁶⁸⁵ In law school, Wharton was heavily involved.⁶⁸⁶ He worked for Gallagher, Evelius & Jones Law Firm—which he will rejoin after his judicial clerkship—in addition to his duties as EIC.⁶⁸⁷ As an undergraduate, he was also involved in the Student Government Association and The University System of Maryland Student Council; worked for the student newspaper, the Division of Marketing and Communications, and the Maryland Youth Advisory Council; and was elected student representative on the Presidential Search and Screening Committee for President Kim Schatzel.⁶⁸⁸ Wharton hopes to stay in Maryland and practice commercial litigation and work in the education and health law spaces.⁶⁸⁹ Wharton is also a member of the Black Law Student Association and is a scholarship recipient from the Murphy Family BLSA Scholarship Fund.⁶⁹⁰

⁶⁸⁰ *Id.*

⁶⁸¹ *Id.*

⁶⁸² *First RISE Students Rise to Top Posts and Prospects*, *supra* note 701.

⁶⁸³ *Id.*

⁶⁸⁴ Kyle Hobstetter, *Brandon Wharton '17 makes history at UM Law School*, TOWSON UNIV. (Jun. 14, 2020), <https://www.towson.edu/news/2020/brandonwharton.html> [<https://perma.cc/7PXU-NEGC>].

⁶⁸⁵ Brandon Wharton, LINKEDIN, <https://www.linkedin.com/in/brandonwharton/> (last visited Oct. 11, 2022).

⁶⁸⁶ Hobstetter, *supra* note 708 (“Along with serving as editor-in-chief, Wharton is taking a full slate of classes as well as working part time at the Gallagher, Evelius & Jones Law Firm in downtown Baltimore. While that may seem busy for most, it’s par for the course for Wharton.”).

⁶⁸⁷ *Id.*

⁶⁸⁸ *Id.*

⁶⁸⁹ *Id.*

⁶⁹⁰ Making his Mark, UNIV. OF MARYLAND FRANCIS KING CAREY SCH. OF L., <https://www.law.umaryland.edu/News-and-Events/Maryland-Carey-Law-News/Making-his-mark.php> [<https://perma.cc/HX9L-87C3>] (last visited Oct. 11, 2022).

Tatiana Laing

Tatiana Laing was editor-in-chief of the *Seton Hall Law Review* in 2020 and 2021.⁶⁹¹ She is now an associate at Paul, Weiss, Rifkind, Wharton & Garrison, LLP.⁶⁹² For her undergraduate studies, Tatiana attended American University, where she received the President's Award in 2016.⁶⁹³ After graduation, she worked as an organizer for Change Corps, where she directed six political issue and fundraising campaigns in different major cities.⁶⁹⁴ She then went to Seton Hall University School of Law in 2017 and graduated in 2020.⁶⁹⁵ Not only was she editor-in-chief of the *Seton Hall Law Review*, but she was also attorney general of the Black Law Student Association and a Center for Social Justice scholar.⁶⁹⁶ Additionally, she was a legal intern for the New Jersey Institute for Social Justice and a judicial intern for Judge Patty Shwartz on the Third Circuit.⁶⁹⁷

Gabriella Ravida

In 2020, Gabriella Ravida became the editor-in-chief of the *University of Pennsylvania Law Review*.⁶⁹⁸ She was the second Black woman to lead the journal.⁶⁹⁹ No information is available about her current work. After receiving her undergraduate degree at Princeton University, Ravida briefly taught as a substitute in York, PA.⁷⁰⁰ Ravida then applied to Penn, where she was involved in the *pro bono* Employment Advocacy Project,⁷⁰¹ which helps “low-income Philadelphians who have been unfairly denied unemployment compensation

⁶⁹¹ Northeast Region, National Black Law Students Association, FACEBOOK, <https://www.facebook.com/neblsa/posts/we-would-like-to-spotlight-tatiana-laing-who-graduated-magna-cum-laude-and-order/4190996910958497/> [<https://perma.cc/8MQP-TPPJ>] (last visited Oct. 28, 2022).

⁶⁹² *Id.*

⁶⁹³ Gregg Sangillo, *Total Immersion*, AM. U. (Apr. 29, 2016), <https://www.american.edu/ucm/news/20160429-tatiana-award.cfm> [<https://perma.cc/C6NP-TL8X>].

