



By Danielle M. Conway

Building an Antiracist Law School

The trauma associated with violence against Black and brown people that led to the creation of the Association of American Law Schools (AALS) Law Deans Antiracist Clearinghouse Project is real and painful. We were still reeling from the known, but at the time not yet recorded, murders of Ahmaud Arbery and Breonna Taylor at the beginning of the COVID-19 pandemic in the spring of 2020 when another Black man, George Floyd, was murdered by Minneapolis police officer Derek Chauvin.

Unlike most murders of Black and brown people in which there are few or no witnesses and no video, the world relived the nine minutes and 29 seconds when Officer Chauvin crushed out George Floyd's life as the footage was replayed unrelentingly on television and over social media for months.

Each of us processed the horrifying scene in our own ways. My first instinct was to clutch my son, an eight-year-old Black boy. Like many other Black parents—especially Black mothers—I felt paralyzed by grief. That grief made me reach out to four of my colleagues, Black women law deans like me, with whom I knew I could share the pain and the weight of this latest racialized trauma event.

In the weeks following George Floyd's death, Deans Angela Onwuachi-Willig of Boston University School of Law, Kimberly Mutcherson of Rutgers Law School, Carla Pratt of Washburn University School of Law and Danielle

Holley-Walker of Howard University School of Law joined me to create and co-curate the AALS Law Deans Antiracist Clearinghouse Project. The first of our many conversations was about our shared disgust over the destruction of yet another Black body. We listened to one another's grief, sorrow, fear and outrage. In those conversations we also expressed our revulsion at having to pen yet another message to our respective communities about the failure of our system of laws to prevent murders of Black and brown people. But as those initial foundational conversations drew to a close, the five of us, like the overwhelming majority of our colleagues in deans' offices, knew that we had no choice but to address our communities.

Over those days, I also inquired on our deans' listserv about how law deans could come together to address, collectively, the suffering that we were *all* experiencing, including the racialized killings, but also the loss of life from the pandemic and the many assaults on civil rights and our democratic institutions particularly prevalent in the Trump era. The immediate response from my query to the deans' listserv was a cascade of communications from deans about "the message" each wrote to their communities, which I must admit was off-putting. I had a negative visceral reaction to the wave of listserv postings, which I perceived, to some degree, as performative.

I shared my reactions with Judy Areen, the executive director of the AALS, and Kellye Testy, the CEO and president of the Law School Admission Council (LSAC). With deep compassion, they suggested that I develop a website to catalogue the deans' messages to their respective communities. From this wise advice came the cathartic collaboration with my co-curators that gave birth to the Antiracist Clearinghouse Project.

This march through downtown Minneapolis in April 2021 was one of thousands that took place across the country calling for justice in the wake of the murder of George Floyd.



Clockwise from left: Danielle M. Conway, Penn State Dickinson Law; Danielle Holley-Walker, Howard University School of Law; Kimberly Mutcherson, Rutgers Law School; Angela Onwuachi-Willig, Boston University School of Law; and Carla Pratt, Washburn University School of Law.



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Designing Antiracism Systems

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t the conception stage of the project, I introduced my co-curators to systems design and design thinking, which, I suggested, would offer a useful approach for developing and implementing antiracism initiatives and programs for our respective institutions.

Because we took a systems design approach, we began by defining antiracism through an institutional lens. To achieve antiracism goals requires understanding American structural racism, the American legal architecture that supports it, the disproportionate impact that racist policies and practices have had on people of color and how these processes reinforced interlocking forms of oppression, such as white supremacy and patriarchy. Antiracism efforts seek to activate internal institutional change by acknowledging, analyzing and addressing the racism embedded in the institution's policies and practices. Antiracism initiatives focused on legal education are vital because racialized social structures and racial ideology are scaffolded by law and legal architecture. To engage antiracism means to first acknowledge the social reality of race, racialized social structures and racial ideology.

Next, engagement with antiracism encourages learning about the forms of racism that are designed to justify the status quo. Finally, a meaningful institutional antiracism program must take action to challenge and contest racial inequality within that institution.

