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### The Black-White Paradigm's Continuing Erasure of Latinas: See Women Law Deans of Color

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# THE BLACK–WHITE PARADIGM’S CONTINUING ERASURE OF LATINAS: *SEE* WOMEN LAW DEANS OF COLOR

LAURA M. PADILLA<sup>†</sup>

## ABSTRACT

The Black-white paradigm persists with unintended consequences. For example, there have been only six Latina law deans to date with only four presently serving. This Article provides data about women law deans of color, the dearth of Latina law deans, and explanations for the data. It focuses on the enduring Black-white paradigm, as well as other external and internal forces. This Article suggests how to increase the number of Latina law deans and emphasizes why it matters.

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## INTRODUCTION

This Article begins by briefly describing the Black–white paradigm and the ways it erases communities of color that do not fit within it, thus further marginalizing already sidelined communities.<sup>1</sup> This Article focuses on Latinas, elaborating on how the Black–white binary places them in an impossible position, making it difficult to discuss race beyond Black and white and to consider and resolve other communities’ discrete, race-related issues.

The next Part illustrates the Black–white paradigm erasure point as to Latinas with a story about women law deans of color. The seventy-five women serving as law deans at this moment represent the largest number to date<sup>2</sup> and the majority are white (43.5).<sup>3</sup> Among the 31.5 women of color,<sup>4</sup> 25.5 are Black,<sup>5</sup> and the remaining are Latina (4), Asian (2),<sup>6</sup> and Indigenous (1).<sup>7</sup>

The story of Black women is a resounding success, but it is somewhat puzzling when compared to their representation in the legal academy and compared to other women of color who are disproportionately underrepresented. This Article focuses on the comparatively low number of Latina law deans. It then offers explanations for the composition of women law

1. Many scholars, especially Critical Race theorists, have long written about shortcomings of the Black–white paradigm. See, e.g., Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CALIF. L. REV. 1241, 1267 (1993); Adrienne D. Davis, *Identity Notes Part One: Playing in the Light*, 45 AM. U. L. REV. 695, 696 (1996); Richard Delgado, *Rodrigo's Fifteenth Chronicle: Racial Mixture, Latino-Critical Scholarship, and the Black-White Binary*, 75 TEX. L. REV. 1181, 1189 (1997); Angela P. Harris, *Foreword: The Jurisprudence of Reconstruction*, 82 CALIF. L. REV. 741, 775 (1994); Chris K. Iijima, *The Era of We-Construction: Reclaiming the Politics of Asian Pacific American Identity and Reflections on the Critique of the Black/White Paradigm*, 29 COLUM. HUM. RTS. L. REV. 47, 68 (1997); Elizabeth Martínez, *Beyond Black/White: The Racisms of Our Time*, 20 SOC. JUST. 22, 22 (1993); Rachel F. Moran, *Neither Black nor White*, HARV. LATINO L. REV. 61, 61 (1997); Rachel F. Moran, *What if Latinos Really Mattered in the Public Policy Debate?*, 85 CALIF. L. REV. 1315, 1332 (1997); Juan F. Perea, *The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought*, 85 CALIF. L. REV. 1213, 1213 (1997); Frank H. Wu, *Neither Black nor White: Asian Americans and Affirmative Action*, 15 B.C. THIRD WORLD L. J. 225, 248–49 (1995); Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821, 852 (1997); Enid Trucios-Haynes, *Why "Race Matters": LatCrit Theory and Latina/o Racial Identity*, 12 LA RAZA L. J. 1, 89 (2001). It is now 2022 and we are still talking about moving beyond the Black–white paradigm.

2. See *infra* Appendix 1. These numbers exclude interim deans because of their temporary status.

3. See *infra* Appendix 1. The .5 is because Jessica Berg is co-dean with Michael Scharf. See Meet Our Deans, Case W. Reserve Univ., <https://case.edu/law/our-school/faculty-directory/meet-our-deans> (last visited Apr. 30, 2022).

4. See *infra* Appendix 2. Dean Bullock is counted twice (under Black and Asian), which explains why the discrete numbers by race add up to 32.5.

5. See *infra* Appendix 2. The .5 is because Kimberly Mutcherson (Black) is co-dean with Rose Cuison-Villazor (Asian, serving on an interim basis). See *Leadership*, RUTGERS L., <https://law.rutgers.edu/leadership> (last visited Apr. 30, 2022).

6. See *infra* Appendix 2. For purposes of this Article, Asian includes Asian American, Southeast Asian, and Pacific Islander. Dean Bullock is counted twice. See *supra* note 4 and author’s commentary.

7. See *infra* Appendix 2. This Article uses the term “Indigenous” to describe the peoples originating from North America.

deans of color. This Article suggests the surge in the appointment of Black women is not surprising given the Black–white paradigm, intentional organizational efforts to promote Black women in the academy, and the “George Floyd effect.”<sup>8</sup> At the same time, Latinas have not had the same leadership organization and support and may be influenced by cultural norms that impede the singular focus required to attain top leadership positions.

This Article incorporates ideas to increase Latina leadership, partly by shifting to a nonbinary paradigm that is more hospitable to a broader range of outsiders and will create a more diverse, equitable, and inclusive climate. This in turn will permit all women of color better access to leadership positions. This movement can only achieve its promise if Latinas’ underrepresentation is acknowledged as a shortcoming, making way for concrete steps to expand their leadership. While there have been productive efforts to increase the number of Latina/o faculty,<sup>9</sup> those must be supplemented with more intentional steps to nurture career growth and cultivate Latina leadership. Finally, we need an honest conversation about cultural barriers that limit leadership aspirations. A combination of these steps should mitigate the Black–white paradigm’s erasure of those who fall outside the paradigm, opening more doors for others.

#### I. THE BLACK–WHITE PARADIGM EXPLAINED AND HOW IT ERASES LATINAS

“In the United States, a bipolar [B]lack/white paradigm of race relations has been the framework upon which a vocabulary has been erected to deal with race issues.”<sup>10</sup> Simply stated, the Black–white paradigm is an archetype for understanding racial constructs, issues, and solutions with Black and white people’s experiences as the anchors. Professor Rudy Hernandez poignantly stated:

Race, in black and white, is arguably one of the most persistent paradigms to have entered the American psyche. It affects us all, and it is as powerfully divisive as it is potentially unifying; exclusive as much as it is inclusive since race is the point where most of us formulate our initial assumptions about people . . . and the institutions associated with groups of people.<sup>11</sup>

8. See discussion *infra* Sections IV.B, IV.C and accompanying text.

9. See discussion *infra* Part IV (detailing efforts to increase the number of Latina/o faculty). But I must acknowledge Michael Olivas’ Herculean impact in nurturing, encouraging, and developing Latina/o law professors. See *The Olivas Faculty Recruitment Initiative*, FLA. INT’L U. L., <https://law.fiu.edu/faculty/the-olivas-faculty-recruitment-initiative> (last visited Apr. 30, 2022) (“[H]e almost single-handedly changed the number of the Latinx law professoriate from 20+ members when he started to eventually over 200 members . . .”).

10. Iijima, *supra* note 1, at 68.

11. Rudy G. Hernandez, *The Browning of a Paradigm: Latinos in Neither Black nor White 2* (Julian Samora Rsch. Inst., Working Paper No. 63, 2004) (citation omitted).

Given slavery's insidiousness in U.S. history and its pervasive long-term effects, the Black–white paradigm is a logical starting point and an essential part of the conversation about race. As Professor Nancy Ota explained:

Discussion of the history of American race relations inevitably focuses on the Black/[w]hite Paradigm epitomized first by slavery, the Civil War and then emancipation, the Reconstruction era, Jim Crow or the American era of apartheid, the establishment of formal legal equality in the Civil Rights era, and now the salience of race and the persistence of racism in American society.<sup>12</sup>

This paradigm provides a straightforward structural framework for discussing race by reference to markers—Blackness and whiteness. However, it is incomplete, erasing other outsiders.<sup>13</sup> “[T]he Black/[w]hite binary paradigm operates to exclude Latinos[] [and others] from full membership and participation in racial discourse . . . .”<sup>14</sup> Such exclusion perpetuates the paradigm,<sup>15</sup> ignoring other experiences and making it challenging for others to rise to their full promise, including leadership potential.

While people of color share many common battles, there are also different histories, cultures, struggles, and oppressions, which cannot be thoroughly explored under a Black–white paradigm.<sup>16</sup> As far back as 1993, Professor Robert S. Chang informed us that:

Most discussions of race and the law focus on African Americans to the exclusion of non-African American racial minorities. To limit the discussion in this way is a mistake. Analogies may be drawn between the discrimination experienced by different disempowered groups, but care must be taken to avoid confusing one form of discrimination with another. The dominant group has used various methods of discrimination, legal and extralegal, against different disempowered groups. The differences between these groups must be considered in a discourse on

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12. Nancy K. Ota, *Paper Daughters*, 12 WASH. & LEE J. CIV. RTS. & SOC. JUST. 41, 41 (2005).

13. See Perea, *supra* note 1, at 1215. The Black–white paradigm is problematic for other reasons. For example, “[t]he very label ‘black/white’ suggests parity of the races within the paradigm. It evokes two equal poles on a line that together make up the category race. Hence race itself as a construct appears to be neutral; everyone has one, it is merely a matter of identification.” Davis, *supra* note 1, at 709.

14. Perea, *supra* note 1, at 1215.

15. *Id.* “An historical assessment of the relationship of other groups of color to a black/white paradigm reveals the paradigm as not only unresponsive and inaccurate, but debilitating for legal analysis . . . .” Davis, *supra* note 1, at 696. The Black–white paradigm is also exclusionary in media, history, and during the renaming of national monuments. See, e.g., Stephanie Teladrid, *The Exclusion of Latinos From American Media and History Books*, THE NEW YORKER (Sept. 21, 2021), <https://www.newyorker.com/news/q-and-a/the-exclusion-of-latinos-from-american-media-and-history-books>; Ricardo Romo, *Latinos Missing in U.S. Historical Memorials*, LATINOS IN AM. (Sept. 26, 2021), <https://latinosinamerica.substack.com/p/latinos-missing-in-us-historical-c7c>.

16. See, e.g., Chang, *supra* note 1, at 1265.

race and the law if we are to use law as a means to help end racial oppression.<sup>17</sup>

The Black–white paradigm remains an important frame of reference for understanding race-related issues, but it is exclusionary and minimizes others’ experiences. Professor Eric K. Yamamoto explained that:

“It limits racial inquiry to white and black relations, and its binary oppositional framing of race issues generates an either-or view of racial justice. While white on black disputes are of immense continuing import, the white-black casting of race issues misses important complexities in multiracial America.”<sup>18</sup>

The paradigm diminishes other experiences, if it acknowledges them at all, making it nearly impossible to frame issues or achieve solutions that transcend the paradigm.<sup>19</sup> Its pervasiveness even manifests in leadership. For example, the first person of color to serve as President of the United States was a Black man, Barack Obama.<sup>20</sup> Similarly, both the first (Thurgood Marshall)<sup>21</sup> and second (Clarence Thomas)<sup>22</sup> people of color on the Supreme Court of the United States were Black men. The first law dean of color was a Black man.<sup>23</sup> The first woman law dean of color was Black.<sup>24</sup> The next Part will further illustrate how the Black–white binary has impacted women law deans’ diversity, artificially limiting the number of Latina law deans.

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17. *Id.*

18. See Yamamoto, *supra* note 1, at 852.

19. *Id.* at 854–55.

20. Barack Obama, WHITE HOUSE HIST. ASSOC., <https://www.whitehousehistory.org/bios/barack-obama> (last visited Apr. 30, 2022). The first person of color to serve as U.S. Vice President was Indigenus. See Becky Little, *The Conflicted Legacy of the First Vice President of Color*, HISTORY (Jan. 25, 2021), <https://www.history.com/news/vice-president-charles-curtis>. Kamala Harris was the first woman and mixed-race person (Black and South Asian) to serve as Vice President. See Gillian Brockell, *Harris is the First Female, Black and Asian Vice President. But Not the First VP of Color.*, WASH. POST (Jan. 29, 2021), <https://www.washingtonpost.com/history/2020/11/12/charles-curtis-kamala-harris-vice-president-native-american>.

