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## HLS 200: A Latina's Story about the Bicentennial

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# HLS 200: A LATINA'S STORY ABOUT THE BICENTENNIAL

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*Margaret E. Montoya*<sup>1</sup>

## FOREWORD

Harvard Law School (“HLS”) celebrated its bicentennial on October 26 and 27, 2017, and filmed a documentary as part of the activities marking the 200-year history of the school. This essay memorializes the role that I, a Latina who has been linked to HLS since I applied for admission in the fall of 1971, played in some of the bicentennial events. My life story has been radically altered by my education at HLS; my story is HLS history. This conjoined history is a braid with several strands: one pertains to the singular importance of Harvard Law School within the nation’s legal and juridical hierarchies, another strand refers to the changes that occurred in higher education and at HLS as the imperative to desegregate higher education accelerated from the late 1960s to the present, and a third strand pertains to my being a participant, observer, and dissident in this process. Over these forty years, Latinas have gained national visibility and voice as the country has rapidly grown more racially and ethnically diverse. I posit that the stories I relate in this essay illustrate the uneven emergence of women and men of color from the margins of society to the corridors of power, including those at Harvard. Some of us found our place within the Harvard community by calling on the school to live up to its ideals and the stories it tells about itself. We found our place by exposing its inequalities, lapses, and shortcomings and by advocating for a more egalitarian and a more inclusive Harvard Law School.

On February 14, 2017, I received an email from then HLS Dean Martha Minow inviting me to participate in this film that would become part of the HLS permanent archives. I demurred, saying that this honor engendered moral conflict for me. I wrote with some irony, “[w]hen I have donned the Harvard stole of power and prestige, I have usually done so to advance goals of redistributive justice that [are] at odds with HLS and its legacy of concentrated power and ancestral fortunes. I have spoken and written in ways that are oppositional to the traditional homage that is paid to Harvard Law

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\* Professor Emerita of Law, University of New Mexico (“UNM”) School of Law and Visiting Professor of Family and Community Medicine and former Senior Advisor to Chancellor, UNM Health Sciences Center (“HSC”). My thanks to the community of HLS dissidents, especially the recent students, primarily students of color, who have disrupted the unrelenting White Space that is Harvard Law School advocating for those whose lives are blighted by the inequalities that are the outgrowth of unchecked elitism. *La lucha nos da conscientización y solidaridad.*

School.”<sup>2</sup> I tied my own opposition with the large cohort of Harvard people who have exposed the School’s participation in the creation of inequality, and I emphasized the collective nature of this activism. The next day Dean Minow responded encouraging me to accept the invitation with these words: “We hope to mark the history of HLS with celebration and also critique.”<sup>3</sup> With that, I agreed to participate in the documentary.

On April 26, 2017, the HLS film crew taped B-roll (supplemental footage that is intercut with the interview footage) at a Health Science Center (“HSC”) talk that I presented that forms the basis for this essay. The interview was filmed in Albuquerque, New Mexico at Casa San Ysidro<sup>4</sup> and conducted by Chris Jennings, the Owner and Executive Producer of MINDER Co., the Boston film company that produced the HLS documentary.



Picture of Chris Jennings interviewing me at Casa San Ysidro.

I spent a restless night after the interview realizing that I had failed to express my misgivings about Harvard Law School. Early the next morning I wrote the following to Mr. Jennings and Ms. Julie Vakoc, Director of Online Strategy of the HLS Office of Communications, who had been part of the crew who traveled to Albuquerque:

Almost as soon as I left, I realized that I had not talked about the morally ambiguous place that Harvard occupies for me and which I expressed when first invited to be part of this celebration. I’m disappointed in myself because it should have been prominent in my contribution. It will weigh on my conscience. Harvard is both a force for inequality and equality, a force for justice and injustice.

<sup>2</sup> Email thread between Martha Minow, Dean of HLS and Margaret Montoya, Professor at UNM School of Law (Feb. 14, 2017) (inviting me to be part of the bicentennial documentary film process) (on file with author).

<sup>3</sup> *Id.* at 3 (clarifying her invitation to me to be part of the bicentennial documentary film process).

<sup>4</sup> Located in Corrales, N.M., this late 19th century house was turned into a plazuela-style rancho in the 1990s and then donated to the City of Albuquerque. It is now operated by the Albuquerque Museum. See *Casa San Ysidro: The Gutiérrez-Minge House in Corrales*, CITY OF ALBUQUERQUE, <https://www.cabq.gov/culturalservices/albuquerque-museum/casa-san-ysidro>, archived at <https://perma.cc/RT88-ZYHP>.

