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## Legal Education, Social Justice and the Law School Dean: Latinas at the Center

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BIG VALUE.

## **BREAKING INTO THE DEAN'S OFFICE: LATINA DEAN PIONEERS**

### **CLUSTER INTRODUCTION - LEGAL EDUCATION, SOCIAL JUSTICE, AND THE LAW SCHOOL DEAN: LATINAS AT THE CENTER**

MARGARET MONTOYA\*

#### INTRODUCTION

The opening of LatCrit XVI in San Diego, CA, on October 9, 2011, coincided with the events that are identified as the start of the global expression of the Occupy Movement. The Occupy Movement began to gain media attention on September 17, 2011, in Zuccotti Park in New York City.<sup>1</sup> By October 9, protests had taken place or were ongoing in eighty-two countries and over 600 communities in the United States.<sup>2</sup> The broad theme for LatCrit XVI was “Global Justice” and the conference was billed as “an opportunity to explore theories, histories, and futures of global justice. Of particular importance [was] the relationship between universality and difference, and comparative conceptions of equality and justice.”<sup>3</sup> Now, some four months later, the Occupy Movement has succeeded in changing the zeitgeist by changing the political vocabulary and focusing the U.S. presidential debate as well as much of the globe on income inequality. “We are the 99%” has become a rallying cry about the maldistribution of social

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1. Karla Adams, *Occupy Wall Street Protest Go Global*, WASH. POST (Oct. 15, 2011), [http://www.washingtonpost.com/world/europe/occupy-wall-street-protests-go-global/2011/10/15/gIQAp7kimL\\_story.html](http://www.washingtonpost.com/world/europe/occupy-wall-street-protests-go-global/2011/10/15/gIQAp7kimL_story.html).

2. *Id.*

3. *Sixteenth Annual LatCrit Conference*, FACULTY LAW CONFERENCE UPDATES (May 2, 2011), <http://lawconf.wordpress.com/2011/05/02/sixteenth-annual-latcrit-conference/>.

resources, especially in the allocation of wealth away from the middle classes towards the ultra-rich. This recent period has come to be called the “American Autumn” in comparing this regional activism and revolutionary fervor with the “Arab Spring,” the months that saw protests against oppressive regimes spread from Tunisia and Egypt through Libya and into more than thirteen other Middle Eastern and North African countries.<sup>4</sup>

The transnational demands for greater democracy are also calls for cultivating new leadership. Consequently, a LatCrit Roundtable discussion entitled “Legal Education, Social Justice and the Law School Dean: Latinas at the Center” resonates with this global demand for synergistic talent, fresh skills, and new voices, and a renewed attention to distributive justice. In the essays that follow, Leticia M. Diaz (Barry University Dwayne O. Andreas School of Law), María Pabón López (Loyola University New Orleans College of Law), and Jennifer L. Rosato (Northern Illinois University College of Law) from U.S. law schools,<sup>5</sup> and Helena Alviar García (Universidad de Los Andes) from Bogotá, Colombia, these four Latina Deans engage issues of universality and difference, and equality and justice. As they do so, their observations function as a razor that exposes dimensions of pioneer leadership, but more specifically pioneer *female* leadership.

As we consider global justice and the savage inequalities that the Occupy Movement has brought to the fore,<sup>6</sup> we should care about female leadership not only for reasons of equity and representativeness, although such reasons are compelling. Medical researchers have also showed, in studies of the fifty states as well as in international comparisons, that as women’s status (and with it women’s leadership) rises, so does income equality.<sup>7</sup> We should also care about female leadership because gender relations are a measure

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4. *The Arab Awakening*, AL JAZEERA, <http://www.aljazeera.com/indepth/spotlight/2011/02/2011222121213770475.html> (last modified Feb. 22, 2011).