21. Thurgood Marshall, OYEZ, [https://www.oyez.org/justices/thurgood\\_marshall](https://www.oyez.org/justices/thurgood_marshall) (last visited Apr. 30, 2022). Thurgood Marshall served on the Supreme Court from October 2, 1967, through October 1, 1991. See *Justices 1789 to Present*, SUP. CT. OF THE U.S., [https://www.supremecourt.gov/about/members\\_text.aspx](https://www.supremecourt.gov/about/members_text.aspx) (last visited Apr. 30, 2022).

22. Clarence Thomas, OYEZ, [https://www.oyez.org/justices/clarence\\_thomas](https://www.oyez.org/justices/clarence_thomas) (last visited Apr. 30, 2022). Clarence Thomas took his oath to serve on the Supreme Court on October 23, 1991, where he still sits. *Justices 1789 to Present*, *supra* note 21. Sonia Sotomayor, the first woman of color and Latina, took her oath to serve on the Supreme Court on August 8, 2009, where she still sits. See *Sonia Sotomayor*, OYEZ, [https://www.oyez.org/justices/sonia\\_sotomayor](https://www.oyez.org/justices/sonia_sotomayor) (last visited Apr. 30, 2022).

23. See generally Langston, John Mercer, U. S. HOUSE OF REPS.: HIST., ART & ARCHIVES, <https://history.house.gov/People/Detail/16682> (last visited Apr. 30, 2022). John Langston was the founding dean at Howard Law School, the first Black law school, and served as dean from 1868–1875.

*Id.*

24. See Laura M. Padilla, *Women Law Deans, Gender Sidelining, and Presumptions of Incompetence*, 35 BERKELEY J. GENDER L. & JUST. 1, 7–8 (2020) [hereinafter *Women Law Deans*] (“In 1969, Howard Law appointed the first woman law dean of color, Patricia Roberts Harris.”).

## II. A BLACK–WHITE PARADIGM ERASURE CASE IN POINT: WOMEN LAW DEANS OF COLOR

This Part details the composition of women law deans, revealing that most are either Black or white, with very few outside the Black–white binary. A spring 2021 article, *‘It’s the Moment for This’: An Unprecedented Number of Black Women Are Leading Law Schools*, stated:

Come fall, 14% of American Bar Association [(ABA)]-accredited law schools will have Black women at the helm, a figure that outpaces their representation among tenured faculty. (The ABA doesn’t release information on tenured faculty by race, but its 2020 data show that 21% of full-time law faculty identified as minorities, thus the percentage of Black women in tenured posts is without a doubt lower than 14%.)<sup>25</sup>

The number of Black women law deans is laudable yet enigmatic, given the pipeline leading to law deanships. The following paragraphs provide data on law school students, faculty, and deans—tracking the typical path to dean appointments. This Part then transitions to an exploration of why so many women law deans of color are Black and why so few women law deans of color are not Latina.

Table 1 contains data for ABA accredited law schools (current at the time of writing), showing that approximately 45.5% of law deans are white men (82.5).<sup>26</sup> White women make up the next largest group, with approximately 24% at the helm (43.5).<sup>27</sup> Next in order are Black women at 13.5%, Black men at 6.6%, Latinos at 3.3%, Latinas at 2.2%, Asian men at 1.1%, Asian women at 1.1%, Indigenous men at 0.6%, and Indigenous women at 0.6%.<sup>28</sup> Table 2 reports similar patterns at Association of American Law Schools (AALS) schools.<sup>29</sup> Looking strictly at the pipeline-to-law-dean data, this breakdown is not proportional given the demographics of the legal academy.<sup>30</sup> The next question this Part explores is: Why?

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25. See Karen Sloan, *‘It’s the Moment for This’: An Unprecedented Number of Black Women Are Leading Law Schools*, AM. LAW. (May 13, 2021), <https://plus.lexis.com/api/permalink/681a9ad1-4c77-4cae-9c76-aaa9d48f1e31>.

26. See *Deans by Ethnicity and Gender - Listed Alphabetically*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/results.php?s=15> (last visited Apr. 30, 2022). The original source includes interim deans, but for the purpose of this article, I exclude them because of their temporary status (they are sometimes later appointed as deans but are often placeholders until a national search is conducted).

27. *Id.*

28. *Id.*

29. See *infra* Table 2.

30. See *infra* Tables 3–8 (conveying demographics of law students, law professors, and law deans reported to the ABA).

Race (Gender)	Total Number of Deans (201)	Deans [no Interims] (181.5)	Interim Deans (19.5)	Percent <sup>31</sup>
Asian (M)	3	2	1	1.1%
Asian (W) <sup>32</sup>	2.5 <sup>33</sup>	2	0.5	1.1%
Black (M)	12	12	0	6.6%
Black (W) <sup>34</sup>	25.5 <sup>35</sup>	24.5	1	13.5%
Indigenous (M)	1	1	0	0.6%
Indigenous (W)	1	1	0	0.6%
Latino (M)	7	6	1	3.3%
Latina (W) <sup>36</sup>	4	4	0	2.2%
Mixed-race (M) <sup>37</sup>	1	1	0	0.6%
Mixed-race (W) <sup>38</sup>	2	2	0	1.1%
White (M)	88.5 <sup>39</sup>	82.5	6	45.5%
White (W)	53.5	43.5	10	24.0%

TABLE 1. *ABA Law School Deans*<sup>40</sup>

31. This percentage was calculated by dividing the “Deans [no interims]” within each category by the total number of “Deans [no interims]” (181.5) and rounding to the nearest tenth.

32. Joan Bullock was counted as Black, Asian, and mixed-race. Brittany Britto, *Texas Southern Law School Hires First Female Dean*, HOUS. CHRON. (Aug. 23, 2019, 4:53 PM), <https://www.houstonchronicle.com/news/houston-texas/education/article/Texas-Southern-law-school-hires-first-female-dean-14352974.php#:~:text=All%20nine%20before%20her%20were,Chinese%20and%20African%20American%20descent> [hereinafter *Joan R.M. Bullock*].

33. Rose Cuison-Villazor is an interim co-dean with Kimberly Mutcherson at Rutgers. *Rose Cuison-Villazor*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/profile.php?id=1273> (last visited Apr. 30, 2022) [hereinafter *Rose Cuison-Villazor*]; *Kimberly Mutcherson*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/profile.php?id=1190> (last visited Apr. 30, 2022) [hereinafter *Kimberly Mutcherson*].

34. See *Joan R.M. Bullock*, *supra* note 32.

35. Kimberly Mutcherson is a co-dean with interim co-dean Rose Cuison-Villazor at Rutgers. *Kimberly Mutcherson*, *supra* note 33; *Rose Cuison-Villazor*, *supra* note 33.

36. Jennifer Rosato Perea is Latina and Italian and counted as Latina and Mixed-race (Women). *Jennifer L. Rosato Perea*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/profile.php?id=679> (last visited Apr. 22, 2022) [hereinafter *Jennifer L. Rosato Perea*]; Jennifer Rosato Perea, *Reflections on Eleven Years as a Latina Dean*, in 23 UNIV. OF PA. J. L. & SOC. CHANGE 51, 61 (2020).

37. Kevin Washburn is counted as both Indigenous and white. *Kevin Washburn*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/profile.php?id=765> (last visited Apr. 30, 2022).

38. See *Joan R.M. Bullock*, *supra* note 32; *Jennifer L. Rosato Perea*, *supra* note 36.

39. Michael Scharf is a co-dean with Jessica Berg at Case Western. *Michael P. Scharf*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/profile.php?id=941> (last visited Apr. 30, 2022); *Jessica Berg*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/profile.php?id=940> (last visited Apr. 30, 2022). Adam Chodorow and Zachary Kramer are Interim Co-Deans at Arizona State University College of Law. *Zachary Kramer*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/profile.php?id=1179> (last visited Apr. 30, 2022); *Adam Chodorow*, MISS. COLL. SCH. OF L.: ROSENBLATT’S DEANS DATABASE, <https://lawdeans.com/profile.php?id=1178> (last visited Apr. 30, 2022).

40. This data was collected from school websites and Rosenblatt’s Deans Database (“Deans by Ethnicity and Gender” and “Interim Law Deans” lists). See ROSENBLATT’S DEANS DATABASE, *supra* note 26. The ABA affiliation references the schools included on the ABA list. See *ABA-Approved Law*



Race (Gender)	Total Number of Deans (180)	Deans [excluding interims] (161.5)	Interim Deans (18.5)	Percent <sup>41</sup>
Asian (M)	3	2	1	1.2%
Asian (W) <sup>42</sup>	2.5 <sup>43</sup>	2	0.5	1.2%
Black (M)	11	11	0	6.8%
Black (W) <sup>44</sup>	22.5 <sup>45</sup>	21.5	1	13.3%
Indigenous (M)	1	1	0	0.6%
Indigenous (W)	1	1	0	0.6%
Latino (M)	4	4	0	2.5%
Latina (W) <sup>46</sup>	3	3	0	1.9%
Mixed-race (M) <sup>47</sup>	1	1	0	0.6%
Mixed-race (W) <sup>48</sup>	2	2	0	1.2%
White (M)	75.5 <sup>49</sup>	69.5	6	43.0%
White (W)	53.5	43.5	10	27.0%

TABLE 2. *AALS Law School Deans*<sup>50</sup>

Law deans are much more diverse today than they were as recently as 2005, when approximately 81.3% of law deans were white men (135), 16.9% were white women (28), and a negligible 1.8% were women of color (3).<sup>51</sup> Nonetheless, the current composition is surprising when one considers law school student and faculty demographics—the primary source of law deans.

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*Schools*, AM. BAR ASSOC., [https://www.americanbar.org/groups/legal\\_education/resources/aba\\_approved\\_law\\_schools](https://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools) (last visited Apr. 30, 2022). Three law schools (Florida Coastal, University of La Verne, and Thomas Jefferson) are currently on ABA Teach-Out Plans and thus excluded from this data set. *See id.*

41. This percentage was calculated by dividing the number of “Deans [excluding interims]” within each category by the total of “Deans [excluding interims]” (164.5) and rounding to the nearest tenth.

42. *See Joan R.M. Bullock, supra* note 32 and author’s commentary.

43. *See* sources cited *supra* note 33 and author’s commentary.

44. *See Joan R.M. Bullock, supra* note 32 and author’s commentary.

45. *See* sources cited *supra* note 35 and author’s commentary.

46. *See* sources cited *supra* note 36 and author’s commentary.

47. *See Kevin Washburn, supra* note 37 and author’s commentary.

48. *See supra* notes 32 & 36 and author’s commentary.

49. *See supra* note 39 and author’s commentary.

50. This data was collected from law school websites and Rosenblatt’s Deans Database (“Deans by Ethnicity and Gender” and “Interim Law Deans” lists). *See* ROSENBLATT’S DEANS DATABASE, *supra* note 26. The AALS affiliation references the AALS member schools list. *Member Schools*, ASS’N OF AM. L. SCHS., <https://www.aals.org/member-schools> (last visited Apr. 30, 2022).

51. *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, 461–62 (2007) [hereinafter *A Gendered Update*]; *see also Women Law Deans, supra* note 24, at 2 (calculating percentage of white female deans by subtracting percent of female deans (18.7%) by the percent of female deans of color).

