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REFLECTIONS ABOUT LEGAL EDUCATION AND JUSTICE FROM THE PERSPECTIVE OF A LATINA LAW SCHOOL DEAN

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INTRODUCTION

I am deeply appreciative of this opportunity to share my thoughts about these two critical topics—the training of lawyers in our times, and equality and social justice in the United States and globally. While I am deeply aware of the harsh challenges facing legal education and justice in the world, I am also optimistic and regard such challenges as opportunities for mindful growth. This Essay discusses my experiences regarding these themes as I daily toil in the field of law deaning.¹ As I am in the seventh month of law deaning, these reflections by necessity only draw upon a limited time.

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1. In keeping with the two hallmark Critical Race Theory themes of intersectionality and antiessentialism, I note that my experiences as a Latina law dean are not a product of “a single, easily stated, unitary identity.” RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 10 (2d ed. 2012). This is the case because, as Delgado and Stefancic assert: “[e]veryone has

THE HOPES AND DREAMS OF AN INCOMING LATINA LAW DEAN

I came to the deanship, as with all new endeavors, with keen aspirations and dreams. My main hope was and continues to be, to bring about change in the world and make it a better, more enlightened, and just place. Our global community could stand quite a bit of renovation, of enlightenment, and reinvention, especially in the areas of legal education and access to justice. Since lawyers are both servants and shapers of justice, they have endless opportunities to improve the lives of others.

On a personal note, I believe I can make a difference in the lives of others by making legal education more inclusive so that peoples of all backgrounds can actively participate in the creation of justice. I care deeply about legal education and bring energy, ideas, and a desire to succeed in leading a wonderful law school, Loyola University New Orleans College of Law, through one of the most transformative periods in the recent history of the education of lawyers in the United States. I have found that Loyola University New Orleans College of Law is the place I can realize my hopes and dreams as an academic leader because of its Jesuit social justice mission and its location in a multicultural city with a sizable Latino population.

CURRENT CHALLENGES IN CONTEMPORARY LEGAL EDUCATION

The state of legal education is in flux, changing from the traditional Langdellian model to a new model based on the need to integrate skills instruction into the doctrinal curriculum, as called for most recently in the Carnegie Report,² and earlier in the MacCrate Report.³ Law schools must answer this call in an environment of declining traditional sources of financial support, and greater competition for law school applicants. This state of flux is especially difficult to navigate when the job market is so limited for new

potentially conflicting, overlapping identities, loyalties, and allegiances." *Id.*

2. See WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW *passim* (2007). I note that during my interview process at Loyola, I made sure that all stakeholders were aware of my approach to change.

3. See TASK FORCE ON LAW SCH. & THE PROFESSION: NARROWING THE GAP, AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM 127-28, 141-51, 262-68 (Robert MacCrate ed., 1992).

lawyers. Law schools are struggling to balance budgets and to attract the best applicants, while law graduates are anxious to have any possible advantage as they seek scarce employment. A recent *New York Times* article has highlighted these challenges to legal education.⁴

MY RESPONSE TO THESE CHALLENGES

I am a law dean who serves as an “architect for change.”⁵ In this role, I lead and manage my institution in these times of challenges and transition to a new reality. I work hard to understand these challenges in legal education (and there are many!), to anticipate the consequences of the challenges, to craft responses to the challenges (these become the goals), and to ensure that the responses to the challenges benefit the law school.

My first action to implementing change has been to ascertain from the various stakeholders that there is “buy in” for the actions described above. These stakeholders include the faculty, staff, students, alumni, leaders of the local legal community, friends of the law school, and others in the community. I have been engaging the stakeholders in a process of institutional planning and priority setting, to decide which goals to undertake, and in which order to undertake them. This process highlights the importance of forming lasting relationships that go beyond one particular issue. None of this is easy work, but it has so many rewards that it is all ultimately worth it.