5. A fourth Latina Dean from a U.S. law school, Rachel Moran of UCLA, also participated in the LatCrit panel.

6. Guardian Interactive Team & Simon Rogers, *99% v 1%: The Data Behind the Occupy Movement*, GUARDIAN DATA BLOG (Nov. 16, 2011), <http://www.guardian.co.uk/news/datablog/video/2011/nov/16/99-v-1-occupy-data-animation>.

7. RICHARD WILKINSON & KATE PICKETT, *THE SPIRIT LEVEL: WHY GREATER EQUALITY MAKES SOCIETIES STRONGER* 58-60 (2009).

of health and wellbeing. In short, where women's status is closer to men's, both men and women have better health and mental health outcomes.<sup>8</sup> As we create pathways for female advancement and lower male competitiveness, we improve and literally lengthen the lives of both men and women.<sup>9</sup>

Creating opportunities for Latinas to become law school deans is evidence of a weakening male dominance within legal education. I am extrapolating from studies that assess the impact of gender inequality to posit that a more egalitarian law school environment is a healthier one for both men and women. Moreover, I would hypothesize that gains in education, health, and employment are synergistic; better paying jobs include benefits such as health insurance and access to insurance correlates with better health outcomes for entire families as well as greater educational achievement. In other words, such society-wide effects may also prove true at the institutional level; we can't say definitively because we haven't studied the effects of in/equality at this level of detail. Thus, I would predict that we could improve outcomes in legal education along with the health and wellbeing of students, faculty, and staff by creating greater gender equality. One measure of that equality is the increase in Latina law school deans and the potentially salutary effects that come with the feminization of legal education.

What follows is a brief analysis that braids together the essays of the four Latina Deans by grouping them as interwoven strands of ideas.

#### RAPID DEMOGRAPHIC CHANGES: OPPORTUNITIES FOR DIVERSITY AND INCLUSIVENESS

As Latinas/os become a larger demographic group in the U.S., the rationales for greater diversity in law schools and other institutions become more urgent, and the need to establish linkages to American Latinas, as a trans-hemispheric, largely Spanish-speaking bloc, also become more evident. The immigrant experience, although not the only ancestral story for Latinas/os,<sup>10</sup> has heightened importance as

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8. RICHARD WILKINSON, *THE IMPACT OF INEQUALITY: HOW TO MAKE SICK SOCIETIES HEALTHIER* 217 (2005).

9. *Id.* at 217 tbl.7.1.

10. My ancestors have been in what is now New Mexico for generations and

significant numbers<sup>11</sup> in the latest wave of Latinas/os continue to see legal education as a doorway to social and economic ascendancy. Dean Leticia Diaz links the growth of the Hispanic population in Central Florida to the “seismic shift” across the country<sup>12</sup>—she notes that one out of six U.S. residents is Hispanic,<sup>13</sup> an increase that has been most dramatic in the South.<sup>14</sup>

This rapid demographic change has resulted in a significant increase in the number of minority students in Dean Diaz’s school, Barry University School of Law.<sup>15</sup> Dean Jennifer Rosato offers a statistical snapshot of the legal profession and concludes that meaningful diversity, especially on the basis of gender, is still an elusive goal.<sup>16</sup> For example, although Latinas are now 7% of the U.S. population, in 2009,<sup>17</sup> Latinas account for only 1.3% of all lawyers.<sup>18</sup> Women of color deans account for about 7% of all ABA-approved law schools in the U.S.<sup>19</sup> and about 2% of those are Latinas. In providing an international perspective, Dean Helena Alviar García gives some statistics for her law school in Colombia: of 875 students, 48% are women, and of 38 full-time professors, 39% are women.<sup>20</sup>

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form part of the population that was conquered by the U.S. in the U.S.-Mexico War that ended with the Treaty of Guadalupe Hidalgo and the ceding of almost half of the Mexican territory. Other Latinas/os have stories of slavery and some immigration stories include histories of statutory and constitution-based exclusion.