Tables 3 and 4 contain data from 2020 about the race and gender, respectively, of entering law students (1Ls)<sup>52</sup>:

Race	Percent	Number
Asian	7.0%	2,600
Black	8.0%	2,975
Indigenous	0.4%	164
Latina/o/x	13.6%	5,084
Two or More Races	4.4%	1,648
White	62.7%	23,364
Unknown	3.9%	1,452

TABLE 3. *Race of 1Ls in 2020*

Gender	Percent	Number
Men	45.0%	17,206
Women	54.5%	20,829
Other	0.4%	167

TABLE 4. *Gender of 1Ls in 2020*

There is no single repository with data about law professors’ race and gender<sup>53</sup> or information about which faculty are tenured, tenure-track, legal skills, visiting assistant professors (“VAPs”), or other. However, Tables 5 and 6 contain general information about law professors’ race and gender, which provides a sense of the composition of the primary pipeline leading to deanships<sup>54</sup>:

Race	Percent
Asian	9.9%
Black	7.0%
Indigenous	0.2%
Latina/o	9.3%
Unknown	2.25%
White	71.1%

TABLE 5. *Race of Law Professors*

52. See *2020 1L Enrollment by Gender & Race/Ethnicity (Aggregate)*, AM. BAR ASS’N: STATISTICS, [https://www.americanbar.org/groups/legal\\_education/resources/statistics](https://www.americanbar.org/groups/legal_education/resources/statistics) [hereinafter *2020 Enrollment Data*] (last visited Apr. 30, 2022) (containing the raw numbers; author performed all percentage computations).

53. See, e.g., Stephanie Francis Ward, *How Many Tenured Law Professors Are Black? Public Data Does Not Say*, ABA J. (Oct. 28, 2020, 3:25 PM), <https://www.abajournal.com/web/article/how-many-tenured-law-professors-are-black-public-data-does-not-say> (acknowledging sparse data on law professors’ race). This data was compiled while writing this Article, thus uses the then-currently available information.

54. *Law Professor Demographics and Statistics in the US*, ZIPPIA, <https://www.zippia.com/law-professor-jobs/demographics> (last visited Apr. 30, 2022). To date, there is no central source with data on both race and gender of faculty, and definitely no source that includes nonbinary as a category. This data was compiled while writing this Article, thus uses the then-currently available information.

Gender	Percent
Men	49.4%
Women	50.6%

TABLE 6. *Gender of Law Professors*

Table 7 contains data about women law deans of color at both ABA and AALS law schools<sup>55</sup>:

Race	ABA Number	ABA Percent <sup>56</sup>	AALS Number	AALS Percent <sup>57</sup>
Asian	2	1.1%	2	1.2%
Black	24.5	13.5%	21.5	13.3%
Indigenous	1	0.6%	1	0.6%
Latina	4	2.2%	3	1.9%

TABLE 7. *Women Law Deans of Color*

Table 8 combines data about race and gender for law students, professors, and deans. However, the data is imperfect as it does not sort out gender and race in the same table, it is derived from different sources, and it is not from the exact same time period. It nonetheless provides a baseline of law students' race, a small percentage of whom eventually become law professors; and law professors' race, a small percentage of whom eventually become law deans. Table 8 makes clear that when extrapolating women law deans' likely race based on the pipeline-to-position data, expected predictions do not materialize.

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55. See *infra* Appendix 2 (containing a list of all women law deans of color excluding interim deans).

56. See data reported *supra* Table 1.

57. See data reported *supra* Table 2.

Race	Total 1Ls <sup>58</sup> (% W)	Law Profes- sors <sup>59</sup>	ABA Deans <sup>60</sup>	ABA Woman Deans <sup>61</sup>	AALS Deans <sup>62</sup>	AALS Woman Deans <sup>63</sup>
Asian	6.6% (3.9%)	9.9%	2.2%	1.1%	2.4%	1.2%
Black	7.8% (5.1%)	7.0%	20.1%	13.5%	20.1%	13.3%
Indige- nous	0.5% (0.2%)	0.2%	1.1%	0.6%	1.2%	0.6%
Latina/o	13.1% (7.5%)	9.3%	5.5%	2.2%	4.4%	1.9%
Un- known	4.1% (1.8%)	2.25%	-	-	-	-
White	64% (32.9%)	71.1%	69.5%	24.0%	70.0%	27.0%

TABLE 8. *Aggregate Data*

The data in this Part reveals the discrepancy between feeder numbers for law students and, more importantly, law faculty, and the racial makeup of women law deans of color. If forecasting the racial composition of women law deans of color, one would expect a higher number of Asian women, followed by Latinas, then Black women, and a smaller number of Indigenous women. But the data does not reflect that pattern. What explains Black women’s overrepresentation relative to their pipeline numbers, and other women of color’s underrepresentation? The next Part will address reasons for the unexpected racial distribution of women law deans, and how to broaden opportunities for more women of color.

### III. LOPSIDED DEMOGRAPHICS EXPLAINED AND EXPANDING OPPORTUNITIES

Most women law deans are white, which is logical because most women law professors are white.<sup>64</sup> Using the data from the last Part, one would predict that Asian women should comprise the largest number of women law deans of color, followed by Latinas then Black women, with

58. See 2020 Enrollment Data, *supra* note 52 (containing raw numbers). The author performed all percentage computations to arrive at the percentage of 1Ls of a given race/ethnicity, and then the percentage within that group who were women in parentheses.

59. See Professor Demographics and Statistics, *supra* note 54.

60. The percentages were calculated by adding the percentage of men and women for each respective race from Table 1. See *supra* Table 1.

61. *Id.*

62. The percentages were calculated by adding the percentage of men and women for each respective race from Table 2. See *supra* Table 2.

63. *Id.*

64. See *supra* Table 5. Also, most women law students are white. See *supra* Tables 3 and 4. It is beyond the scope of this Article to discuss white privilege, but the pervasiveness of white privilege also explains why the majority of academics and law deans are still white. For a more thorough discussion of white privilege, see generally DARIA ROITHMAYR, REPRODUCING RACISM: HOW EVERYDAY CHOICES LOCK IN WHITE ADVANTAGE 69–81 (2014).

some Indigenous women.<sup>65</sup> However, there are many more Black women than expected and many fewer Asian women and Latinas.<sup>66</sup> Why? It is impossible to pinpoint direct causes, but there are some plausible explanations. The most salient is the Black–white paradigm, which views and analyzes race primarily in Black and white. Another important reason is Black women have created effective and intentional leadership training.<sup>67</sup> More loaded is the George Floyd effect, which may have caused dean search committees and faculties to subconsciously prefer Black candidates. The following paragraphs will provide more details on each of these causes and then turn to internal reasons why Latinas are underrepresented as law deans.

#### *A. The Black–white Paradigm*

The Black–white paradigm views race through a Black–white lens rather than through the multihued lens of all people of color. This lens partly explains the surprisingly high percentage of Black women law deans (13.5%) relative to the number of Black women law professors (7% of all law professors are Black).<sup>68</sup> The Black–white paradigm may condition, and even create, an unintentional bias to prefer Black candidates—possibly erasing other candidates of color.<sup>69</sup> Professor Chris K. Iijima summarized problems with the paradigm as follows:

Many scholars of color criticize the old paradigm because it cannot adequately account for the “new” players in the scenario. Critics of the old paradigm note that it cannot even adequately consider class, gender, or any other identity that intersects with race. In fact, some say it fails in fundamental ways to address the growing phenomenon of multiracial identities.<sup>70</sup>

While the Black–white binary occasionally morphs, even becoming more inclusive, newer variants like Black, Indigenous, and People of Color (BIPOC)<sup>71</sup> still erase Latinas. This erasure is evident through BIPOC’s purpose:

The BIPOC Project aims to build authentic and lasting solidarity among Black, Indigenous and People of Color (BIPOC), in order to

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65. See generally discussion *supra* Part III, Tables 1–8.

66. See generally discussion *supra* Part III, Tables 1–8.

67. See, e.g., *Lutie A. Lytle History and Purpose*, DEDMAN SCH. L., <https://www.smu.edu/Law/Faculty/2018-Lutie-A-Lytle-Black-Women-Law-Faculty-Worksh/LutieALytleHistoryandPurpose> (last visited Apr. 30, 2022).

68. There is no single data source that breaks down the gender of law professors by race, or the race of law professors by gender. However, Tables 5 and 6 contain data on race for all professors. See *supra* Tables 5 and 6.

69. When asked if there were specific ways being Latina acted as a barrier or strength for her deanship, one Latina replied, “Yes.” Interview with Anonymous, Latina L. Sch. Dean (Oct. 11, 2021) [hereinafter Survey 2] (on file with author). She was told it would have been better if she was African American. *Id.*

70. Iijima, *supra* note 1, at 69.

71. See *About Us*, THE BIPOC PROJECT, <https://www.thebipocproject.org/about-us> (last visited Apr. 30, 2022).

undo Native invisibility, anti-Blackness, dismantle white supremacy and advance racial justice.

We use the term BIPOC to highlight the unique relationship to whiteness that Indigenous and Black . . . people have, which shapes the experiences of and relationship to white supremacy for all people of color within a U.S. context.<sup>72</sup>

There are times to purposefully use BIPOC, but the phrase erases those not explicitly included within the acronym,<sup>73</sup> and as Professor Meera Deo observed, the term is:

[M]isleading, overly simplistic, and even incorrect when centering the experiences of Black and Indigenous communities over others within the people of color umbrella. This belittles those who are virtually erased, ignores the realities of the issue under review, and harms the communities it purports to highlight by centering them in name only.<sup>74</sup>

The BIPOC Project does vital antistatutory work and I do not intend to disparage it, but I am troubled by its use as a generic term for people of color. The acronym makes Latina/os invisible, as does BIPOC’s Mission and Theory for Change,<sup>75</sup> perpetuating Black–white paradigm shortcomings.

Why do the words and paradigm matter? They set a Black–white default as the norm, including in leadership settings, handicapping other people of color from gaining traction. To illustrate, a recent Google search for “Minorities and Leadership” produced an article titled *Toward a Racially Just Workplace*<sup>76</sup> that was part of Harvard Business Review’s *The Big Idea* series.<sup>77</sup> Consistent with the Black–white paradigm, the article positioned a discussion of racially just workplaces through a Black employee lens.<sup>78</sup> Superimposing the paradigm to a law dean setting, it would result in dean search committees thinking about racial diversity in Black–white terms, thus preferring Black candidates.

72. *Id.*

73. See Meera E. Deo, *Why BIPOC Fails*, 107 VA. L. REV. ONLINE 115, 118 (2021) (“BIPOC begins with the premise that we should *always* center two particular racial groups—Black and Indigenous—within the people of color category, though these communities are *not always* at the center of the issue being discussed. While concentrating on these two groups may make sense in particular contexts, it cannot be true that *every* example of race and racism should center Black and Indigenous voices or experiences.”) (emphasis in original).

74. *Id.* at 141.

75. See generally THE BIPOC PROJECT, <https://www.thebipocproject.org> (last visited Apr. 30, 2022).

76. See generally Laura Morgan Roberts & Anthony J. Mayo, *Toward a Racially Just Workplace*, HARV. BUS. R. (Nov. 14, 2019), <https://hbr.org/2019/11/toward-a-racially-just-workplace>.

77. See generally *The Big Idea*, HARV. BUS. REV., <https://hbr.org/big-ideas> (last visited Apr. 30, 2022). The series addresses “the most pressing topics facing business today.” *Id.*

78. Roberts & Mayo, *supra* note 76.

Moving away from a Black–white paradigm is one step toward a more inclusive conversation about race.<sup>79</sup> While some might resist such a move, even considering it disrespectful, for many it is overdue. Professor Hernandez aptly explained:

[Q]uestioning the paradigm is not tantamount to questioning history. Rather, it is questioning whether white supremacy in the [United States] is also responsible for manufacturing a narrow view of history that has excluded groups of people . . . and their contributions, thus producing a deliberate void that heaves non-black, non-white Americans into invisibility and casts a cloud of ignorance over our society about the origins, contributions and present-day situations of peoples who do not fit neatly, if at all, into the binary paradigm . . . .<sup>80</sup>

Even if there is a will to move beyond this paradigm, given the decades-long calls for such change with little movement, it is easier said than done.

There are tangible and conceptual steps to move past the Black–white paradigm, starting with a more intentional framework and inclusive language, as these impact how to formulate issues and structure solutions.<sup>81</sup> Language shapes behavior, and language is behavior;<sup>82</sup> “[a] change in terminology does more than add to the lexicon; it also signals a change in priorities for those working towards racial justice.”<sup>83</sup> More pointedly, using Black–white terminology erases anyone who does not fall under “Black” or “white” labels, training us to think of a limited subset of people of color even when they are not central to given sidelined communities. Moreover, it limits how we frame problems and solutions, resulting in incomplete antiracism efforts with a Black–white focus. While writing this, emails in my inbox readily illustrate the point. A *Los Angeles Times* subject line reads: *Reintroducing the Series ‘Black L.A.: Looking at*

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79. It is still appropriate to use a Black–white paradigm in some contexts and switching from a Black–white paradigm admittedly does not alter white privilege or solve issues arising from white supremacy.

