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REFLECTIONS OF A RELUCTANT PIONEER

JENNIFER L. ROSATO*

I have mixed feelings about being one of four Latina Deans in the United States. I feel quite honored and privileged to be part of such a distinguished group of Latinas, but at the same time continue to be surprised that our group is still so small—and that there were only two of us just a year ago.¹ In the announcement for the Deans' Roundtable at the LatCrit Conference, the four Latina deans were introduced as "Latina academic pioneers." I don't usually think of myself as a pioneer, as most days I focus on doing a job that I love for which I have been training for over twenty-five years. Being a dean has allowed me to integrate my strong interests in education, students, the law, problem-solving, as well as working with people and motivating them to do their best. The deanship has allowed me to pursue my life-long passion to transform legal education into an experience that is more engaging and experiential, and more accessible and satisfying for all students.²

* Dean and Professor, Northern Illinois University College of Law. Thanks to the organizers of the LatCrit Conference, especially Professor Frank Valdes (who invited us to participate in the conference) and Professor Carmen Gonzalez (for her insightful questions as moderator). I recognize the hard work of my research assistants, Jennifer Jeep Johnson and Kehinde Durowade, and my assistant Tita Kaus. I would not be where I am today without Professor Michael Olivas, mentor and guardian angel, and all my fellow Latino law professors who supported me in my journey here. As always, I am grateful for the inspiration, support, and suggestions of Professor Juan Perea.

1. I served as Acting Dean at Earle Mack Drexel University School of Law from 2006-2007, and began my term at NIU College of Law in July 2009. See Laura M. Padilla, *A Gendered Update on Women Law Deans: Who, Where, Why, and Why Not?*, 15 AM. U. J. GENDER SOC. POL'Y & L. 443, 462 n.80 (2007). Leticia Diaz, Dean of Barry University School of Law, began her term in 2007. *Rosenblatt's Deans Database*, MISS. COLL. OF LAW, <http://law.mc.edu/deans/profile.php?id=627> (last visited Jan. 18, 2012).

2. See Jennifer L. Rosato, *All I Ever Needed to Know About Teaching Law School I Learned Teaching Kindergarten: Introducing Gaming Techniques in the*

As a pioneer—one of the first to experience what it is like to be a Latina law dean—I bring my own unique perspectives on legal education and the legal profession. I had the privilege of sharing many of those perspectives during the LatCrit Roundtable. In this Essay, I will focus on some of the challenges that remain for Latinos and Latinas in legal education and the legal profession, particularly with regard to diversity and leadership. Those challenges are daunting, but law deans (especially law deans of color) are well situated to make a difference in overcoming them in their own way.

DIVERSITY

When I joined the academy in 1990, Latino/a law professors were still few and far between, and Latinos/as in law schools were still a small percentage of the incoming classes in law school. Since then, many efforts have been made in law schools and in the profession to attempt to diversify and increase the numbers of Latino/a law students, law professors, deans, lawyers, firm partners, and corporate counsel. Those extensive efforts have ranged from awarding generous scholarships to attract diverse law students; shaming of law schools to hire more Latino law professors, notably the Hispanic National Bar Association's "Dirty Dozen List";³ sponsoring mentoring programs for law students and lawyers and training for hiring committees at law schools and law firms;⁴ and bringing "Calls to Action" to encourage greater diversity in lawyers representing major corporations and other clients.⁵

Law School Classroom, 45 J. LEGAL EDUC. 568 (1996); Jennifer L. Rosato, *Bringing the Outside in: Recipes for Integrating Child Protection Policy and Practice into Our Classrooms*, 41 FAM. CT. REV. 439 (2003); Jennifer L. Rosato, *The Socratic Method and Women Law Students: Humanize, Don't Feminize*, 7 S. CAL. REV. L. & WOMEN'S STUD. 37 (1997).

3. See Ediberto Roman & Christopher Carbot, *Freeriders and Diversity in the Legal Academy: A New Dirty Dozen List?*, 83 IND. L.J. 1235, 1238-39 (2008).

4. See generally AM. BAR ASS'N, DIVERSITY IN THE LEGAL PROFESSION: THE NEXT STEPS 11-16, 25-30, 35-40 (2010); *LCLD Fellows*, LEADERSHIP COUNCIL ON LEGAL DIVERSITY, <http://www.lclldnet.org/fellows.html> (last visited Jan. 24, 2012) (recent mentoring program for lawyers).