⁶⁹⁴ *In the Spotlight: Meet Tatiana Laing '20: Center for Social Justice Scholar*, SETON HALL LAW, https://law.shu.edu/About/news.cfm?customel_datapageid_6255=589940 [<https://perma.cc/E8PH-MBKV>] (last visited Oct. 12, 2022).

⁶⁹⁵ *Id.*

⁶⁹⁶ *Id.*

⁶⁹⁷ *Id.*

⁶⁹⁸ Amy Kaplan, *The top 16 U.S. law schools' journals are led by women—including Penn Law*, *Daily Pennsylvanian* (Feb. 12, 2020, 11:48 PM), <https://www.thedp.com/article/2020/02/top-law-schools-journal-women-penn-country> [<https://perma.cc/68JB-6YNC>].

⁶⁹⁹ *Id.*

⁷⁰⁰ FIELD CTR. FOR CHILD.'S POL'Y, PRAC. & RSCH., *NEWS FROM THE FIELD* (Dec. 2019), <https://fieldcenteratpenn.org/wp-content/uploads/2020/01/News-from-the-Field-Dec-2019-PDF.pdf> [<https://perma.cc/RHW7-QPUF>].

⁷⁰¹ *Id.*

benefits.”⁷⁰² She also completed community experiences at Morgan Lewis and at the Field Center.⁷⁰³

Oluwatumise Asebiomo

Oluwatumise Asebiomo became editor-in-chief of the *Columbia Law Review* in February of 2020.⁷⁰⁴ She was the second African American woman to lead the law review.⁷⁰⁵ Currently, she is a law clerk at Cravath, Swaine & Moore, LLP, where she was a summer associate.⁷⁰⁶ Asebiomo interned with District Judge Cheryl L. Pollak for the Eastern District of New York as an undergraduate.⁷⁰⁷ At Columbia, she decided to apply for editor-in-chief position because she “wanted to give back to the law review—a space in which I had benefited academically, intellectually, and socially.”⁷⁰⁸ After she earned the editor-in-chief position, Asebiomo worked virtually from her family home in Georgia due to COVID-19.⁷⁰⁹ She considered COVID-19 and the protests of 2020 as issues that “can inspire creative solutions,” and she was confident that the review would “continue to publish scholarship that raises diverse voices and ideas that deserve to be heard.”⁷¹⁰

Tatiana Hyman

Tatiana Hyman was named the first Black editor-in-chief of the *Fordham Law Review* in 2021.⁷¹¹ She is currently a clerk for Judge Denny Chin on the Second Circuit.⁷¹² Hyman knew she wanted to be involved in law from a young age.⁷¹³ She worked as an intern in the mayor’s office as a teenager, studied criminology

⁷⁰² *Employment Advocacy Project (EAP)*, UNIV. OF PENN CAREY L. SCH., <https://www.law.upenn.edu/live/profiles/791-employment-advocacy-project-eap> [<https://perma.cc/5LAG-57CT>].

⁷⁰³ NEWS FROM THE FIELD, *supra* note 724.

⁷⁰⁴ *Meet ‘Columbia Law Review’ Editor in Chief Oluwatumise Asebiomo ‘21*, COLUMBIA L. SCH. (Jun. 18, 2020), www.law.columbia.edu/news/archive/meet-columbia-law-review-editor-chief-oluwatumise-asebiomo-21 [<https://perma.cc/F9JP-VVKN>].

⁷⁰⁵ *Id.*

⁷⁰⁶ Tumise Asebiomo, LINKEDIN, <https://www.linkedin.com/in/tumise/> (last visited Aug. 30, 2022).

⁷⁰⁷ *Id.*

⁷⁰⁸ *Meet ‘Columbia Law Review’ Editor in Chief Oluwatumise Asebiomo ‘21*, *supra* note 704.

⁷⁰⁹ *Id.*

⁷¹⁰ *Id.*

⁷¹¹ Julia Brodsky, *Tatiana Hyman ‘22 Elected First Black Editor-in-Chief of Fordham Law Review*, FORDHAM L. NEWS (Feb. 16, 2021), <https://news.law.fordham.edu/blog/2021/02/16/tatiana-hyman-22-elected-first-black-editor-in-chief-of-fordham-law-review/> [<https://perma.cc/YAV3-WUWQ>].

⁷¹² Tatiana Hyman, LINKEDIN, <https://www.linkedin.com/in/tatianahyman/> (last visited Oct. 12, 2022).