The biggest reward I have found so far is the team building that comes from the inclusion of stakeholders. Furthermore, I am confident that with this team building I can effect change, as I have invested the stakeholders in the process and maintained transparency. The sharing of information among all stakeholders is a key to success.

MY EXPERIENCES ON THE PATH TO BECOMING A LAW DEAN

My commitment to legal education is rooted in my appreciation of my own educational experiences. My education from the primary

4. See David Segal, *Is Law School a Losing Game?* N.Y. TIMES (Jan. 8, 2011), http://www.nytimes.com/2011/01/09/business/09law.html?_r=1.

5. See Norman Lefstein, *Reflections of a Long-Serving Dean*, 34 U. TOL. L. REV. 109, 109 (2002).

grades in a Caribbean island through law school at a large Ivy League institution, coupled with my work as an educator, have made me acutely aware of how professional training impacts a person's life and livelihood, and impacts local and global communities.

I am the beneficiary of a quality education as the daughter of a Catholic schoolteacher. What I learned, inside and outside the classroom in my formative years, significantly and profoundly impacted me and helped shape who I am as a person, educator, and leader. Values instilled in me then have remained with me throughout my college and law school years, and through my professional life. Equality, spirituality, respect for the dignity of all, care and concern for our fellow human beings—these are tenets with which I was raised with, maintain today, and strive to pass along to my two young daughters.

After graduating from high school, I left my home island of Puerto Rico⁶ to attend Princeton University, and from there, I studied law at the University of Pennsylvania School of Law. Up to that time, I had neither lived in the continental United States, nor spoken English other than in school. Now, I am deeply honored to be the first woman permanent law dean in Louisiana⁷ and to have been the first and only Latina/o tenured law professor at Indiana University School of Law, Indianapolis.⁸

The path I have followed as a legal academic has included many hours of hard work, both in the classroom and as a scholar. I have served the law school, the profession, and the Latino community as well. These contributions to social justice have been an integral part of

6. To the best of my knowledge, I am the first Puerto Rican to become a law dean in a mainland United States law school. There are four law schools in Puerto Rico and the deans of those law schools are Puerto Rican. Notably, the first woman dean of a Puerto Rican law school, Dean Vivian Neptune Rivera has recently assumed her deanship as well. *See Facultad*, UNIVERSIDAD DE PUERTO RICO, http://ls-po.law.upr.edu/portal/page?_pageid=241,307775,241_307812&_dad=portal&_schema=PORTAL (last visited Mar. 5, 2012).

7. Professor Kathryn Venturatos Lorio is the first woman interim dean at a Louisiana law school. She served as Interim Dean of Loyola University New Orleans College of Law in 2010-2011. *See Press Release*, Loyola Univ. New Orleans, Kathy Lorio Leads College of Law as Interim Dean (Sept. 7, 2010), *available at* <http://www.loyno.edu/news/story/2010/9/7/2213>.

8. The school is now named the Indiana University Robert H. McKinney School of Law. *See* IND. U., <http://indylaw.indiana.edu/> (last visited Jan. 30, 2012).

being a legal scholar. Finally, I have been fortunate to receive outstanding mentorship from colleagues,⁹ as well as the blessing of constant support from my family.

An earlier part of my career included ten years of diverse practice experience: I served as a federal prosecutor, a state government attorney, a large firm lawyer, and a public interest lawyer. In that last role, I represented battered immigrant women at Legal Aid of Central Texas and led a group of lawyers and paralegals as the family law team leader. During this time, I found what would become the topic of my legal scholarship: immigrants' rights. This came about because I learned so much about the lives of other women—women like me, Latinas, but who by accident of their place of birth did not have United States citizenship as I did. I realized that they had very different rights and experiences than mine,¹⁰ based only on their nationality. So years later, as a legal scholar, I decided to explore these differences. I have written about immigrant families,¹¹ the education of undocumented children,¹² the ability of immigrants to obtain driver's licenses,¹³ and undocumented workers.¹⁴ All of these

9. They are: Professor George E. Edwards, Dean Kevin R. Johnson, Professor Andrew R. Klein, Professor Sylvia R. Lazos Vargas, and Professor Florence Wagman Roisman. I am thankful for their mentorship from my earliest days in the legal academy.