5. Rick Palmore, *A Call to Action: Diversity in the Legal Profession*, ASS'N CORP. COUNS. (Oct. 2004), <http://www.acc.com/vl/public/Article/loader.cfm?csModule=security/getfile&pageid=16074>; see also Katheryn Hayes Tucker, *Call to*

Despite these efforts, achieving meaningful diversity in law schools and throughout the profession still remains an unrealized goal.⁶ The following statistical snapshot of the legal profession speaks volumes:

- 29.8% of law firms have no minority partners, and 57.1% have no minority women partners.⁷
- Most minority women lawyers leave law firms within eight years.⁸
- Latinas account for only 1.3% of all lawyers.⁹
- There are less than fifteen women deans of color out of approximately 200 ABA-approved law schools; and there still are no Asian women deans.¹⁰

Moreover, it is not likely that this picture will improve significantly any time in the foreseeable future. The pipeline to the profession appears to be drying up—despite our “buckets” of efforts and the increase in the numbers of Latinos/as in the country.¹¹ A few of the “dry spots” along the pipeline begin to explain the current picture and help predict the future. One dry spot is at the college level.

Action: Part Two, LAW.COM (May 22, 2008), <http://www.law.com/jsp/cc/PubArticleCC.jsp?id=1202421587460>; *2008 White Paper*, LEADERSHIP COUNCIL ON LEGAL DIVERSITY, http://www.lclldnet.org/perspectives_2008_white_paper.html (last visited Jan. 24, 2012).

6. See AM. BAR ASS'N, *supra* note 4.

7. *A Closer Look at NALP Findings on Women and Minorities in Law Firms by Race and Ethnicity*, NAT'L ASS'N FOR LAW PLACEMENT, at tbl.3 (Jan. 2011), http://www.nalp.org/jan2011wom_min.

8. ARIN N. REEVES, AM. BAR ASS'N, *FROM VISIBLE INVISIBILITY TO VISIBLY SUCCESSFUL* 7 (2008).

9. COMM'N ON LATINAS IN THE PROFESSION, HISPANIC NAT'L BAR ASS'N, *FEW AND FAR BETWEEN: THE REALITY OF LATINA LAWYERS* 10 (2009) (contrasting that Latinas make up seven percent of the total U. S. population).

10. See *Minority Law School Deans*, L. PROFESSOR BLOGS NETWORK (July 1, 2011), <http://lawprofessors.typepad.com/immigration/2011/07/minority-law-school-deans.html> (listing law school deans of color).

11. See *The Hispanic Population: 2010*, U.S. CENSUS BUREAU 2-3 (May 2011), <http://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf>; see also Victor B. Sáenz & Luis Ponjuan, *Men of Color: Ensuring the Academic Success of Latino Males in Higher Education*, INST. FOR HIGHER EDUC. POL'Y 5 (Nov. 2011), [www.ihep.org/assets/files/publications/m-r/\(Brief\)_Men_of_Color_Latinos.pdf](http://www.ihep.org/assets/files/publications/m-r/(Brief)_Men_of_Color_Latinos.pdf).

Although more Latinos/as are going to college, many are going to community colleges and not completing baccalaureate degrees (which would be the gateway to graduate school).¹²

Another dry spot is law school admissions, which appear to be declining for students of color. At least one study concluded that law school admissions for African-American and Mexican-Americans declined between 1993 and 2008.¹³ The environment is likely to become even more difficult for admitting students of color, as a number of other adverse conditions exist: the cost of law school continues to increase along with the debt load;¹⁴ the job prospects for law school graduates are still limited;¹⁵ and the existence of implicit bias limits the effectiveness of even well-meaning diversity efforts.¹⁶ A recent challenge to the U.S. Supreme Court's decision in *Grutter v. Bollinger*,¹⁷ if successful, may dry up the pipeline even further by prohibiting law schools from considering race as a factor in admissions.¹⁸

12. Richard Fry, *Hispanic College Enrollment Spikes, Narrowing Gaps with Other Groups*, PEW HISPANIC CTR. 3, 5-6 (Aug. 25, 2011), <http://www.pewhispanic.org/files/2011/08/146.pdf> (24% surge/growth of Latino students in 2009-2010; 15% of Latinos getting Baccalaureate degrees compared to 39% white students); see also Sáenz & Ponjuan, *supra* note 11, at 8-10 (Latinos lag behind Latinas in completing bachelor's degrees).