⁷¹³ Brodsky, *supra* note 735.

at University of Pennsylvania, and was a compliance analyst at Morgan Stanley before starting law school.⁷¹⁴ While going through the election process for the review, Hyman also served as vice president for Fordham's Black Law Students Association, which proved to be a lot of work.⁷¹⁵ However, Hyman told *Fordham News* that she doesn't "shy away from challenges . . . it took a lot of grit."⁷¹⁶ She hopes to make the journal more representative of minorities and "voices that are underrepresented."⁷¹⁷ Hyman was also a legal intern at Lincoln Square Legal Services from January 2021 to May 2021.⁷¹⁸

Jeannine Holmes

Jeanine Holmes was named the first Black editor-in-chief of Georgia State's law review, and wrote an analysis of a Supreme Court case that expanded the definition of "sex" under Title VII.⁷¹⁹ By her second year at Georgia State, she was the co-chair of the Law Review Diversity Committee.⁷²⁰ Holmes told *Georgia State News Hub* that representation has always been important to her.⁷²¹ Her path to becoming a lawyer wasn't clear cut.⁷²² She received an undergraduate English degree in 2008, but before going to Georgia State for law in 2018, she studied fashion at New York's Parsons School of Design.⁷²³ She started a fashion company with her classmate and spent her days working in human resources, where she conducted investigations.⁷²⁴ It was there she decided to pursue the law career path.⁷²⁵ She also worked at Emory Healthcare in Atlanta while completing law school.⁷²⁶

⁷¹⁴ Julia Brodsky, *Tatiana Hyman '22 Elected First Black Editor-in-Chief of Fordham Law Review*, FORDHAM L. NEWS (Feb. 16, 2021), <https://news.law.fordham.edu/blog/2021/02/16/tatiana-hyman-22-elected-first-black-editor-in-chief-of-fordham-law-review/> [https://perma.cc/YAV3-WUWQ].

⁷¹⁵ *Id.*

⁷¹⁶ *Id.*

⁷¹⁷ *Id.*

⁷¹⁸ Tatiana Hyman, *supra* note 736.

⁷¹⁹ Alex Resnak, *Jeannine Holmes Becomes Georgia State's First Black Law Review Editor*, GEORGIA STATE UNIV. (March 9, 2021), <https://news.gsu.edu/2021/03/09/jeannine-holmes-j-d-22-becomes-georgia-states-first-black-law-review-editor/> [https://perma.cc/4KUJ-UMMW].

See Bostock v. Clayton County, Georgia, 140 S.Ct. 1731 (2020).

⁷²⁰ *Id.*

⁷²¹ *Id.*

⁷²² *Id.*

⁷²³ *Id.*

⁷²⁴ *Id.*

⁷²⁵ *Id.*

⁷²⁶ *Id.*

Charisma Ricksy Nguendo

Charisma Ricksy Nguendo was named the first African American EIC of the *Houston Law Review* at the start of 2021.⁷²⁷ Before entering law school at the University of Houston, Nguendo was a teacher in Cleveland, Ohio for Teach for America.⁷²⁸ At Houston, Nguendo was a summer associate at Locke Lord, president of the Black Law Student Association, a research assistant, and a fellow in the Legal Writing Center.⁷²⁹ She hopes to inspire “other students of color to dream a little bigger” and to know that joining the law review is a possibility.⁷³⁰ She also hopes to make the review more diverse and gather student organizations together so first-year law students can ask any questions they have regarding law school, their goals, or the review.⁷³¹

Kelly Daniel

Kelly Daniel was named the first Black editor-in-chief of the *Kentucky Law Journal* in 2021.⁷³² Daniel was motivated to pursue law when she was growing up and saw her peers going to jail.⁷³³ She wanted to prevent that outcome and resolve how “there were few attorneys who looked like me.”⁷³⁴ Daniel is a first-generation college graduate and her parents, who immigrated to the U.S., are originally from Haiti.⁷³⁵ Prior to law school, Daniel had experience working as a criminal defense paralegal, a case assistant, and a litigation assistant.⁷³⁶ She was also a summer associate with Steptoe & Johnson.⁷³⁷ The dean of the law school described her as a “dedicated, talented, and passionate student.”⁷³⁸

⁷²⁷ *UH Law Center 2L Nguendo selected as first African-American editor-in-chief of Houston Law Review*, UNIV. HOUSTON L. CTR. (Jan. 13, 2021), <https://www.law.uh.edu/news/student-spotlight/2021-0113nguendo.asp> [<https://perma.cc/FZY3-7UFM>]. (“Second-year University of Houston Law Center student Charisma Ricksy Nguendo has been named the Houston Law Review’s editor-in-chief, the first person of African descent to earn that position.”)