11. While we don’t have good data on law students or law faculty who identify as members of immigrant families, I do have anecdotal data. In recent years, when I have met with Latina/o law students at the annual National Latina/o Law Students Association meetings, I have asked for a show of hands of those who identify as coming from immigrant families and the numbers have been at what I would estimate in the ninetieth percentile or more.

12. Leticia M. Diaz, *Hispanic Leaders for the Larger Community: The Surge in the Hispanic Population Creates Opportunities for Increased Diversity and Inclusiveness*, 48 CAL. W. L. REV. 425 (2012).

13. *Id.*

14. *Id.*

15. *Id.*

16. Jennifer L. Rosato, *Reflections of a Reluctant Pioneer*, 48 CAL. W. L. REV. 445 (2012).

17. *Id.* at 447 fn. 9.

18. *Id.*

19. *Id.*

20. Helena Alviar García, *What Does It Mean to Be a Latina Dean? Reflections from the South*, 48 CAL. W. L. REV. 439 (2012).

## BARRIERS TO LATINA LEADERSHIP

Sixteen years ago, as LatCrit was being born as a theoretical and ideological intervention, there were no Latina deans; today there are four. From my perspective these two developments are connected, perhaps causally. Over these many years, LatCrit has carved out a discursive space that has cultivated Outsider intellectuality, and in doing so has debunked the stereotypes that unfairly burden those who are willing to challenge the structures of power as they rise to become deans and other academic elites. LatCrit has intentionally organized its annual conferences so as to provide a location for progressive faculty, mostly of color, to gather and learn the ins and outs of academic life, the keys to excellence in teaching, scholarship, and leadership. LatCrit has been a place to find mentorship and a haven for friendship. I don't suggest that without LatCrit there would be no Latina deans; I posit instead that, because of LatCrit, legal academia was more open to the idea that we Latinas/os and other people of color have produced important scholarship, innovative teaching methods, and otherwise established ourselves as clarion voices for change, dissent, and renewal. Most importantly, LatCrit has helped lower the barriers to facilitate the fullest participation in the legal profession. Nevertheless, the barriers for a Latina to becoming dean are still very high.

Dean Pabón López identifies the changing legal curricular and pedagogical environment as one of the biggest challenges facing legal education.<sup>21</sup> Even as funding decreases and competition for applicants increases, law schools have had to contend with high profile media critiques about the cost of legal education along with the deception by many law schools about the employability of law graduates.<sup>22</sup> Dean Pabón López describes this changing landscape as the reality in which she leads, a reality that propels her into new partnerships and new ways of finding and using resources.

Dean Alviar discloses both personal and institutional barriers. By personal, I am specifically referring to her observation that “it entails a great amount of my emotional strength to enter meetings where I am the only woman, when I am accused of being too emotional or

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21. María Pabón López, *Reflections About Legal Education and Justice from the Perspective of a Latina Law School Dean*, 48 CAL. W. L. REV. 431 (2012).

22. *Id.*

passionate, or when I am alone defending the perspective of a working mother.”<sup>23</sup> Many of us can relate to the experience of being scrutinized as the only female, or the only person of color, or the only female of color; this excess scrutiny is evidence of unconscious bias and it can be debilitating. On the other hand, most of us have experience with deans who fall short on emotional and social intelligence. I would hazard a guess that one of the Latina deans’ strengths is their ability to withstand this excess scrutiny while at the same time empathizing and responding to the emotional cues and needs of students, faculty, staff, and other stakeholders. Having to play the role of emotional monitor is understandably draining and can be invisible unless named and valued. In my opinion, law deans should be formally evaluated on their capacity to be emotionally adept. Dean Alviar also is faced with institutional inequalities and the politics of redistribution that go along with improving the environment for the largely female staff, creating greater racial and economic diversity, and increasing opportunities for students to enter the judiciary.<sup>24</sup> For example, even though she doesn’t have the power to raise the salaries of the administrative staff who are largely single mothers, she has responded to their time constraints by reorganizing the schedules to allow for their care-taking responsibilities. This is one way that women leaders create a healthier and more responsive work environment.