[T]he process of deconstructing the old black/white paradigm carries with it new dangers. Although narrowly constructed, it has had real value for those wishing to raise issues of white supremacy and the subordination of people of color. The original paradigm, while constructing and reaffirming white dominance, also permitted a useful counter-focus on the effect and operation of white supremacy. While progressive scholars and activists agree that the black/white paradigm must be dismantled to make room for more sophisticated and nuanced models, the focus on the effects of white supremacist ideology must remain at the core of the analysis. Academics and legal scholars, as well as popular media, are addressing the issue of whether the traditional bipolar black/white paradigm of race relations is a coherent framework.

Iijima, *supra* note 1, at 69.

80. See Hernandez, *supra* note 11, at 3.

81. See H. Samy Alim, *Introducing Raciolinguistics*, in *RACIOLINGUISTICS: HOW LANGUAGE SHAPES OUR IDEAS ABOUT RACE* 1–2 (H. Samy Alim, John R. Rickford, & Arnetta F. Ball eds. 2016) (introducing “raciolinguistics,” which studies the relationship between language and race).

82. See, e.g., Alex Shashkevich, *The Power of Language: How Words Shape People, Culture*, STAN. NEWS (Aug. 22, 2019), <https://news.stanford.edu/2019/08/22/the-power-of-language-how-words-shape-people-culture>.

83. See Deo, *supra* note 73, at 117.

*Diversity, 39 Years Later.*<sup>84</sup> It promises to be a fascinating read, but that is not the point—what emerges is the Black–white paradigm—diversity by default involves Black Los Angeles, which is somewhat ironic given Los Angeles’ large Latina/o population.<sup>85</sup> Another email’s subject line reads: “Upcoming: Register for the Law School Administration Council’s Black Lawyers Matter 2021 Conference – October 15.”<sup>86</sup> When clicking for more information, the landing page includes the conference title: “Building Inclusive Excellence in Legal Education and Employment,”<sup>87</sup> which sounds like an interesting and timely topic. However, the pervasiveness of the Black–white paradigm surfaces through the sponsor and content of the conference, even though purportedly about inclusiveness.

The antiracism and antistatization agenda still requires series, conferences, and actions broadly embracing all communities of color. Accordingly, it is time to expand terminology and adopt a more comprehensive vocabulary that addresses race issues involving people of color generally, not just Black and white people. We can still engage in more granular projects focused on specific identities, but an inclusive, antiracist, and antistatization normative vocabulary would shift our conversations to include all people of color, making room for all-embracing solutions. Changing both the paradigm and labels influence how we think, discuss, and resolve race-related issues<sup>88</sup> and can move us past the Black–white binary that dominates how we currently address race matters.

### B. Leadership Training

Several trailblazers have organized leadership development training, including workshops designed to diversify deanial posts by preparing interested candidates for law deanships.<sup>89</sup> Dean Judith Areen maintained a list of woman law dean prospects in the 1990s,<sup>90</sup> and in 2001, the AALS assumed responsibility for the list.<sup>91</sup> In 2007, the Society of American Law Teachers (SALT), in collaboration with Seattle University School of Law, organized the first “Promoting Diversity in Law School Leadership

84. Sandy Banks, *Column: Reintroducing the Series ‘Black L.A.: Looking at Diversity,’ 39 Years Later*, L.A. TIMES (Oct. 4, 2021, 4:00 AM), <https://www.latimes.com/california/story/2021-10-04/column-reintroducing-the-series-black-l-a-looking-at-diversity-39-years-later>.

85. See *Los Angeles Population*, POPULATION U., <https://www.populationu.com/cities/los-angeles-population#:~:text=Hispanic%20population%20in%20Los%20Angeles,are%20other%20Hispanic%20or%20Latinos> (last visited Apr. 30, 2022). According to the 2019 population index, the Black population in Los Angeles is 11.7% in total population, whereas the Hispanic population makes up 48.2% of the population. *Id.*

86. See *Black Lawyers Matter: Building Inclusive Excellence in Legal Education and Employment*, LAW SCH. ADMIN. COUNS., <https://www.lsac.org/black-lawyers-matter-2021> (last visited Apr. 30, 2022).

87. *Id.*

88. See Yamamoto, *supra* note 1, at 852 (“The inadequacy of the white-black paradigm is revealed in its marginalization of issues of inter-minority-group, or interracial, justice.”).

89. See, e.g., *Women Law Deans*, *supra* note 24, at 11–12, 45–46.

90. *A Gendered Update*, *supra* note 51, at 457.

91. *Id.*



Program.”<sup>92</sup> Seattle Law has continued to host the Promoting Diversity Program with various cosponsors and has recently joined forces with Villanova University School of Law to host the Tenth Annual Promoting Diversity in Law School Leadership Workshop.<sup>93</sup> These conferences deliberately demystify the dean application and interview process and provide concrete information about deans’ actual job descriptions and daily work. The 2021 program was “designed to encourage and assist members of underrepresented groups to pursue deanships and other leadership positions.”<sup>94</sup> Specifically, the workshop proposed to help participants: decide whether and when to pursue a deanship; “understand the nuts and bolts of the dean’s role”; “prepare to be a successful candidate”; how to “negotiate appointment terms” and successfully transition; and identify other potential university or law school leadership roles to pursue.<sup>95</sup>

Many academics, with support from their law schools, formed the Women’s Leadership in Academia Initiative (Initiative),<sup>96</sup> which is “spearheading a program that will feature leadership conferences aimed at preparing women in legal education for leadership opportunities and advancement.”<sup>97</sup> Discussions on women’s leadership at AALS Annual Meetings led to a plan that the Initiative set in motion. The Initiative stated: “Our colleagues expressed a need for a sustained project to foster women’s leadership. Based on that feedback, we began developing a conference to address needs such as negotiation skills, conflict management, and effective communication.”<sup>98</sup> The Initiative organized annual conferences in 2018 and 2019 and hosts receptions during AALS Annual meetings.<sup>99</sup> Like the Promoting Diversity programs, these conferences aspire to diversify leadership. The Initiative described the 2018 Conference goal as:

[A]dvancing women professors, librarians and clinicians in leadership positions in the teaching academy. Conference programming focused

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92. Karen Sloan, *Female Deans Taking Charge*, AM. LAW. (June 22, 2015), <https://www.law.com/2015/06/22/rise-in-number-of-women-deans-at-u-s-law-schools>.

93. *Tenth Annual Promoting Diversity in Law School Leadership*, 10/29-30, VILL. UNIV., <https://www1.villanova.edu/university/law/about/news-events/events/2021/0629.html> (last visited Apr. 30, 2022). Seattle University School of Law and Villanova Law began partnering to run the program in 2018. *Id.*

94. *Id.*

95. *Id.*

96. Law schools from Yale, UCLA, BYU, Michigan State University, and the Universities of Virginia, Georgia, and Tennessee joined together to form the Initiative. *See Women’s Leadership in Legal Academia 2019 Conference*, UNIV. VA., SCH. L., <https://www.law.virginia.edu/faculty/women-leadership#women> (last visited Apr. 30, 2022).

97. *Id.*

98. *Id.*

99. *See Women’s Leadership in Academia*, UNIV. GA. SCH. L., <http://www.law.uga.edu/womens-leadership-academia> (last visited Apr. 30, 2022). The University of Georgia “organized and hosted the inaugural Women’s Leadership in Academia Conference in July 2018.” *Women’s Leadership in Academia Conference, July 2018*, UNIV. GA. SCH. L.: DIGIT. COMMONS, <https://digitalcommons.law.uga.edu/wlac/2018> (last visited Apr. 30, 2022). In July 2019, the University of Virginia School of Law hosted the Second Annual Women’s Leadership in Academia Conference. *Women’s Leadership in Legal Academia 2019 Conference*, UNIV. VA. SCH. L., <https://www.law.virginia.edu/faculty/women-leadership> (last visited Apr. 30, 2022).

on building skills and providing tools and information that are directly applicable to women in legal education looking to be leaders within the academy. All topics addressed the unique perspectives and challenges of women, and provided programming that was useful to developing leaders.<sup>100</sup>

In addition to deans, aspiring deans, associate deans, and other leaders, recruiting experts attended and provided services like resume review and personalized feedback.<sup>101</sup> Conferences have also featured many networking breaks, as well as the opportunity to receive tailored guidance.<sup>102</sup>

These programs for academics from underrepresented groups have helped many and produced more decanal diversity than ever. Black women have also benefited from a more targeted gathering—the Lutie A. Lytle Black Women Law Faculty Writing Workshop (the “Lytle Workshop”).<sup>103</sup> The Lytle Workshop’s promotional materials state that it is:

[F]or current and aspiring black women law faculty . . . [the] primary focus is legal scholarship . . . [and] also offers opportunities for mentoring, career support and fellowship . . . [s]ince its inception in 2007, the Workshop has been an unqualified success. Its attendees have published more than 30 books, 45 book chapters, and 500 articles.<sup>104</sup>

Since the first Lytle Workshop, many law schools have hired Black women as deans, lateral faculty (from lower ranked to higher ranked schools), entry-level tenure track faculty, and VAPs.<sup>105</sup> The Lytle Workshop has been very effective in promoting scholarship for Black women and encouraging and guiding women to seek leadership roles.<sup>106</sup> The number of Black women law deans has grown significantly since the first Lytle Workshop, arguably because of Lytle Workshop benefits, while other women of color have seen only modest growth.<sup>107</sup>

Latinas can learn from the organizational prowess behind the Lytle Workshop to grow their leadership. Efforts are underway to plan and implement an inaugural workshop to expand Latina representation throughout the legal academy and to foster career development.<sup>108</sup> Several academics are currently planning this undertaking,<sup>109</sup> and Stanford Law Dean

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100. *Women’s Leadership in Academia Conference, July 2018, supra* note 99.

101. *Id.*

102. *Id.*

103. *See Lutie A. Lytle History and Purpose, supra* note 67.

104. *Id.*

105. *See Sloan, supra* note 25.

106. *See Lutie A. Lytle History and Purpose, supra* note 67.

107. For data, see discussion *supra* Part III, Tables 1–8.

108. Michael Olivas has been instrumental in identifying and developing Latina/o faculty for decades, resulting in a significant increase in the number of Latina/o faculty. *See Olivias Faculty Recruitment Initiative, supra* note 9. Professor Olivas inspired Professor Ediberto Roman to establish the Faculty Recruitment Initiative, “an effort by several law faculty leaders from around the country aimed to provide a resource for law students from a host of non-traditional backgrounds interested in entering the academy.” *Id.*

109. Professor Maritza Reyes organized a committee (on which I serve) to plan the inaugural GO LILA workshop. The committee began weekly meetings in January 2022 to plan the workshop.

Jenny Martinez has generously offered to support a Lytle-inspired workshop titled GO LILA, which is scheduled for June 24–25, 2022.<sup>110</sup>

### C. The George Floyd Effect

On May 25, 2020—a date etched in our collective memory—Derek Chauvin, seemingly without emotion, knelt on George Floyd’s neck for nine minutes and twenty-nine seconds.<sup>111</sup> The nation erupted into outrage and calls for police reform intensified.<sup>112</sup> George Floyd’s murder reenergized the Black Lives Matter movement<sup>113</sup> and prompted an immediate global response, renewing a consciousness and commitment to racial justice, especially for Black individuals. It manifested in a variety of ways, perhaps even causing law schools to commit to hiring more Black candidates. It is beyond the scope of this Article to detail how George Floyd’s murder impacted racial justice efforts more broadly, but it is worth considering how Floyd’s death affected law dean search processes. I cannot make a causal connection between Floyd’s death and the large number of Black law deans since appointed, but it is plausible that more dean search committees and law schools were committed to promoting racial and social justice by hiring more Black deans.<sup>114</sup>

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110. E-mail from Jenny Martinez, L. Dean, Stan., to Laura M. Padilla, Professor of L., Cal. W. Sch. L. (July 30, 2021, 9:28 PM) (on file with author); *2022 Inaugural Graciela Olivárez Latinas in the Legal Academy (“GO LILA”) Workshop*, STAN. L. SCH., <https://conferences.law.stanford.edu/go-lila-workshop/> (last visited June 9, 2022).