I didn't record my misgivings and I'm left wondering why. Perhaps it was the excitement, it was a me moment more than it should have been. But I wanted you to know.<sup>5</sup>

Ms. Vakoc wrote back inviting me to record something to be posted on the HLS200 website. The text of the resulting video is also part of this essay.<sup>6</sup> In the home video that I taped, I explain why I find Harvard to be a morally conflicting space for me and for the many others who oppose Harvard for its elitism and anti-egalitarianism, and why activism within Harvard's walls creates a sense of solidarity for me and Harvard's many dissidents.<sup>7</sup> I reminisced that, as part of the first cohort of students of color at HLS, I often felt that I did not belong; that Harvard was not mine. I frequently acknowledged that I was a beneficiary of HLS's affirmative action policies but I emphasized that Harvard was also an institutional beneficiary of such practices which made HLS more morally legitimate, more democratic, more intelligent. Over the years, I have treasured working with student activists, i.e., *La Alianza* and the Reclaim Harvard movement, and found that speaking up against the inequities that Harvard instantiates engendered feelings of belonging. In short, we make Harvard ours through our dissent and resistance.<sup>8</sup>

Chris Jennings also replied to my email with his own regret narrative, continuing the intensely emotional colloquy that had resulted from his questions during the taped interview. In the email, he shared a story from his youth involving a racial incident.<sup>9</sup> This is the story Chris Jennings shared:

As a boy, he attended private and boarding K-12 schools and then graduated from Emerson College's film program. He landed his first job using his father's contacts. He was a textbook example of white privilege, but growing up in Atlanta, he became responsible about cross-cultural issues—being attentive to language, treading lightly where he was inexperienced, but engaging.

In 1990, he attended a Grateful Dead concert, was arrested for smoking marijuana and placed in the Atlanta City jail. He was the only white person in the holding cell and was scared. A few hours later, the guard came to the cell and called out his name. He followed the guard down a hallway and around a corner where the guard said, "We can't leave you in that cell overnight with all

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<sup>5</sup> Email thread between Margaret Montoya, Professor of UNM School of Law, Julie Vakoc, HLS Director of Online Strategy in the Office of Communications and Chris Jennings, Owner of MINDER Co. (Apr. 27, 2017) (on file with author).

<sup>6</sup> See Harvard Law School, *Reflections on HLS: Margaret Montoya '78*, YOUTUBE (June 22, 2017), [https://www.youtube.com/watch?time\\_continue=5&v=bpGw3jGyWn0](https://www.youtube.com/watch?time_continue=5&v=bpGw3jGyWn0), archived at <https://perma.cc/NUZ3-77Y9>.

<sup>7</sup> See *id.*

<sup>8</sup> See *id.*

<sup>9</sup> See email thread between Margaret Montoya, Professor of UNM School of Law, Julie Vakoc, HLS Director of Online Strategy in the Office of Communications and Chris Jennings, Owner of MINDER Co. (Apr. 27, 2017) (on file with author).

those n\*\*\*\*\*. [Jennings wrote out the racial epithet; I choose not to.]

Jennings explains that the experience weighed on his conscience for years. He had shared cigarettes with the men in the cell who shared with him that they were charged with battery, shoplifting, possession of controlled substances. Jennings states once more that he was scared but never threatened. He never told his mom or even his attorney that he had been moved to a private cell. Over time, relief turned to shame as he acknowledged that he was white and had benefited from “institutional racism.”

Chris Jennings goes on to say that the lessons he takes from this experience are that he can better the cross-cultural dynamic to remove exceptionalism and wipe away stereotypes by expressing disgust with governmental policies that, for example, label an entire ethnicity as “rapists.” Also, he can listen to and share stories about racial difference and inequity (like those I told during the filmed interview for the Harvard bicentennial) and do so with respect and humility because such stories are a gift.<sup>10</sup>

I responded to him acknowledging that such an exchange of personal stories involving race between a woman of color and a White man who are relative strangers rarely occurs. I used Critical Race Theory to specify why this exchange is unusual in that we are both telling autobiographical stories and then interrogating them to understand the situational and intersectional particularities of racism, the nuance of response, the wielding of racial power, in this case, by the guard, and Jennings’ acceptance of his power move inflected by the racial slur. I opined that while it can be difficult for people of color to talk about racial experiences from a place of disadvantage, it can also be difficult, in this instance for a white person, to narrate racial experiences from a place of advantage. I concluded the email exchange by expressing the pride I felt in having made this intense connection with him, albeit short-lived. I also expressed gratitude to Jennings for the personal comments that several of the crew made to me after the filming, which I concluded were the result of his adept interview and listening style.<sup>11</sup>

This essay sketches an arc from my childhood to being an HLS student to my academic work and professional commitments as a law professor and an alumna of HLS, working to increase access and success in the legal and medical professions for students and faculty of color. I tell the story of my participation in the HLS bicentennial events from the time I was invited to be part of the documentary film through the talk that I gave reflecting on the mentoring work I have been doing in health sciences. For the B-roll footage, my talk reflected on my academic work as both a product of affirmative