13. Tamar Lewin, *Law School Admissions Lag Among Minorities*, N.Y. TIMES (Jan. 6, 2010), <http://www.nytimes.com/2010/01/07/education/07law.html>. *But see* E-mail from Stephen T. Schreiber, Exec. Vice Pres. Law School Admission Council, to deans of American law schools (Jan. 14, 2010), *available at* <http://www.saltlaw.org/userfiles/1-14-10LSACResponse.pdf> (rebutting assertions made in Lewin, *supra*, explaining data, and concluding that “[d]iversity among law school matriculants has consistently increased over the past several years”).

14. William D. Henderson & Rachel M. Zahorsky, *The Law School Bubble: How Long Will It Last if Grads Can't Pay Bills?*, ABA J. (Jan. 1, 2012), http://www.abajournal.com/magazine/article/the_law_school_bubble_how_long_will_it_last_if_grads_cant_pay_bills/.

15. See William D. Henderson & Rachel M. Zahorsky, *Law Job Stagnation May Have Started Before the Recession—and It May Be a Sign of Lasting Change*, ABA J. (July 1, 2011), http://www.abajournal.com/magazine/article/paradigm_shift/.

16. See Howard Ross, *Proven Strategies for Addressing Unconscious Bias in the Workplace*, 2 CDO INSIGHTS 1, 1-16 (2008), *available at* www.cookcross.com/docs/UnconsciousBias.pdf.

17. 539 U.S. 306 (2003).

18. See *Fisher v. Univ. of Tex. at Austin*, 631 F.3d 213 (5th Cir. 2011), *cert.*

Despite these challenges to diversity, a dean is in a unique position to make some significant progress towards diversity. I have taken on a number of initiatives as Dean, in addition to considering diversity in faculty hiring and in admissions. (As a public law school, diversity and access are an integral part of the law school's mission and core values.) I direct some of my efforts to building the pipeline. For example, I encourage minority lawyers to consider and prepare for an academic career through presentations to lawyers. I have co-sponsored a Society of American Law Teachers' (SALT) "Breaking In" conference to encourage more professors of color.¹⁹ I regularly speak to groups of students, including undergraduates and minority students, and encourage them to be lawyers and leaders. I also speak to law students of color, candidly discussing issues such as the continued need to fight discrimination (overt and subtle), and their important identities as mentors and role models to others who follow in their footsteps. I collaborate with lawyers to present workshops on identifying and eradicating implicit bias, and other diversity issues. I believe that all of these contributions will help in some small way to improve the diversity pipeline, which requires all of our persistent efforts despite setbacks.

LEADERSHIP

The well-worn adage "it's lonely at the top" is even more fitting for leaders of color, including law deans. My experience of being a minority women law dean is probably similar to the experience of minority women judges, law partners, and bar leaders who have been pioneers in their own areas. I will share what I see as the leadership challenges from my own personal experiences, and how I have addressed those challenges.

First, being a minority law dean is an isolating experience. There are few support networks available to deal with the myriad of problems that end up on a dean's desk on a daily basis. A dean must maintain a certain professional distance from her faculty and staff

granted, 132 S. Ct. 1536 (2012); Adam Liptak, *College Diversity Nears Its Last Stand*, N.Y. TIMES (Oct. 15, 2011), <http://www.nytimes.com/2011/10/16/sunday-review/college-diversity-nears-its-last-stand.html?pagewanted=all>.

19. This SALT workshop was co-sponsored by NIU College of Law and John Marshall Law School, and was held on September 16, 2011.

colleagues, since a dean must deal with them professionally on a regular basis through difficult faculty and staff dynamics, serious student problems, and private personnel issues. The isolation may feel even deeper for a dean of color, as professors of color may feel like a dean's decision against their interests may be seen as a betrayal of one's own rather than an attempt at a thoughtful resolution of competing interests. In addition, there are few opportunities for mentoring and much learning is by trial and error. I confess to reading inspirational management books from time-to-time to keep positive and give me helpful guidance. I also am fortunate to have the former deans for whom I have worked and colleague deans at the University to help me navigate the most difficult problems.