111. See Eric Levenson, *Former Officer Knelt on George Floyd for 9 Minutes and 29 Seconds – Not the Infamous 8:46*, CNN (Mar. 30, 2021, 6:27 AM), <https://www.cnn.com/2021/03/29/us/george-floyd-timing-929-846>; Scott Neuman, *Medical Examiner’s Autopsy Reveals George Floyd Had Positive Test For Coronavirus*, NPR (June 4, 2020, 6:27 AM), <https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/06/04/869278494/medical-examiners-autopsy-reveals-george-floyd-had-positive-test-for-coronavirus> (explaining the autopsy report concluded the cause of death was “cardiopulmonary arrest complicating law enforcement subdual, restraint, and neck compression.”). A jury later convicted Chauvin of murder and the court sentenced him to 22.5 years in prison. Bill Chappell, *Derek Chauvin Is Sentenced To 22 1/2 Years For George Floyd’s Murder*, NPR (June 25, 2021, 6:02 PM), <https://www.npr.org/sections/trial-over-killing-of-george-floyd/2021/06/25/1009524284/derek-chauvin-sentencing-george-floyd-murder>.

112. See, e.g., Brad Brooks, *Citizens Lead the Call for Police Reform Since George Floyd’s Death*, REUTERS (Apr. 13, 2021, 3:08 AM), <https://www.reuters.com/world/us/protesting-shaping-police-reform-citizens-lead-way-since-george-floyds-death-2021-04-13>; Ram Subramanian & Leily Arzy, *State Policing Reforms Since George Floyd’s Murder*, BRENNAN CTR. JUST. (May 21, 2021), <https://www.brennancenter.org/our-work/research-reports/state-policing-reforms-george-floyds-murder>. California’s Governor Gavin Newsom announced police and criminal justice reforms partly in response to police brutality like that which led to George Floyd’s death. See Patrick McGreevy, *Gov. Newsom Approves Sweeping Reforms to Law Enforcement in California*, L.A. TIMES (Sept. 30, 2021, 1:13 PM), <https://www.latimes.com/california/story/2021-09-30/newsom-approves-sweeping-changes-to-californias-criminal-justice-system>.

113. See, e.g., Kelsey Simpkins, *One Year Later: How George Floyd’s Death Changed Us*, UNIV. COLO. BOULDER: CU BOULDER TODAY (May 24, 2021), <https://www.colorado.edu/today/2021/05/24/one-year-later-how-george-floyds-death-changed-us>; Kim Parker, Juliana Menasce Horowitz, & Monica Anderson, *Amid Protests, Majorities Across Racial and Ethnic Groups Express Support for the Black Lives Matter Movement*, PEW RSCH. CTR. (Jun. 12, 2020), <https://www.pewresearch.org/social-trends/2020/06/12/amid-protests-majorities-across-racial-and-ethnic-groups-express-support-for-the-black-lives-matter-movement>.

114. Six Black law deans were hired following Floyd’s death (five women and one man). Ten additional Black law deans were hired prior to Floyd’s death but started their terms after (nine women and one man). See *infra* Appendix 4 & 5.

*D. What Else Explains the Paucity of Latina Law Deans?*

The Black–white paradigm, the Lytle Workshop, and the George Floyd impact partially explain enhanced opportunities for Black women, perhaps leading to an uptick in law dean appointments. While this is an exceptional success story for Black women, other women of color are not experiencing the same degree of success.<sup>115</sup> Is that by choice, lack of opportunity, other reasons, or all of the above? This Part has thus far considered why there are more Black women deans than expected given the composition of the traditional pipeline to deanships, but there is more to the story. This Part now turns to other reasons Latinas have not ascended to deanships proportional to their pipeline numbers—cultural barriers and inhospitable workplaces. There have been very few Latina law deans to date—only six, with four currently serving.<sup>116</sup> This is fewer than extrapolated numbers would expect. Of the Latina deans, only Jennifer Rosato Perea has served at more than one law school; she is presently at her third institution.<sup>117</sup> One dean served a single term, and another ended her term early. Are there cultural barriers or obstacles that explain Latina law deans’ scarcity? Do Latinas experience debilitating presumptions of incompetence, even when in positions of power, which could sour the experience or lead to “one and done” deanships?

Latina law deans have different ethnicities, including Cuban, Mexican, Nicaraguan, and Puerto Rican.<sup>118</sup> Even within any ethnic group, there is tremendous variety, and one cannot essentialize common traits among any group, much less among all Latinas.<sup>119</sup> However, there may be some common cultural characteristics that partially explain the small number of Latina applicants, the even smaller number of Latina law deans, and the fact that only one Latina has been a serial dean.<sup>120</sup> I sent surveys to all Latina deans to date<sup>121</sup> and their responses reflect both cultural barriers and uncomfortable experiences that may limit leadership aspirations as well as strengths that enrich their work.

Many Latinas are characterized by their commitment to family. “Hispanics (especially Mexican Americans) are typically described as oriented

115. See data *supra* Table 8.

116. Current deans: Leticia Diaz, Jennifer Martinez, Vivian Neptune Rivera, and Jennifer Rosato Perea. See *infra* Appendix 1, 2, & 3. The two prior Latina deans are Rachel Moran and María M. Pabón. See *Rachel Moran*, UNIV. CAL. IRVINE L., <https://www.law.uci.edu/faculty/full-time/moran> (last visited May 1, 2022); *María Pabón*, LOY. UNIV. NEW ORLEANS, <https://www2.loyno.edu/academics/faculty-and-staff-directory/maria-pabon> (last visited Apr. 30, 2022).

117. See *Reflections on Eleven Years as a Latina Dean*, *supra* note 36, at 58.

118. See *infra* Appendix 2.

119. Othering & Belonging Inst., *Christina Mora Presents on Her Book, ‘Making Hispanics’*, YOUTUBE (Oct. 12, 2017), [https://www.youtube.com/watch?v=aCczGullqk&feature=emb\\_imp\\_woyt](https://www.youtube.com/watch?v=aCczGullqk&feature=emb_imp_woyt).

120. See *supra* notes 117–18.

121. A copy of the survey is attached as Appendix 6. Four deans completed the survey (in writing, by Zoom, telephone call, or some combination), and a fifth provided comments at our LatCrit2021 panel. The deans requested anonymity, so their responses are reported back by survey number and are on file with the author. See *infra* Appendix 6 (containing the survey sent to all Latina law deans).

toward family well-being, rather than individual well-being . . . .”<sup>122</sup> While noble, this can be a barrier to seeking deanships as the job requires attendance at countless evening and weekend events, constant unexpected demands on top of a full calendar, plus occasional emergencies, and ongoing, time-sensitive matters. While all law deans subordinate their personal lives and prioritize professional demands, it is possible that for Latinas, especially those raised to elevate family (sprinkled with Catholic guilt for many),<sup>123</sup> the tradeoffs might be unworkable.<sup>124</sup> One dean said she had turned down deanship overtures earlier in her career because of family responsibilities, but as family needs changed the timing became more favorable.<sup>125</sup> Each Latina’s unique background shapes her career and professional goals, and to the extent family commitment is part of that story, law dean aspirations may be untenable while parenting or caring for family. Nonetheless, Latinas can still develop their academic reputation and skills,<sup>126</sup> positioning them for eventual leadership.

On the flip side, a different dean said being Latina was a strength because of her very supportive family.<sup>127</sup> Thus, family enhanced, rather than barred, her ability to pursue a deanship.<sup>128</sup> Moreover, her cultural upbringing allowed her to develop a strong work ethic and become a good leader.<sup>129</sup> Many Latinas have learned, by necessity, to be excellent time managers, multitaskers, and distinctively experienced to consider multiple views.<sup>130</sup> Like most successful outsiders, Latina leaders must possess high

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122. See, e.g., Nancy S. Landale, R. Salvador Oropesa, & Christina Bradatan, *Hispanic Families in the United States: Family Structure and Process in an Era of Family Change*, in *HISPANICS AND THE FUTURE OF AM.* 138, 138–78 (Marta Tienda & Faith Mitchell eds., 2006).

123. See Natalie Kates, *How Guilt Affects the Lives of Hispanics*, *HISPANIC AD* (Oct. 23, 2005), <https://hispanicad.com/news/how-guilt-affects-lives-hispanics>.

124. Common quandaries Latina leaders experience:

What do you do when you spend over 40 hours a week in a place where the norm is work first and family second, but you’ve grown up in an environment where family comes first? Does that automatically mean that you’re less committed to your work? To your career? To your organization? Should you be penalized for that? Or should you be made to feel like you have to sacrifice your cultural identity in order to succeed?

Lisette Garcia, *What’s Keeping Latinas From the Top?*, *CATALYST* (Oct. 11, 2017), <https://www.catalyst.org/2017/10/11/whats-keeping-latinas-from-the-top>.

125. Interview with Anonymous, Latina L. Sch. Dean (Nov. 10, 2021) [hereinafter Survey 4] (on file with author).

126. Latinas can seek stretch assignments, serve on site teams, sit on influential committees, and find effective mentors and sponsors. See Blanca Figueroa Estrada, *Hispanic Women’s Experiences and Perceptions of Challenges in Higher Education Leadership* (Aug. 2020) (Ph.D. dissertation, Walden University) (ScholarWorks).

127. Interview with Anonymous, Latina L. Sch. Dean (Oct. 11, 2021) [hereinafter Survey 1] (on file with author).

128. This aligns with a “qualitative study of Hispanic women leaders [which] found that family, especially the protective and nurturing environment provided by parents, was influential in determining professional success. Along with support and help, families set high expectations for Latina leaders to obtain an education and pursue a career.” See Patricia E. Conde-Brooks, *Recognizing La Cultura: The Experience of Cultural Scripts in Latina Leadership*, 26 (Jan. 2020) (Ph.D. dissertation, University of St. Thomas) (citing NATALIA CAMPELL, *INTERVIEWS WITH HISPANIC WOMEN LEADERS: A SOCIOLOGICAL STUDY* 227–29 (2012)).

129. Survey 1, *supra* note 127.

130. See Damary M. Bonilla-Rodriguez, *A Profile of Latina Leadership in the United States: Characteristics, Positive Influences, and Barriers* (Aug. 2011) (Ph.D. dissertation, St. John Fisher College).

emotional intelligence.<sup>131</sup> A theme that emerged from the surveys was that Latina deans were accustomed to expending considerable energy to make others comfortable, given they rarely have the privilege of being the “norm.” One dean was adept at “code-switching” to put others at ease,<sup>132</sup> a skill she probably gained from her “raceXgender,”<sup>133</sup> which was so integrated into her persona she was hardly aware of it.<sup>134</sup> Even so, when interacting with others, she both consciously and subconsciously navigates race and gender to make others more comfortable.<sup>135</sup> Another dean agreed wholeheartedly, stating that her mixed culture and ethnicity, combined with being lower class and first-generation in a predominantly white community, helped her develop the skill to adopt multiple personas and roles to put others at ease.<sup>136</sup>

Another challenge involves the patriarchy, machismo, and marianismo that pervade Latina/o cultures.<sup>137</sup> One dean wrote, “As a Latina and as a Catholic, I had to overcome the machista and patriarchal upbringing with which I grew up.”<sup>138</sup> Sometimes that culture is so ingrained in us, we are unaware of it. We play into it unconsciously, such as when we limit our upward mobility by accepting heavy committee or service work. Being a team player and accepting such assignments limits time for consistent scholarship and more meaningful work.<sup>139</sup> Even when appointed as deans, implicit bias may result in Latinas getting more administrative work than

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131. See Blanca Ruiz-Williams, *Impact of Latina Identity on Leadership Styles* (June 2015) (Ph.D. dissertation, National Louis University).