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<sup>10</sup> See *id.*

<sup>11</sup> See *id.*

action/diversity-linked initiatives at Harvard as a student and then alumna and later as a producer of such initiatives at the University of New Mexico as a law professor/legal scholar and later in the HSC working in the Chancellor's Office. This essay ends with my viewing the HLS documentary at the Bicentennial events on October 26, 2017 accompanied by my husband Charles Boyer and Marco Castanos, a third-year law student and member of *La Alianza*, and then being part of the Disorientation event organized by the HLS student organization known as Students for Inclusion on October 28, 2017.<sup>12</sup>

In Part I, I begin by describing a project we have developed in the UNM Health Sciences Center on cross-cultural mentoring to improve the communication and interpersonal skills of a diverse set of mentors and mentees.<sup>13</sup> This mentoring project was designed to gain the full benefits of the HSC's investments in developing a diverse faculty so I briefly describe the legal context for affirmative action and diversity policies and practices in higher education. In Part II, I use an excerpt from my first published article that tells a story about my childhood to provide an example of differences in family backgrounds and lived experiences as one aspect of what is meant by diversity.<sup>14</sup> In Part III, I compare aspects of legal and medical education using demographic data as well as some observations about how diverse faculty have transformed the two professions in their respective approaches to and rationales for diversifying the professions and examine the work being done by diverse faculty in law and health. I use an excerpt from the same article I used earlier to illustrate how Outsider scholarship by legal scholars of color and others from nontraditional White male backgrounds have altered legal analysis, in this case by braiding legal discourse with autobiography expressing different perspectives and different linguistic aptitudes.<sup>15</sup> In Part IV, I return to cross-cultural mentoring as one way of weaving together insights from law and health thereby strengthening both. I conclude where I started by reflecting on the HLS Bicentennial.

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<sup>12</sup> Students for Inclusion was founded in 2014 by students seeking a space for contextualized conversations on race, gender, and class as they relate to law; these events are directed primarily at new law students to reveal the often pernicious sub-textual meanings of legal education. The October 28, 2017 event consisted of a panel discussion including Professor Patricia Williams (Columbia Law School), myself, and Antuan Johnson and Rena Karefa-Johnson, two 2016 HLS graduates who had been active in student activism while at HLS. The Disorientation event was organized by 3Ls Annie Manhardt and Marco Castanos and included a separate discussion on legal practice and movement lawyering.

<sup>13</sup> The 2009–2018 HSC mentoring project was called the Advancing Institutional Mentoring Excellence (“AIME”) Pilot Project and was co-led by Dr. Brian Gibbs (the former Associate Vice-Chancellor for Diversity and Inclusion), Dr. Emily Haozous (Associate Professor, College of Nursing), Dr. Valerie Romero-Leggott (Vice Chancellor for Diversity and Inclusion) and myself (before retiring, I was Senior Advisor to the HSC Chancellor). (The 2016 AIME Status Report, data charts, appendices, and other project documents, including the forthcoming Final Report, are on file with the author).

<sup>14</sup> See *infra* Part II.

<sup>15</sup> See *infra* Part III.

## PART I: MENTORING

Mentoring is an elastic concept within academic employment practices that can include collaborating, teaming, championing, sponsoring, coaching, teaching, precepting (the supervision of students or residents involved in providing clinical services), and I am using mentoring with this capacious meaning. In fact, I am using mentoring as a term into which we can pour meaning that is particularly academic when linked with the diversity mission with a more egalitarian and humanitarian rationale as opposed to a business model rationale for diversity initiatives which are more focused on developing employee skills to match market needs. In this context, I am talking about cross-cultural mentoring as a set of KSAs, a set of knowledge, skills and attitudes,<sup>16</sup> to cultivate a diverse healthcare workforce. For example, with cross-cultural mentoring we are talking about knowledge about identity formation as linked to health equity, skills including deep listening and an understanding of nonverbal cues, and attitudes of professional humility and intellectual modesty. Using cross-cultural mentoring, we were seeking to cultivate faculty-mentoring teams from diverse backgrounds, life experiences, languages, stories, histories, memories, preferences, using storytelling, autobiography, and other techniques to express these differences. We work to prepare teams composed of faculty who think from different perspectives about their work in health care.<sup>17</sup> Based on our experience in the AIME Mentoring Project, I posit that mentoring offers us a space to hone the communication, conflict-reduction, and problem-solving tools to learn to work effectively with people from different backgrounds, transform institutional structures, and improve professional services in health and, by extension, legal services.