I learned systems design during my military and civilian career as an attorney specializing in government procurement law. Our systems design approach focused on building an antiracist law school by redesigning how American law is taught and learned, with the ultimate goal of supporting more sustainable and just democratic institutions. Marshall Lichty, an operations consultant who specializes in working with lawyers, defines systems design as “a hands-on, user-focused way to relentlessly and incrementally innovate, empathize, humanize, solve problems and resolve issues... [it is] fundamentally user-centered, experimental, responsive, intentional and tolerant of failure.” Design thinking encourages participants to call upon their own sense of wonder and consider what *could be* in pursuit of new and better ways of doing things.

To begin, my sister deans and I developed an iterative process comprising six phases: listening, learning,

By explicitly replacing systemic racial and intersectional inequality with systemic racial and intersectional equality, we come closer to fulfilling the promise of equality and justice for all.

leading, auditing, implementing and testing. Effective, context-driven systems design should begin by identifying and centering a user and focusing on that user's specific needs. For example, the specific user could be a second-year law student who is committed to engaging as a court-appointed special advocate and identifies as gender nonbinary, a member of a racialized group and differently abled. The process of identifying potential users more specifically encourages the design team to learn more about them and develop greater empathy toward them.

It is important that antiracism systems design be a whole-of-institution endeavor. So, in the context of higher education, systems designers do not need to be exclusively professors. The co-curators of the Antiracist Law Deans Clearinghouse Project have defined our users as members of the law school teaching and learning community who have acknowledged that systems of racial inequality are embedded within their institutions, but who are new to or reticent about engaging with and implementing antiracism principles.

Second, we defined the challenge as how to create a starting point for users to engage with antiracism principles, bearing in mind that some of the users may not consider themselves to be subject matter experts.

Third, we engaged in a brainstorming process to develop creative solutions to the challenges and pain-points our users confront, developing a list of questions to help deans determine how profoundly institutional racism has encumbered their respective law schools. Question topics ranged from basic demographics ("What are the demographics of your student body and your faculty?"), to hiring processes ("Do your appointments processes and hiring practices account for bias?"), to curricula ("Has your institution implemented antiracist curricula and programming?")

Fourth, we built a prototype that represented our ideas and then shared it widely with people inside and outside of legal education and the legal profession. We provided resources on how to implement antiracist action, some of which included model faculty resolutions, teach-ins, conference sessions and webinars. Finally, we tested the prototype by taking feedback from users who engaged with

the project and made recommendations for additional substantive content.

An iterative systems-based approach is preferable to a linear framework because it avoids siloed solutions and better accommodates contingencies and variables, including the specific varied circumstances of each school. The universal foundational building block of our approach, however, is *praxis-informed antiracism*. This approach allows users to enter the process from different starting places, recognizing that individuals enter with different levels of readiness based upon their respective comfort levels with antiracism principles, processes and practices. The project is designed to grow and expand and continuously encourage users to delve critically into substantive dialectical discourse through recursive methods to incorporate antiracism into legal education and lawyering.

A Project's Progress

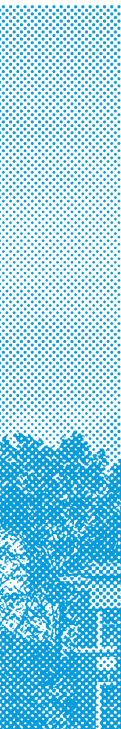
Many people and institutions have dealt with the most recent racial reckoning in the United States by asking: "What can we do and how do we do this?" Too often the implied answer is, "There is nothing we can do." The school that I lead, Penn State Dickinson Law, has undertaken its own process to answer these seemingly intractable questions. Our response has built on the resources provided by the AALS Law Deans Clearinghouse Project and has included issuing two *unanimous* faculty resolutions: The first pledged to condemn violence against Black and brown people, and the second pledged to teach and learn according to antiracist principles.

Dickinson Law worked quickly, becoming the first law school in the nation to establish a first-year required course devoted to race and equal protection. The course uses critical theory and critical pedagogy to help students further develop how they see their places and roles in an imperfect and still-evolving democracy.

We also implemented a civil rights, equal protection and social justice certificate program to provide students an opportunity to deepen their understanding of race, racism and law across the curriculum. To earn the certificate, students must complete a minimum of 15 credits of relevant core, elective and experiential learning courses that can include Constitutional Law II and Criminal Procedure, Education Law, Immigration Law and internships in Harrisburg, Pa., or Washington, D.C. In the program's first year, three students earned the certificate.