132. Survey 4, *supra* 125; see Conde-Brooks, *supra* note 128, at 27. (“Bicultural Latinas are aware of their Hispanic and American traditions and cultures and appreciate those differences. This means that maintaining their own Hispanic culture and language for themselves and future generations, while knowing and understanding American traditions and cultures, allows them to take advantage of what both cultures have to offer . . . Latinas who view themselves as bicultural or multi-cultural can successfully ‘code-switch’ and maneuver both Anglo and Hispanic cultures.”) (citations omitted)).

133. See Deo, *supra* note 73, at 121 (explaining that race plus gender compounds discrete negative impacts that either race or gender alone would produce, thus resulting in even more pronounced harm).

134. Survey 4, *supra* note 125.

135. *Id.*

136. Telephone Interview with Anonymous, Latina L. Sch. Dean (Nov. 15, 2021) [hereinafter Survey 3] (on file with author). The interview supplemented the Survey and was followed by an email exchange.

137. See Rosa MARIA GIL & CARMEN INOA VAZQUEZ, *THE MARIA PARADOX: HOW LATINAS CAN MERGE OLD WORD TRADITIONS WITH NEW WORLD SELF-ESTEEM* 7 (1996) (“[I]f *machismo* is the sum total of what a man should be, *marianismo* defines the ideal role of a woman . . . *Marianismo* is about sacred duty, self-sacrifice, and chastity. About dispensing care and pleasure, not receiving them. About living in the shadows, literally and figuratively, of your men . . .”).

138. Survey 2, *supra* note 69.

139. Many academic women are burdened by heavier service work that does not promote professional advancement. See Paula A. Monopoli, *The Status Gap: Female Faculty in the Legal Academy*, 2014 F. ON PUB. POL’Y ONLINE, at 1, 4 (2014), <https://files.eric.ed.gov/fulltext/EJ1050504.pdf> (“Academic merit has been based on norms that are historically male, with publishing having the dominant role in pay and promotions. There is substantial research demonstrating that women publish less than men for a number of reasons, including more time with students, family obligations, and other external limits on their time.”).

other deans. One Latina wrote she was “[f]orced to do academic service grunt work that other male deans would not do.”<sup>140</sup>

Yet another challenge arises from conflicting expectations that Latinas will be presumed incompetent, on the one hand, and unrealistically expected to be more and solve all issues impacting communities of color on the other hand. One dean said it was disconcerting when she repeatedly recommended a well-researched path, and rather than accept it, school leaders would seek advice elsewhere. They often would not support her until someone else (like a dean from another school who coincidentally is a white man) said it was okay.<sup>141</sup> Another Latina said many powerful women preceded her at her institution, which mitigated some of the usual gender sidelining behavior, but “mansplaining” was still a recurring event.<sup>142</sup> A colleague commented that they could not “believe how calm you were when you were mansplained over.”<sup>143</sup> She realized it is so common she does not always notice when it is happening.<sup>144</sup> The deans agreed they had to walk a fine line when addressing race issues—they could not afford always-lurking favoritism charges but did not want to alienate subordinated communities.<sup>145</sup> One Latina said she “[m]ust balance and give every group the same amount of attention . . . [and] [v]iews it holistically and supports complete diversity. But it’s never enough for anyone.”<sup>146</sup>

Many Latinas said it was exhausting having to prove themselves over and over—time that could be better spent on the demanding job of running law schools.<sup>147</sup> One dean said she had to do exceptional work while meeting enrollment and budget goals—there was pressure because she would get singled out if she did not meet goals, and if she did meet goals, she did not necessarily get praise.<sup>148</sup> Another dean echoed those sentiments and added she often felt undermined. For example, the university president dismissed her emails or passed them off to general counsel, who was often nonresponsive.<sup>149</sup> Yet another dean said she had to anticipate and practice conversations in advance, especially those involving race and gender.<sup>150</sup> Latina deans also spend precious energy adopting styles not wholly authentic, whether leadership or clothing, to make others comfortable, and because acceptable behaviors are limited—confident but not too aggressive, nurturing but not timid.<sup>151</sup> One Latina said a prior dean (a white man) had a reputation for explosive behavior and yelling at people,<sup>152</sup> behavior

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140. Survey 2, *supra* note 69.

141. *Id.*

142. Survey 4, *supra* note 125.

143. *Id.*

144. *Id.*

145. *Id.*; Survey 3, *supra* note 136.

146. Survey 1, *supra* note 127.

147. *Id.*; Survey 3, *supra* note 136.

148. Survey 1, *supra* note 127.

149. Survey 2, *supra* note 69.

150. Survey 3, *supra* note 136.

151. Survey 4, *supra* note 125.

152. *Id.*

that would be unacceptable for Latinas (or women generally).<sup>153</sup> A Latina lamented the energy required to establish boundaries. She said people touched her (not in a harassing way), asked about her personal life, and shared how she should run the law school—behaviors she believed male deans would not have been subjected to.<sup>154</sup> The deans agreed that white men benefited from presumptions of competence in their deanships and did not have to spend much time establishing boundaries and worrying about appropriate clothing, hairstyles, heel height, and how to interact with others.

Even with formidable barriers, the Latina deans were largely optimistic and believed their cultural backgrounds prepared them well for deanship challenges. One dean’s advice: “You are worth more—get what you deserve.”<sup>155</sup> For example, if prior deans got car allowances and housing stipends, negotiate for those. Find out what prior deans’ expense allowances were and make sure yours matches or exceeds it. “Excel, learn the skills, do better than others.”<sup>156</sup> Another said to go for it, and that she is thinking about doing it again.<sup>157</sup>

#### *E. More Latina Law Deans: Why It Matters*

Why does it matter to have more Latina law deans? It advances diversity, equity, and inclusion while offering more role models for one of the fastest-growing populations in the United States.<sup>158</sup> Yet there are still very few Latina leaders—only four law deans (2%), 1% of Fortune 500 board members,<sup>159</sup> and less than 1% of executives.<sup>160</sup>

It matters in a law school setting because if law schools want to reach the still-growing Latina/o population, they need Latina/o faculty and deans. Latina deans also provide an alternative to the homogenous leadership that has been in place since law schools began.<sup>161</sup> One Latina dean wrote:

[D]iversifying law school leadership allows a wider range of perspectives to be heard, and provides greater opportunities for thought

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153. *Id.*

154. Survey 3, *supra* note 136.

155. Survey 1, *supra* note 127.

156. *Id.*

157. Survey 2, *supra* note 69.

158. See, e.g., Luis Noe-Bustamante, Mark Hugo Lopez, & Jens Manuel Krogstad, *U.S. Hispanic Population Surpassed 60 Million in 2019, but Growth has Slowed*, PEW RSCH. CTR. (July 7, 2020), <https://www.pewresearch.org/fact-tank/2020/07/07/u-s-hispanic-population-surpassed-60-million-in-2019-but-growth-has-slowed>; Garcia, *supra* note 124.

159. *Alliance for Board Diversity*, HISPANIC ASSOC. ON CORP. RESP., <https://hacr.org/alliance-for-board-diversity> (last visited Apr. 30, 2022).

160. See Garcia, *supra* note 124 (“According to research . . . Latinas represent less than 1% of executives in the United States, yet these women control 86% of the decision-making in Latinx households, make up the fastest-growing segment of the entrepreneurial sector, and are leading the ambicultural movement.”).

161. Higher education has traditionally been dominated by middle- and upper-class white men. See, e.g., JOHN. R. THELIN, *AMERICAN HIGHER EDUCATION: ISSUES AND INSTITUTIONS* 117 (2017).



leadership. In every table that I sit, I bring my multiple identities: especially Latinx, woman, first gen, and mother. These intersecting identities allow me to affect processes and decision making with my own “signature touch”—from hiring to pipelining programs to curriculum development. When more of us are at the table, it is more “ordinary” for us to be there, we are less vulnerable, and we are more representative of our communities.<sup>162</sup>

Many Latina deans and faculty have intersectional identities beyond race and gender, including immigrant, first-generation, caretaker (mother, daughter, or other family support provider), or blue-collar experiences, which are not the norm in academia, but are the norm for many of our students.<sup>163</sup> Thus, Latina presence matters, providing leaders whose life stories overlap with students’ stories in a way that remains uncommon.

Diversity matters in leadership, as in systems generally. Analogizing to nature as a model for robust systems, one scholar commented:

[H]ealth arises not through homogeneity, but through each organism contributing to the whole by fulfilling its own unique potential. Correspondingly, an ecological civilization would celebrate diversity, recognizing that its overall health depended on different groups—self-defined by ethnicity, gender, or any other delineation—developing their own unique gifts to the greatest extent possible.<sup>164</sup>

Many Latinas share common barriers, cultures, and strengths, which produce varied leadership styles as evidenced by the deans’ survey responses, but those styles are different than what most of us experienced during law school.

Although there are only four, Latina deans are role models and mentors. I recall vividly the profound impact of having my first woman law professor in my third year of law school.<sup>165</sup> I know from student testimonials during my thirty years of teaching law the difference my presence has made on student experiences, including some of the most poignant and touching stories told by Latina students. One dean shared:

[I]t matters that a Latinx woman is dean because my students are able to see themselves in me. Latina students especially hear my story and realize that I was where they are now and came from a similar background, and I succeeded as a lawyer, professor and dean. And if I can

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162. Survey 3, *supra* note 136.

163. At California Western School of Law, during orientation or the first class, I routinely ask incoming students if they are the first in their family to attend law school, and many raise their hands. In office hours, many students share stories of parents who do not speak English fluently, their family life growing up, and the struggles they have faced.

164. See Jeremy Lent, *What Does An Ecological Civilization Look Like?*, YES! (Feb. 16, 2021), <https://www.yesmagazine.org/issue/ecological-civilization/2021/02/16/what-does-ecological-civilization-look-like>.

165. Professor Babcock taught Criminal Procedure. There were then two Latinos, Miguel Menendez (a mentor but never my professor), and Jerry Lopez (a visiting professor), but no Latina professors.

do those things, they become more confident and think they might be able to achieve those things too.<sup>166</sup>

Latina deans’ influence is powerful. Thus, increasing Latina leadership appointments will be exponentially impactful considering continued Latina/o demographic expansion.

It also matters because Latinas’ cultural strengths allow them to lead synergistically, using their strengths to serve many constituents. A study of Latina leaders noted that, “Latinidad shaped their leadership styles, operating from a collectivist orientation as experienced in the typical Chicana/o family versus an individualistic orientation typically espoused in an Anglo family.”<sup>167</sup> This emphasis mimics nature and “the simple but profound concept of mutually beneficial symbiosis,”<sup>168</sup> which produces:

[A] relationship between two parties to which each contributes something the other lacks, and both gain as a result. With such symbiosis, there is no zero-sum game[.] The contributions of each party create a whole that is greater than the sum of its parts.<sup>169</sup>

Latina deans would likely integrate a more collective approach to leadership, which offsets the often counterproductive individualism inherent in academia. This encourages more faculty and administrators to collaborate rather than compete, ultimately strengthening institutions rather than isolating people or departments in silos or more perniciously, tearing each other down.

The dearth of Latina leaders can be corrected by moving beyond the Black–white paradigm, creating tailored leadership training, and shifting cultural barriers to strengths. Increasing Latina leadership is not a zero-sum game. Working collaboratively to expand and create more opportunities for underrepresented women of color in academic leadership has the potential to produce greater gains for all.

#### CONCLUSION

There are many explanations for the composition of women law deans of color and the surge in the appointment of Black women while the appointment of Latinas stagnates. The Black–white paradigm is the most significant because it artificially constrains how we consider race and formulate antiracism and antisubordination strategies. There is no simple way to transcend the Black–white paradigm, but a start is to name it and change the vocabulary and reference points around race to make it more expansive. Latinas can also initiate workshops carefully designed to increase hiring, retention, and promotion in the legal academy, which should

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166. Survey 3, *supra* note 136.

167. See Michelle Marie Lopez, *Latina Administrators’ Ways of Leadership: Preparando Chicanas* (May 2013) (Ph.D. dissertation, Texas A&M University).