Second, the presumption of incompetence of minority leaders is ever-present, albeit subtle. In a recent *ABA Journal* article regarding Latino lawyers, a number of the lawyers interviewed raised the presumption of incompetence as a consistent theme: "Latino lawyers needed to be '10 times better' as professionals than their non-Latino counterparts."²⁰ This presumption can present itself in a number of ways, including "microaggressions," defined as the "everyday insults, indignities and demeaning messages sent to people of color by well-intentioned white people."²¹

In my experience as dean, one way this presumption presents itself is through feminization and sexualization. I happen to be female, Latina, petite, and youthful-looking (for fifty). I am regularly asked if I am a runner or work out regularly; my weight, eating habits, and my fashion are matters of common interest. I am asked about my teenage daughter on a regular basis (although she does not live with me), and about the status of my relationship with my partner (who is a law professor at another law school). I am continually balancing the common expectation to be nice and supportive, and the need to be

20. Maria Chávez, *The Rise of the Latino Lawyer: New Study Reveals Inspiring Success, Lingering Obstacles*, *ABA J.* (Oct. 1, 2011), http://www.abajournal.com/magazine/article/the_rise_of_the_latino_lawyer_new_study_reveals_inspiring_successes/; see also COMM'N ON LATINAS IN THE PROFESSION, *supra* note 9, at 35-37. See generally CARMEN G. GONZALEZ & ANGELA P. HARRIS, *PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA* (Gabriella Gutiérrez y Muhs et al. eds., 2012).

21. Tori DeAngelis, *Unmasking 'Racial Micro Aggressions'*, *AM. PSYCHOL. ASS'N* (Feb. 2009), <http://www.apa.org/monitor/2009/02/microaggression.aspx>.

“tough” when necessary. As many women leaders have experienced, signs of assertiveness that are expected of white male bosses are still difficult to accept from women bosses (and especially if petite and young and Latina).

Despite these challenges, I have found ways to overcome them and develop my own style of leadership that fits my personality and role. I have found it very important to know the culture and history of the institution, and even more important to know the motivations and personalities of the folks I deal with on a regular basis, including staff, faculty, and University administrators. Building relationships, and building my credibility through the strength of those relationships, has been crucial. And it really is important to “choose your battles” and not call-out every petty indignity that one receives.

I also have enjoyed developing my own management style. For years, students have called me the “sneaker dean” because I often wear sneakers around campus, signaling my informality and accessibility. Even more importantly, I try to lead consistently with transparency, straightforwardness, professionalism, and inclusion. As a teacher and dean, I am known as “tough but fair.” I also try to combat microaggressions with microaffirmations, which have been defined as “tiny acts of opening doors to opportunity, gestures of inclusion and caring, and graceful acts of listening.”²² Specifically, I try to identify the skills and talents of my team (especially faculty and staff), and maximize these contributions as much as possible.

Although I feel that I have worked hard to strengthen my own credibility and ability to lead at my own institution, my lingering concern is broader and more significant: there still remain a small number of minority women law deans, and I do not feel that the numbers are likely to grow significantly in the years to come. Becoming a dean often means moving a family to a new place and finding work for a spouse or partner, and it is a demanding job all year long with significant travel and public appearances on evenings and weekends. More needs to be done to encourage women and minority law professors to become associate deans or gain other valuable administrative experience that will prepare and position them for deanships when those opportunities arise. The Promoting Diversity in

22. Ross, *supra* note 16, at 9.

Law School Leadership conference²³ is a start, but much more needs to be done if the numbers of minority women law deans are going to increase.

FINAL REFLECTIONS

While I love being a dean, I reluctantly accept my role as a “pioneer” Latina dean. This role has enabled me to impact legal education and the legal profession in many ways that I could not have imagined, including curricular innovation, experiential learning, ethics education, resource development, and facilities. My most significant impact is that I reaffirm—each day—that a Latina can be an effective dean and lead a law school with vision, competence, and style. And perhaps make it easier for other Latinas to become deans, as I have.

23. The workshop was held most recently on September 23-24, 2011. For more information, see *Promoting Diversity in Law School Leadership*, REGONLINE, <http://www.regonline.com/builder/site/Default.aspx?EventID=970641> (last visited Jan. 24, 2012).