⁷²⁸ *Id.*

⁷²⁹ *Id.*

⁷³⁰ *Id.*

⁷³¹ *Id.*

⁷³² Shawntaye Hopkins, *UK Rosenberg Law Names 1st Black Editor of Kentucky Law Journal*, UNIV. OF KENTUCKY (March 9, 2021), <https://uknow.uky.edu/campus-news/uk-rosenberg-law-names-first-black-editor-kentucky-law-journal> [<https://perma.cc/CJ9Z-GRTK>].

⁷³³ *Id.*

⁷³⁴ *Id.*

⁷³⁵ *Id.*

⁷³⁶ *Id.*

⁷³⁷ Kelly Daniel, LINKEDIN, <https://www.linkedin.com/in/kelly-daniel-50a6a2158/> (last visited Aug. 30, 2022).

⁷³⁸ *Id.*

Brandie Burris

Brandie Burris became the first Black editor-in-chief of the *Minnesota Law Review* in 2021.⁷³⁹ The dean of the law school commended Burris' commitment to expanding "diversity and inclusion in both the Law School and in the legal profession."⁷⁴⁰ Currently, she does this by serving on the National Diversity, Equity, and Inclusion Committee of the Federal Bar Association.⁷⁴¹ During law school, Burris was a summer associate at Robins Kaplan and worked part time at Berger Montague, worked in bail and legal support for the Minnesota Freedom Fund, worked as a judicial extern to District Judge Michael J. Davis, and was on the executive board of the Black Law Student Association.⁷⁴² Burris believed "having diverse perspectives on *Law Review* will increase the level of scholarship and [would] help [them] infuse new ideas and views into legal discourse."⁷⁴³

Antonio Milton

Antonio Milton served as the first Black editor-in-chief at *Tulane University Law Review* in 2021.⁷⁴⁴ He currently clerks for Chief U.S. District Judge Nannette Jolivette Brown in the Eastern District of Louisiana.⁷⁴⁵ Milton told Tulane Law School that he was "in law school to make changes, trailblaze . . . it's my hope, that I can build a bridge for those who come after me and inspire those future attorneys of color."⁷⁴⁶ Milton's father, from whom he draws inspiration, is a litigator.⁷⁴⁷ From the moment Milton enrolled, he joined the university's Black Student Union and also joined the Black Law Student Association.⁷⁴⁸ He was also chosen for the IL Leadership Council on Legal Diversity Scholars Program which works to give more career opportunities for "diverse first-year law students."⁷⁴⁹ Additionally, Milton was part of the Moot Court program and was chosen as a Harris Fellow to mentor first-year law students.⁷⁵⁰ Milton also

⁷³⁹ Mark A. Cohen, *Brandie Burris, 2L, Elected First Black Editor-in-Chief of Minnesota Law Review*, MINN. L. (Feb. 2, 2021), <https://minnesotalawmag.law.umn.edu/stories/brandie-burris-2l-elected-first-black-editor-in-chief-of-minnesota-law-review> [https://perma.cc/9S42-43DV].

⁷⁴⁰ *Id.*

⁷⁴¹ *Id.*

⁷⁴² Brandie Burris, LINKEDIN, <https://www.linkedin.com/in/brandieburris/> (last visited Aug. 30, 2022).

⁷⁴³ Cohen, *supra* note 764.

⁷⁴⁴ Alina Hernandez, *Tulane Law Review names first Black editor-in-chief*, TULANE UNIV. (Feb. 4, 2021, 5:15 PM), <https://law.tulane.edu/news/tulane-law-review-names-first-black-editor-in-chief> [https://perma.cc/H3CS-PBN7].