To chart the vision and implementation of our "Building an Antiracist Law School" project and provide a template for other schools, Dickinson Law also documented our ongoing work with three interdependent articles that will appear in the 2021 Symposium issue of *Rutgers Race and the Law Review* (Volume 23, Issue 1). The first of these articles, which I co-authored with Bekah Saidman-Krauss and Rebecca Schreiber, examines the role of inclusivity in the admission and retention of diverse students. The second, by Amy Gaudion, offers perspectives on race

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and racism within the traditional law school curriculum. Finally, Dermot Groome's article describes Dickinson Law's race and equal protection of the laws required first-year course. [Editor's note: see papers.ssrn.com/sol3/papers.cfm?abstract_id=3804022; papers.ssrn.com/sol3/papers.cfm?abstract_id=3805994; and ideas.dickinsonlaw.psu.edu/fac-works/270/].

The work of our community has garnered significant attention inside and outside of the legal academy. We led workshops and symposia to convey this knowledge to other law schools and organizations including the University of Connecticut School of Law, the University of Utah S.J. Quinney College of Law, the University of Maine School of Law and the Practicing Law Institute. As more educational institutions, organizations, firms and businesses learn about this institutional antiracism work, coalitions of law school leaders and scholars are forming across the country to further support it.

In less than two years spent implementing the systems design practices developed in part through the Antiracist Clearinghouse Project, Penn State Dickinson Law has achieved impressive outcomes. For example, the school doubled our student of color population from 22 percent to 44 percent in 2020, reached 38 percent in 2021 and is on track to reach 32 percent in 2022. From 2017 to 2022, we more than doubled the number of faculty of color, from 12 percent to 35 percent. In 2020, we received the EDGE Education Award from the Council on Legal Education Opportunity (CLEO) for our deep commitment to antiracism in legal education. Finally, Penn State Dickinson Law has received substantial funding to support our antiracism work from, among others, the Steele Family Foundation, the AccessLex Institute, LSAC, the National Association for Law Placement and the Pennsylvania State University.

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Building the Antiracist Law School of the Future

Beginning in 2023, the University of California Press will publish a book series titled *Building an Antiracist Law School, Legal Academy, and Legal Profession*. Building on the work of the Clearinghouse Project and employing the systems design and design thinking approaches that I described earlier, the books will seek to answer the question: "How do we embed systemic equity into law schools and the legal profession?" The book project involves more than 100 participants (systems designers, volume editors and chapter authors) from across 30 law schools and other organizations.

The book project serves as a platform for another important innovation, the Antiracist Development Institute (ADI) at Penn State Dickinson Law, which was launched in 2021. The ADI seeks to be a center for building, practicing and implementing antiracism in institutions and organizations. It will offer law schools and other institutions and organizations across the country systems design-based approaches to implementing institutional antiracism policies and practices across all their functions and will serve any user seeking to resolve the seemingly intractable challenge of systemic racial inequality. [For more information on the book series and the ADI, see dickinsonlaw.psu.edu/dickinson-law-announces-antiracist-development-institute/.]

There are many layers to the work of the Antiracist Clearinghouse and its component projects. The first layer requires inward reflection to recognize and acknowledge the persistent and perpetual forces of systemic racial inequality. The second layer involves learning how to develop systems focused on transforming legal institutions so that they are no longer complicit in perpetuating racial inequality. The third layer of the work requires exercising the will to take action to implement these systems. Importantly, the success of this project does not depend on any one initiative—rather, it suggests myriad approaches to address, disrupt and dismantle interlocking forms of oppression.

Ultimately, the Antiracist Clearinghouse Project seeks to be in coalition with the approximately 200 American law schools to develop institution-wide approaches to restructure law and legal architecture to help fulfill the promise of equality and justice for all. By explicitly replacing systemic racial and intersectional inequality with systemic racial and intersectional equality, we come closer to keeping this promise. In service to our ongoing, long-term commitment to eradicate racism and bias, Penn State Dickinson Law is immersed in the work of building an antiracist law school. We are committed to this work for the long-term, and we invite our peer institutions and communities to be in coalition with us. ■

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Lewis Katz Hall at Penn State Dickinson Law houses the school's library as well as classrooms, an auditorium and offices.