10. Latina immigrant women are daily faced with untenable situations, especially in their places of employment. *See, e.g.,* Hector E. Sanchez, *Wage Theft, Sexual Harassment and Workplace Violence; the Troubling Reality of Many Latina and Immigrant Workers*, HUFFINGTON POST (Jan. 29, 2011), http://www.huffingtonpost.com/hector-e-sanchez/wage-theft-sexual-harassm_b_1235182.html.

11. *See* María Pabón López, *A Tale of Two Systems: Analyzing the Treatment of Noncitizen Families in State Family Law Systems and Under the Immigration Law System*, 11 HARV. LATINO L. REV. 229 (2008).

12. *See* MARÍA PABÓN LÓPEZ & GERARDO R. LÓPEZ, PERSISTENT INEQUALITY: CONTEMPORARY REALITIES IN THE EDUCATION OF UNDOCUMENTED LATINA/O STUDENTS (2009); María Pabón López & Diomedes J. Tsitouras, *From the Border to the Schoolhouse Gate: Alternative Arguments for Extending Primary Education to Undocumented Alien Children*, 36 HOFSTRA L. REV. 1243 (2008); María Pabón López, *Reflections on Educating Latino and Latina Undocumented Children: Beyond Plyler v. Doe*, 35 SETON HALL L. REV. 1373 (2005).

13. *See* María Pabón López, *More than a License to Drive: State Restrictions on the Use of Driver's Licenses by Noncitizens*, 29 S. ILL. U. L.J. 91 (2004).

14. *See* María Pabón López, *The Place of the Undocumented Worker in the*

topics arise from my concern regarding how the United States legal system treats those who are not United States citizens. In my scholarship, I have tried to understand such treatment in the face of the U.S. Constitution's equality guarantees as well as international human rights instruments.¹⁵

I would not have succeeded in these professional capacities without the opportunities afforded to me. Now as a dean, my way of paying forward my debt is ensuring that law students receive a high-quality legal education—which provides them opportunities to excel in their personal and professional lives—while keeping in mind the need for social justice.

SOCIAL JUSTICE MATTERS

My study, practice, and teaching of law have opened my mind and have helped shape my vision of a just society. As dean, I aim to daily contribute towards equality and social justice locally, nationally, and internationally. The work of the nine clinics and other programs offered at Loyola New Orleans College of Law, such as the Gillis Poverty Law Center's loan repayment and public interest law internship programs, is key in advancing my vision of moving towards such a just society. I believe the law school should continue providing law students with a high-quality legal education, which will enable them ethically and effectively to use the law as a social justice tool. Law schools should draw upon the resources of their faculty and staff, as well as that of alumni, community members, and other friends of the law schools serving as mentors, to help ensure that law students are prepared to serve the poor and the oppressed in the future.

I also think that law school faculties could do more to include social justice matters in the curriculum. I am impressed by the mission statement of the Society of American Law Teachers (SALT), which states as its aim: "to make the legal profession more inclusive and reflective of the great diversity of this nation; [to] enhance the quality

United States Legal System After Hoffman Plastic Compounds: An Assessment and Comparison with Argentina's Legal System, 15 IND. INT'L & COMP L. REV. 301 (2005).

15. See María Pabón López, *The Intersection of Immigration Law and Civil Rights Law: Noncitizen Workers and the International Human Rights Paradigm*, 44 BRANDEIS L.J. 611 (2006), reprinted in 29 IMMIGR. & NAT'LITY L. REV. 279 (2007).

of legal education by advancing social justice within the curriculum and promoting innovative teaching methodologies; and [to] extend the power of law to underserved individuals and communities.”¹⁶ I think social justice matters and its importance to the endeavors of law students, law professors, law deans, and all others in the legal profession needs to be underscored.