168. See Lent, *supra* note 164.

169. *Id.*

naturally produce more leadership prospects. Finally, it is essential to identify cultural barriers that can devolve into internalized oppression and hinder advancement, while utilizing cultural strengths to offer alternate ways of authentically leading.

## APPENDIX 1: LAW SCHOOLS WITH WOMEN DEANS

ABA Law Schools <sup>170</sup>	AALS	Dean	Woman of Color	Term
1. Albany Law Sch.	X	Alicia Ouellette		10/1/14 – present
2. Barry Univ. Sch. of Law		Leticia M. Diaz	Latina (Cuban)	1/7/07 – present
3. Bos. Univ. Sch. of Law	X	Angela Onwuachi-Willig	Black	8/15/18 – present
4. Bos. Coll. of Law Sch.	X	Diane M. Ring <sup>*171</sup>		7/1/21 – present
5. Cal. W. Sch. of Law	X	Sean Scott	Black	8/1/20 – present
6. Case W. Reserve Univ. Sch. of Law	X	Jessica W. Berg, Co-Dean <sup>172</sup>		11/8/13 – present
7. Chi.-Kent Coll. of Law	X	Anita Krug		8/1/19 – present
8. Columbia Law Sch.	X	Gillian Lester		1/1/15 – present
9. DePaul Univ. Coll. of Law	X	Jennifer L. Rosato Perea	Latina (Nicaraguan)	7/1/15 – present
10. Duke Univ. Sch. of Law	X	Kerry Abrams		7/1/18 – present
11. Duquesne Univ. Sch. of Law	X	April Barton		7/1/19 – present
12. Emory Univ. Sch. of Law	X	Mary Anne Bobinski		8/1/19 – present

170. Several ABA Law School names are abbreviated for brevity. *See Introduction to Basic Legal Citation: § 4-000. Abbreviations and Omissions Used in Citations*, CORNELL UNI. L. SCH.: LEGAL INFO. INST., <https://www.law.cornell.edu/citation/4-100> (last visited May 1, 2022).

171. An asterisk “\*” denotes that the dean is serving in an interim role.

172. Case Western, Rutgers, and New England Law Boston each have co-deans. *See Meet Our Deans*, CASE W. RESERVE UNIV., <https://case.edu/law/our-school/faculty-directory/meet-our-deans> (last visited May 1, 2022); *Leadership*, RUTGERS L., <https://law.rutgers.edu/leadership#:~:text=Kimberly%20Mutcherson%20is%20co%20Dean,and%20family%20and%20health%20law> (last visited May 1, 2022); *Lisa R. Freudenheim Named Dean of New England Law*, THE FAC. LOUNGE (Jan. 13, 2022), <https://www.thefacultyloounge.org/2022/01/lisa-r-freudenheim-named-dean-of-new-england-law.html>. For statistical accuracy relative to the total number of ABA and AALS law schools, each co-dean counts as .5 (so each law school is credited with one dean total). Rutgers has two campuses, and two co-deans, Kimberly Mutcherson and Rose Cuison-Villazor (interim co-dean). *See Kelly Heyboer, Why is Rutgers Merging its Law Schools? The Deans Answer Your Questions*, NJ ADVANCE (Mar. 29, 2019, 7:29 AM), [https://www.nj.com/education/2015/04/why\\_is\\_rutgers\\_merging\\_its\\_law\\_schools\\_the\\_deans\\_a.html](https://www.nj.com/education/2015/04/why_is_rutgers_merging_its_law_schools_the_deans_a.html).

ABA Law Schools <sup>170</sup>	AALS	Dean	Woman of Color	Term
13. Fla. A&M Univ. Sch. of Law <sup>173</sup>		Deidre Keller	Black	6/1/20–present (in-terim before)
14. Fla. State Univ. Coll. of Law	X	Erin O’Hara O’Connor		7/1/16–present
15. Ga. State Univ. Coll. of Law	X	LaVonda N. Reed	Black	6/1/21–present
16. George Wash. Univ. Law Sch.	X	Dayna Bowen Matthew	Black	8/1/20–present
17. Howard Univ. Sch. of Law <sup>^</sup>	X	Danielle R. Holley-Walker	Black	7/14/14 – present
18. Ind. Univ. Sch. of Law – Indianapolis	X	Karen E. Bravo	Black	8/1/20–present
19. La. State Univ. Law Ctr.	X	Lee Ann Wheelis Lockridge*		1/1/20–present
20. Lewis and Clark Law Sch.	X	Jennifer Johnson		6/1/14–present
21. Loyola Univ. Chi. Sch. of Law	X	Zelda Harris*	Black	7/1/21–present
22. Loyola Univ. New Orleans Coll. of Law	X	Madeleine M. Landrieu <sup>#</sup>		7/1/17–present
23. Hofstra Univ. Sch. of Law	X	A. Gail Prudenti <sup>#174</sup>		5/1/17–present
24. Mercer Univ. Law Sch.	X	Cathy Cox		7/1/17–present
25. Mich. State Univ. Coll. of Law	X	Linda Sheryl Greene	Black	6/1/21–present
26. Miss. Coll. Sch. of Law	X	Patricia Bennett <sup>175</sup>	Black	1/1/18–present (in-terim before)

173. A caret “^” denotes the school is recognized as a Historically Black College or University.

174. A pound symbol “#” denotes the dean was previously a judge.

175. Dean Patricia Bennett followed Dean Wendy Scott, a Black woman. *See Following Successful Tenure, MC Law Dean Steps Aside Next June*, MISS. COLL.: UNIV. NEWS (Nov. 2, 2021), <https://www.mc.edu/news/following-successful-tenure-mc-law-dean-step-aside-next-june>.

ABA Law Schools <sup>170</sup>	AALS	Dean	Woman of Color	Term
27. N. Ill. Univ. Coll. of Law	X	Cassandra Hill	Black	7/1/20–present
28. N. Ky. Univ. Sch. of Law	X	Judith Daar		7/1/19–present
29. N.C. Cent. Univ. Sch. of Law <sup>^</sup>	X	Browne C. Lewis	Black	7/1/20–present
30. New England Law, Bos.	X	Lisa R. Freudenheim, Co-Acting Dean*; Allison Dussias, Co-Acting Dean*		8/11/21–present
31. Nw. Univ. Sch. of Law	X	Hari M. Osofsky		8/1/21–present
32. Pa. State Univ. Dickinson Law	X	Danielle Conway	Black	7/1/19–present
33. Quinnipiac Univ. Sch. of Law	X	Jennifer Brown		7/1/13–present
34. Rutgers Law Sch., Camden	X	Kimberly Mutcherson <sup>176</sup>	Black	1/1/19–present
35. Rutgers Law Sch., Newark	X	Rose Cuison-Villazor <sup>177*</sup>	Asian (Filipina)	8/1/21–present
36. S. Ill. Univ. Sch. of Law, Carbondale	X	Camille Davidson	Black	7/1/20–present
37. S. Methodist Univ. Sch. of Law	X	Jennifer M. Collins		7/1/14–present
38. Seattle Univ. Sch. of Law	X	Annette E. Clark		7/1/13–present
39. Seton Hall Univ. Sch. of Law	X	Kathleen A. Boozang		7/1/15–present
40. St. Mary’s Univ. Sch. of Law	X	Patricia Roberts		6/1/20–present

176. Case Western, Rutgers, and New England Law Boston each have co-deans. See sources cited *supra* note 172. For statistical accuracy relative to the total number of ABA and AALS law schools, each co-dean counts as .5 (so each law school is credited with one dean total). Rutgers has two campuses, and two co-deans, Kimberly Mutcherson, and Rose Cuison-Villazor (interim co-dean). See sources cited *supra* note 172 and author’s commentary.

177. *Rose Cuison-Villazor*, RUTGERS: FAC. DIRECTORY, <https://law.rutgers.edu/directory/view/rv405> (last visited May 1, 2022).

ABA Law Schools <sup>170</sup>	AALS	Dean	Woman of Color	Term
41. St. Thomas Univ. Sch. of Law – Fla.	X	Tamara F. Lawson	Black	11/1/18 – present
42. Stanford Law Sch.	X	Jennifer Martinez	Latina (Mexican)	4/1/19 – present
43. SUNY Buffalo Sch. of Law	X	Aviva Abramovsky		1/7/17 – present
44. Stetson Univ. Coll. of Law	X	Michèle Alexandre	Black	6/17/19 – present
45. Southwestern Law Sch.	X	Darby Dickerson		7/1/21 – present
46. Temple Univ. Sch. of Law	X	Rachel ReBouche <sup>*</sup>		8/25/21 – present
47. Tex. S. Univ. Sch. of Law <sup>^</sup>	X	Joan R.M. Bullock	Black & Asian (Brit. Jamaican & Chinese)	7/1/19 – present
48. The Univ. of Tulsa Coll. of Law	X	Elizabeth McCormick <sup>*</sup>		8/1/21 – present
49. Touro Coll. Law Ctr.	X	Elena Langan		8/1/19 – present
50. Univ. of Ark. Fayetteville Sch. of Law	X	Margaret Sova McCabe		7/1/18 – present
51. Univ. of Ark. Little Rock Sch. of Law	X	Theresa M. Beiner		7/1/18 – present
52. Univ. of Cal. L.A. Sch. of Law	X	Jennifer Mnookin		8/1/15 – present
53. Univ. of Cincinnati Coll. of Law	X	Verna L. Williams	Black	4/1/19 – present (interim before)
54. Univ. of Colo. Law Sch.	X	Lolita Buckner Inniss	Black	6/1/21 – present

ABA Law Schools <sup>170</sup>	AALS	Dean	Woman of Color	Term
55. Univ. of Conn. Sch. of Law	X	Eboni S. Nelson	Black	7/31/20 – present
56. Univ. of D.C. Sch. of Law <sup>^</sup>		Renée McDonald Hutchins	Black	4/17/19 – present
57. Univ. of Detroit Mercy Sch. of Law	X	Jelani Jefferson Exum	Black	7/1/21 – present
58. Univ. of Fla. Coll. of Law	X	Laura Ann Rosenbury		7/1/15 – present
59. Univ. of Haw. at Manoa Sch. of Law	X	Camille A. Nelson	Black	8/1/20 – present
60. Univ. of Idaho Coll. of Law	X	Johanna Kalb		5/1/21 – present
61. Univ. of Ill. at Chi. John Marshall Law Sch.	X	Julie Spanbauer*		6/1/21 – present
62. Univ. of Ky. Coll. of Law	X	Mary J. Davis		1/1/21 – present (in-terim before)
63. Univ. of Me. Sch. of Law	X	Leigh I. Saufley		4/15/20 – present
64. Univ. of Memphis Sch. of Law	X	Katharine Traylor Schaffzin		7/5/19 – present
65. Univ. of Mia. Sch. of Law		Nell J. Newton*		8/16/21 – present
66. Univ. of Miss. Sch. of Law	X	Susan Hanley Duncan		8/1/17 – present
67. Univ. of Mo. Sch. of Law, Columbia	X	Lyrissa Barnett Lidsky		7/1/17 – present
68. Univ. of Mo. Sch. of Law, Kan. City	X	Barbara Glesner Fines		3/1/17 – present
69. Univ. of N. Tex. at Dall. Coll. of Law		Felecia A. Epps	Black	7/1/18 – present



ABA Law Schools <sup>170</sup>	AALS	Dean	Woman of Color	Term
70. Univ. of N.H. Sch. of Law	X	Megan Carpenter		7/1/17–present
71. UNLV Sch. of Law	X	Sara Gordon*		7/1/21–present
72. Univ. of Okla. Coll. of Law	X	Katheleen Guzman		5/25/21–present (interim before)
73. Univ. of Or. Sch. of Law	X	Marcilynn A. Burke	Black	7/1/17–present
74. Univ. of P.R., Sch. of Law	X	Vivian I. Neptune Rivera	Latina (Puerto Rican)	2/1/11–present
75. Univ. of Pittsburgh, Sch. of Law	X	Amy J. Wildermuth		7/1/18–present
76. Univ. of Richmond Sch. of Law	X	Wendy Collins Perdue		7/1/11–present
77. Univ. of S.F. Sch. of Law	X	Susan Freiwald		7/1/19–present
78. Univ. of Utah Coll. of Law	X	Elizabeth Kronk Warner	Indigenous (Sault/Chippewa)	7/1/19–present
79. Univ. of Va. Sch. of Law	X	Risa L. Goluboff		7/1/16–present
80. Vt. Law Sch.	X	Beth McCormack*		1/23/21–present
81. W. & Lee Univ. Sch. of Law	X	Michelle Drumbl*		7/1/21–present
82. W. New England Univ. Sch. of Law	X	Sudha N. Setty	Asian (Indian)	7/1/18–present
83. W. Va. Univ., Coll. of Law	X	Amelia Smith Rinehart		1/12/21–present
84. Wake Forest Univ. Sch. of Law	X	Jane Aiken		7/1/19–present
85. Wash. Univ. in St. Louis Sch. of Law	X	Nancy Staudt		5/15/14–present