⁷⁴⁵ *Id.*

⁷⁴⁶ *Id.*

⁷⁴⁷ *Id.*

⁷⁴⁸ *Id.*

⁷⁴⁹ *Id.*

⁷⁵⁰ *Id.*

interned at Bracewell, LLP in Texas, a position he obtained through the 1L Leadership Council on Legal Diversity Scholars program.⁷⁵¹

Leticia Salazar

Leticia Salazar is currently a Law Clerk at Latham & Watkins.⁷⁵² Salazar received a J.D./M. Ed. in Education Policy from the University of Pennsylvania.⁷⁵³ While at Penn Law, Salazar was editor-in-chief of the law review, a research assistant to three professors, a summer associate for Kelley Drye & Warren, LLP and Latham & Watkins, and a law clerk for the U.S House of Representatives.⁷⁵⁴ She was also Sadie Conference co-chair of the Black Law Students Association and volunteered with the Pennsylvania Innocence Project.⁷⁵⁵

Tiffany Mickel

Tiffany Mickel graduated from the University of Virginia School of Law in May 2022.⁷⁵⁶ She was named the first Black editor-in-chief of the *Virginia Law Review* for 2021.⁷⁵⁷ Mickel received her B.S in Materials Science and Engineering from the Massachusetts Institute of Technology.⁷⁵⁸ Before attending the University of Virginia for law, Mickel worked at Boeing and co-founded the Heritage game company, which created a playing card deck featuring prominent Black women.⁷⁵⁹ At Virginia, she was also membership chair of the UVA Black Law Students Association and events co-chair for Virginia Law Women.⁷⁶⁰ Before assuming the editor-in-chief position, Mickel shared her hope to bring the review more inclusion, “promote diverse authorship” and diverse perspectives, improve the new website’s online presence, and explore “changing economic, political and technological conditions of society.”⁷⁶¹

⁷⁵¹ *Id.*

⁷⁵² Leticia Salazar, LINKEDIN, <https://www.linkedin.com/in/leticia-salazar/> (last visited Aug. 30, 2022).

⁷⁵³ *Id.*

⁷⁵⁴ *Id.*

⁷⁵⁵ *Id.*

⁷⁵⁶ Mary Wood, *Graduating Student Tiffany Mickel '22 Blazes Trail as First Black Virginia Law Review Editor-in-Chief*, UNIV. OF VA. SCH. OF L. (Apr. 22, 2022), <https://www.law.virginia.edu/news/202204/graduating-student-tiffany-mickel-22-blazes-trail-first-black-virginia-law-review> [<https://perma.cc/Z2BX-V9Q8>].

⁷⁵⁷ *Id.*

⁷⁵⁸ *Id.*

⁷⁵⁹ *Id.*

⁷⁶⁰ Mike Fox, *Virginia Law Review Names First Black Editor-in-Chief*, UNIV. OF VA. SCH. OF L. (Feb. 1, 2021), <https://www.law.virginia.edu/news/202102/virginia-law-review-names-first-black-editor-chief> [<https://perma.cc/KX6V-SYQY>].

⁷⁶¹ Mike Fox, *Virginia Law Review Names First Black Editor-in-Chief*, UNIV. OF VA. SCH. OF L. (Feb. 1, 2021), <https://www.law.virginia.edu/news/202102/virginia-law-review-names-first-black-editor-chief> [<https://perma.cc/KX6V-SYQY>].

Hilda A. Frimpong

Hilda A. Frimpong was named editor-in-chief of the *Syracuse Law Review* for the 2021-2022 academic year.⁷⁶² She is the first Black student to hold that position.⁷⁶³ Frimpong told campus newspaper *The Daily Orange* that she hopes to “foster inclusivity within the organization” and to connect the law journal to other organizations.⁷⁶⁴ Frimpong worked as a regional developer from 2014 to 2015 for the Hay Group, and from August 2020 to May 2021, Frimpong was a research associate for the New York State Science and Technology Law Center.⁷⁶⁵ She is currently a Google Legal Summer Institute Scholar, as well as a Summer Associate at Arnold & Porter Kaye Scholar, LLP.⁷⁶⁶

⁷⁶² Joey Pagano, *Hilda Frimpong becomes 1st Black student to lead Syracuse Law Review*, DAILY ORANGE (Feb. 28, 2021, 10:51 pm), <https://dailyorange.com/2021/02/hilda-frimpong-syracuse-law-review/> [https://perma.cc/KL8D-KP3S].

⁷⁶³ *Id.*

⁷⁶⁴ *Id.*

⁷⁶⁵ Hilda Frimpong, LINKEDIN, <https://www.linkedin.com/in/hildafrimpong/details/experience/> (last visited Oct. 12, 2022).

⁷⁶⁶ *Id.*