CONCLUSION: DAILY INTERACTIONS AND LEARNING

As a dean, I interact not just with students and faculty, but also with university administrators, potential donors, and bar association leaders—most of who are different demographically from me—they are white and male. I view my deanship as a Latina law dean as an opportunity for learning. This learning happens in two modalities: I learn from those with whom I interact and *they* learn from *me* while we interact. I have learned a great deal while serving as a Creole-Cajun Latina law dean, similarly to the years I spent as a Hoosier Latina law professor and a Latina legal writing instructor in the Show Me state. The folks in Louisiana, Indiana, and Missouri have all been welcoming and frankly, very curious about me and my background. Although I have experienced the imposition of stereotypes,¹⁷ by and large, I think the interactions have been positive.

Over the years, I have had a “Latino 101” chat with my students where we discuss, for example, the difference between the terms Hispanic and Latino. “What is the best way to address you?”—they have asked. I answer to try the nationality first; so in my case, Puerto Rican. So call me Puerto Rican, but I tell them that of course, I will respond to Latina as well. The term “Hispanic” does not particularly suit me, since the federal government created the term.¹⁸

16. *Mission*, SOCIETY OF AM. LAW TEACHERS (July 30, 2009), <http://www.saltlaw.org/contents/view/mission>.

17. Two examples of stereotyping, both come in the form of attempted compliments: First, to me, that I am well educated for a Puerto Rican. Second, to my two U.S.-born daughters on how well they speak English. Well meaning or not, these are stereotypical comments about Latino/as. My daughters and I take these in good humor and try to continue educating at each turn, even if my daughters are only in fifth and ninth grade and the comments come from older folks.

18. Ann. W. Clutter & Ruben D. Nieto, *Understanding Hispanic Culture*, OHIO ST. UNIV., <http://ohioline.osu.edu/hyg-fact/5000/5237.html> (last visited Jan. 31, 2012).

I also intend that part of the learning be in the form of my written product as a legal scholar. So far, I am thoroughly devoted to administration and very much enjoy being dean. Whether the transition to law deaning is permanent or not, only time will tell! So far, so good! Therefore, I will continue to research and write, difficult as it is when I have a law school to run, because I have some much to say in the critical conversation in my main area of study—the law and immigrants. I have researched and written about the laws affecting the rights of immigrants in the United States and in other countries.¹⁹

Another area of scholarly interest for me is diversity in the legal profession, and I have authored an article regarding the status of women lawyers.²⁰ Thus, the topics of my research and writing have been how I use my scholarly voice as an instrument for social justice. As these issues regarding social justice continue to be in the forefront, even if administration becomes in fact a permanent career move for me, I will maintain my connections with my work as a scholar. Furthermore, I note that maintaining my scholarship increases my ability to encourage my faculty to publish, as I lead by example.

As I reflect on legal education, equality, and justice and consider the advice I would give other Latinas and “outsiders” who aspire to become law deans, one phrase comes to mind. First and foremost, “Be yourself.” Law deaning and trying to effectuate change in the world requires a moral conviction and strength of character that has to be genuine and sparkling with the gleam of authenticity. When the numbers of women minority law deans stand at the single digits,²¹ our voices need to be our very own.

19. See, e.g., María Pabón López, *What Nations Are Doing About Immigrant Workers in Downturn Economies: Examining and Comparing the Recent Treatment of Immigrant Workers in the United States and Spain*, 1 NOTRE DAME J. INT’L. COMP. & HUM. RTS. L. 80 (2011).

20. See María Pabón López, *The Future of Women in the Legal Profession: Recognizing the Challenges Ahead by Reviewing Current Trends*, 19 HASTINGS WOMEN’S L.J. 53 (2008).

21. The latest AALS statistics available show that there are five women of color in the decanal ranks. See *2008 – 2009 AALS Statistical Report on Law Faculty*, ASS’N OF AM. LAW SCH., <http://www.aals.org/statistics/2009dlt/titles.html> (last visited Jan. 30, 2012).