ABA Law Schools <sup>170</sup>	AALS	Dean	Woman of Color	Term
86. Washburn Univ. Sch. of Law	X	Carla D. Pratt	Black	6/30/18 – present
87. Yale Law Sch.	X	Heather K. Gerken		7/1/17 – present
88. Yeshiva Univ., Benjamin N. Cardozo Sch. of Law	X	Melanie Leslie		7/1/15 – present

## APPENDIX 2: LAW SCHOOLS WITH WOMEN DEANS OF COLOR

ABA Law Schools <sup>178</sup>	AALS	Dean	Woman of Color	Term
1. Barry Univ. Sch. of Law		Leticia M. Diaz	Latina (Cuban)	1/7/07–present
2. Bos. Univ. Sch. of Law	X	Angela Onwuachi-Willig	Black	8/15/18–present
3. Cal. W. Sch. of Law	X	Sean Scott	Black	8/1/20–present
4. DePaul Univ. Coll. of Law	X	Jennifer L. Rosato Perea	Latina (Nicaraguan)	7/1/15–present
5. Fla. A&M Univ. Sch. of Law <sup>179</sup>		Deidre Keller	Black	6/1/20–present (interim before)
6. Ga. State Univ. Coll. of Law	X	LaVonda N. Reed	Black	6/1/21–present
7. George Wash. Univ. Law Sch.	X	Dayna Bowen Matthew	Black	8/1/20–present
8. Howard Univ. Sch. of Law <sup>^</sup>	X	Danielle R. Holley-Walker	Black	7/14/14–present
9. Ind. Univ. Sch. of Law – Indianapolis	X	Karen E. Bravo	Black	8/1/20–present
10. Loyola Univ. Chi. Sch. of Law	X	Zelda Harris* <sup>180</sup>	Black	7/1/21–present
11. Mich. State Univ. Coll. of Law	X	Linda Sheryl Greene	Black	6/1/21–present
12. Miss. Coll. Sch. of Law	X	Patricia Bennett <sup>181</sup>	Black	1/1/18–present (interim before)

178. Several law school names are abbreviated for brevity. See *Introduction to Basic Legal Citation*, *supra* note 170.

179. A “^” mark denotes that the school is recognized as a Historically Black College/University.

180. One asterisk “\*” denotes that the dean is serving in an interim role.

181. Dean Patricia Bennett followed Dean Wendy Scott, a Black woman. See *Following Successful Tenure*, *supra* note 177.

ABA Law Schools <sup>178</sup>	AALS	Dean	Woman of Color	Term
13. N. Ill. Univ. Coll. of Law	X	Cassandra Hill	Black	7/1/20–present
14. N.C. Cent. Univ. Sch. of Law <sup>^</sup>	X	Browne C. Lewis	Black	7/1/20–present
15. Pa. State Univ. Dickinson Law	X	Danielle Conway	Black	7/1/19–present
16. Rutgers Law Sch., Camden	X	Kimberly Mutcherson <sup>182</sup>	Black	1/1/19–present
17. Rutgers Law Sch., Newark	X	Rose Cuison-Villazor <sup>183*</sup>	Asian (Filipina)	8/1/21–present
18. S. Ill. Univ. Sch. of Law, Carbon-dale	X	Camille Davidson	Black	7/1/20–present
19. St. Thomas Univ. Sch. of Law - Fla.	X	Tamara F. Lawson	Black	11/1/18–present
20. Stanford Law Sch.	X	Jennifer Martinez	Latina (Mexican)	4/1/19–present
21. Stetson Univ. Coll. of Law	X	Michèle Alexandre	Black	6/17/19–present
22. Tex. S. Univ. Sch. of Law <sup>^</sup>	X	Joan R.M. Bullock	Black & Asian (Brit. Jamaican & Chinese)	7/1/2019–present
23. Univ. of Cincinnati Coll. of Law	X	Verna L. Williams	Black	4/1/19–present (interim before)
24. Univ. of Colo. Law Sch.	X	Lolita Buckner Inniss	Black	6/1/21–present

182. See *Leadership*, supra note 5; *Introduction to Basic Legal Citation*, supra note 170.

183. See *Leadership*, supra note 5; *Introduction to Basic Legal Citation*, supra note 170.

ABA Law Schools <sup>178</sup>	AALS	Dean	Woman of Color	Term
25. Univ. of Conn. Sch. of Law	X	Eboni S. Nelson	Black	7/31/20–present
26. Univ. of D.C. Sch. of Law <sup>^</sup>		Renée McDonald Hutchins	Black	4/17/19–present
27. Univ. of Detroit Mercy Sch. of Law	X	Jelani Jefferson Exum	Black	7/1/21–present
28. Univ. of Haw. at Manoa Sch. of Law	X	Camille A. Nelson	Black	8/1/20–present
29. Univ. of N. Tex. at Dall. Coll. of Law		Felecia A. Epps	Black	7/1/18–present
30. Univ. of Or. Sch. of Law	X	Marcilynn A. Burke	Black	7/1/17–present
31. Univ. of P.R., Sch. of Law	X	Vivian I. Neptune Rivera	Latina (Puerto Rican)	2/1/11–present
32. Univ. of Utah, S.J. Quinney Coll. of Law	X	Elizabeth Kronk Warner	Indigenous (Sault/Chip-pewa)	7/1/19–present
33. W. New England Univ. Sch. of Law	X	Sudha N. Setty	Asian (Indian)	7/1/18–present
34. Washburn Univ. Sch. of Law	X	Carla D. Pratt	Black	6/30/18–present

## APPENDIX 3: SUMMARY OF WOMEN LAW DEANS

Numerical Breakdown	ABA (including interim deans)	ABA (excluding interim deans)	AALS (including interim deans)	AALS (excluding interim deans)
Total Women of Color	33	31.5 (15.8%) <sup>184</sup>	29	27.5 (15.6%) <sup>185</sup>
Asian <sup>186</sup>	2.5	2	2.5	2
Black <sup>187</sup>	26.5	25.5	23.5	22.5
Indigenous	1	1	1	1
Latina	4	4	3	3
Mixed-Race <sup>188</sup>	1	1	1	1

184. This percentage is calculated by dividing the total number of women of color from ABA law schools (excluding interim deans) by the total number of ABA accredited and approved law schools, which is 199. *See ABA-Approved Law Schools*, *supra* note 40.

185. This percentage is calculated by dividing the total number of women of color from AALS member law schools (excluding interim deans) by the total number of AALS member law schools, which is 176. *See Member Schools*, *supra* note 50.

186. The numbers do not appear to add up correctly because Dean Bullock from Thurgood Marshall School of Law is counted as Black, Asian, and Mixed-Race. *See supra* note 32 and accompanying text.

187. *See id.*

188. *Id.*

APPENDIX 4: BLACK LAW DEANS WHO STARTED TERMS AFTER  
MAY 25, 2020 (GEORGE FLOYD'S DEATH)

Name	Law School	Term	Gender
1. Deidre Keller	Florida A&M Univ. College of Law	7/01/2020 – present	Woman
2. Dayna Matthew	George Washington Univ. Law School	7/01/2020 – present	Woman
3. Cassandra Hill	No. Ill. Univ. College of Law	7/01/2020 – present	Woman
4. Karen Bravo	Indiana Univ. School of Law	7/01/2020 – present	Woman
5. Benjamin Spencer	William & Mary Law School	7/01/2020 – present	Man
6. Camille Davidson	So. Ill. Univ. School of Law	7/01/2020 – present	Woman
7. Browne Lewis	No. Carolina Central Univ. School of Law	7/01/2020 – present	Woman
8. Eboni Nelson	Univ. of Connecticut School of Law	7/31/2020 – present	Woman
9. Camille A. Nelson	Univ. of Hawaii Manoa School of Law	7/31/2020 – present	Woman
10. Sean M. Scott	California Western School of Law	8/01/2020 – present	Woman
11. Linda Sheryl Greene	Mich. St. Univ. College of Law	6/01/2021 – present	Woman
12. Lolita Buckner Inniss	Univ. of Colorado Law School	7/01/2021 – present	Woman
13. Roger A. Fairfax, Jr.	American Univ. College of Law	7/01/2021 – present	Man
14. Zelda B. Harris	Loyola Univ. Chicago School of Law	7/01/2021 – present	Woman
15. LaVonda N. Reed	Georgia St. Univ. College of Law	7/01/2021 – present	Woman
16. Jelani Jefferson Exum	Univ. of Detroit Mercy School of Law	7/01/2021 – present	Woman

APPENDIX 5: SUMMARY OF LAW DEANS APPOINTED SINCE GEORGE  
FLOYD’S DEATH

Category	Number <sup>189</sup>	Percent of New Deans <sup>190</sup>
Deans Appointed Since Floyd’s Death	62 <sup>191</sup>	-
Black Deans	16	25.8%
Black Women Deans	14	22.6%
Black Men Deans	2	1.6%

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189. Interim deans are excluded.

190. Percentages calculated by dividing the respective category number by 62 (the total number of new deans appointed since Floyd’s death).

191. This number is from the “Length of Service – Current Deans” list from Rosenblatt’s Deans Database. See *Deans by Ethnicity and Gender*, *supra* note 26.



## APPENDIX 6: SURVEY SENT TO LAW DEANS

## Survey for Latina Law Deans

October 11, 2021

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Pre-Dean Life

1. College – where and when:
2. Law school – where and when:
3. Other education – where and when:
4. Teaching – where and when:
5. Other legal work – where and when:
6. Cultural background (i.e., race/ethnicity, plus racial/ethnic traditions, influences, etc.):

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Becoming a Law Dean

7. How many deanships have you applied to?
8. For your present deanship or prior deanship(s), describe the process of becoming dean, including the types of support, mentoring, or training you received:

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Tenure as Dean

9. Past and current dean positions (including interim positions) – where and when:
10. If you recall, how was your appointment announced? Was your gender or race highlighted?
11. Are there specific ways being a Latina acted as a barrier or strength for your deanship? ☐ **Yes** ☐ **No** Please provide examples, if any.
12. Are there specific ways you were presumed incompetent? ☐ **Yes** ☐ **No** Please provide examples, if any.
13. Are there specific ways you were subject to gender sidelining (harmful gender-generated behaviors like bro-proprating, mansplaining, men taking credit for women's ideas, not getting stretch or plum assignments, etc.)? ☐ **Yes** ☐ **No** Please provide examples, if any.
14. What do you wish you had known before starting your deanship about how your identity would shape your experience as dean?

15. How do/did you manage the conflicting expectations that faculty, students, alumni, presidents, provosts, donors, etc. have of you based on your identity?

16. Given that deans serve at the pleasure of the President, Provost, Board, or a similar body or person, have you had experiences tied to your identity which made you uncomfortable, but you felt compelled to endure?  
☐ **Yes** ☐ **No** Please provide examples, if any.

17. Have/did you experience harassment, including sexual harassment, in your role as dean? ☐ **Yes** ☐ **No** Please provide examples, if any.

Ideas for Growing the Pipeline

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18. Given how few Latina law deans there have been to date (6), and currently (4), do you have specific suggestions for increasing those numbers?

19. Are there unwritten rules for deanships that aspiring Latina law deans should know?

20. What words of advice do you have for Latinas who might be interested in deanships?

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\*\*\*End of Survey\*\*\*