Dean Rosato analyzes several challenges for minority women law deans and concludes, like the other Latina deans, that these challenges have spurred her to find new strengths and develop new skills.<sup>25</sup> Dean Rosato discloses the loneliness of deaning, especially for minority deans, and the lack of support structures or mentoring.<sup>26</sup> I know that in medicine it is now common for senior administrators to get coaching as part of their preparation for leadership, perhaps this is something that new deans should negotiate as part of their initial contracts. As an aside, we at the UNM Health Sciences Center are in the process of creating a comprehensive formal mentorship program, with a special focus on faculty of color, and will also provide leadership training and

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23. Alviar, *supra* note 20.

24. *Id.*

25. Rosato, *supra* note 16.

26. *Id.*

pathways for those who want to become academic administrators. We have learned that mentoring is an elaborate set of skills that requires resources and institutionalization (and inter-institutionalization for positions such as law dean) so that these skills can be taught, practiced, and evaluated by both mentors and mentees. In a way that resonates with Dean Alviar's comments, Dean Rosato reveals her concerns about the unwarranted presumptions of incompetence and the micro aggressions that she is exposed to.<sup>27</sup> She emphasizes the feminization and sexualization of Latinas (in her case, because of subordinating notions about the female body—petite, youthful, and physically fit—and the sense of entitlement some people feel as they pose questions to her about her motherhood status and her relationships with her partner). These are forms of bias against female leaders—and specifically, Latina law deans.<sup>28</sup> Even as she has faced these headwinds, Dean Rosato has forged her own ways of coping by learning about the culture of her institution, developing strong relationships, and cultivating her personal leadership style. Even as she chafes against being called a pioneer,<sup>29</sup> Dean Rosato works hard to have her accomplishments push the door open for others.

#### VIEWS ON SOCIAL JUSTICE

Dean Diaz reminds us that social justice is at play within the privileged walls of law schools as we collectively work to make them more egalitarian and inclusive.<sup>30</sup> This is an unfinished agenda with respect to students and still an emerging one with respect to law school leadership. As is usually the case, women of color bear the heaviest burdens with respect to entry to leadership and acceptance. Dean Rosato's attention to the lack of diversity in the legal profession is also a concern about social justice and inequality.<sup>31</sup>

Dean Pabón López explicitly addresses the social justice mission of Loyola New Orleans College of Law with its law clinics and other public service programs that create the foundation for her leadership.<sup>32</sup>

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27. *Id.*

28. *Id.*

29. *Id.* In the title of her essay, Dean Rosato calls herself a “reluctant” pioneer.

30. Diaz, *supra* note 12.

31. Rosato, *supra* note 16.

32. Pabón, *supra* note 21.

She sees herself as supporting curricular changes that are consistent with social justice<sup>33</sup> and motivates students to reflect on issues of ethnic identity and ethnic naming. Finally, Dean Pabón López notes the importance of her voice in immigration scholarship and, understandably, her growing interest in the diversity of the legal profession and particularly the status of women lawyers.

I will conclude this introduction where I began with a reflection on inequality and quote Dean Alviar as she describes her ideal law school as “a place where students and faculty are thinking about issues that could transform the distribution of resources across gender, class, and race.”<sup>34</sup> Dean Alviar’s focus is her country of Colombia and presumably she would have students and faculty not only think about distributive justice, but also act to make it a reality. This is an appropriate ideal for law schools in the United States and, in fact, much of the globe. The leadership that will bring us closer to that ideal will be informed and shaped by the voices of Latina law deans. I salute their accomplishments.

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33. *Id.* Dean Pabón also gains inspiration from the SALT mission statement, which I take unabashed pride in because it was adopted under my leadership and during my co-presidency (with Carol Chomsky) of SALT.

34. Alviar, *supra* note 20.