The concept of mentoring in this diversity context is doing a lot of work, both in one-on-one relationships, in mentoring programs, and the policies that intersect with mentoring, such as promotion and tenure. What I mean by mentoring requiring a lot of work is that, in the diversity context, the mentoring relationship is an important place where the knowledge, skills and attitudes pertaining to identity issues as connected to the provision of professional services can be explored, experimented, and adjudged to be useful or not.

I further posit that this work happens best after a health sciences center (or law school) has done the preliminary work of creating a diverse workforce—recruiting and hiring a diverse professional workforce. To illus-

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<sup>16</sup> See generally, *What are KSAs?*, U.S. DEP'T OF VETERAN AFFAIRS, <https://www.va.gov/JOBShiring/apply/ksa.asp>, archived at <https://perma.cc/P6PA-WHEJ>. KSAs are used in federal employment and this website provides definitions and explanations of their use which are consistent with their use in the health professions including on syllabi and training materials where the KSAs itemize the desired learning outcomes for each course or program.

<sup>17</sup> For theory supporting this approach, see generally SCOTT E. PAGE, *THE DIFFERENCE: HOW THE POWER OF DIVERSITY CREATES BETTER GROUPS, FIRMS, SCHOOLS, AND SOCIETIES* (2007); SCOTT E. PAGE, *THE DIVERSITY [BONUS]: HOW GREAT TEAMS PAY OFF IN THE KNOWLEDGE ECONOMY* (2017).

trate this point, UNM's School of Medicine ("SOM") has spent time and money over decades to construct an academic workforce that in 2016 had 827 tenure track and clinician educator faculty,<sup>18</sup> of which 48% were female and 20%<sup>19</sup> were URMs.<sup>20</sup> UNM's diversity data compare very favorably with national numbers; specifically, the Association of American Medical Colleges ("AAMC") reports about 39% female<sup>21</sup> and 7.3% URMs among full time faculty in 2015.<sup>22</sup> Like other public universities, the UNM School of Medicine has constructed this level of diversity by using employment procedures used by most universities informed by constitutional and statutory rules that I will briefly summarize. When we talk about the law and legal rationales pertaining to creating greater diversity among students and faculty, which were earlier referred to as affirmative action,<sup>23</sup> we are referring to legal rules and standards articulated by the U. S. Supreme Court interpreting the federal constitution, and specifically the 14th Amendment to the Constitution.<sup>24</sup>

In the 1970s the affirmative action debates focused on higher education more than public employment or public contracting. The most famous Supreme Court case involved the UC-Davis School of Medicine and Alan

<sup>18</sup> Unlike other academic units, academic health centers have two types of faculty appointments, tenure-track for faculty focused on published research and clinician educator for faculty focused on patient care and teaching. See UNIVERSITY OF NEW MEXICO, UNM FACULTY HANDBOOK Section B2 (1998), available at <http://handbook.unm.edu/policies/section-b/b2.html>, archived at <https://perma.cc/H7HC-RQAE>.

<sup>19</sup> Data compiled by UNM, HSC, SOM, Academic Affairs database, for fiscal year ending June 30, 2016 (on file with author).

<sup>20</sup> *Id.* The acronym URM used in academic health contexts stands for "Under-Represented Minorities": including persons who identify as Black or African American, Latino or Hispanic, Native American, Native Hawaiian, and excluding Whites and Asian-Americans and a few others.

<sup>21</sup> ASSOC. OF AM. MED. COLLEGES, DIVERSITY IN MEDICAL EDUCATION: FACTS AND FIGURES 2016, *Current Trends in Medical Education* [hereinafter "AAMC Current Trends"] (citing DIANA LAUTENBERGER ET AL., AAMC ANALYSIS IN BRIEF: AN OVERVIEW OF WOMEN FULL-TIME MEDICAL SCHOOL FACULTY OF COLOR (2016)).

<sup>22</sup> *Id.* at Figure 20 (showing the percentage of U. S. medical school full-time faculty by race and ethnicity for 2015).

<sup>23</sup> See generally, *About Affirmative Action, Diversity, and Inclusion*, AM. ASS'N FOR ACCESS, EQUITY AND DIVERSITY, [https://www.aaaed.org/aaaed/About\\_Affirmative\\_Action\\_Diversity\\_and\\_Inclusion.asp](https://www.aaaed.org/aaaed/About_Affirmative_Action_Diversity_and_Inclusion.asp), archived at <https://perma.cc/UG8R-AQSZ> (explaining the change in focus from affirmative action meaning the policies and practices addressing racial and gender discrimination to diversity and inclusion meaning the mostly voluntary actions taken to attract people from different backgrounds and perspectives. The webpage quotes Stony Brook University: "Affirmative action is numbers oriented, aimed at changing the demographics within the organization. Managing diversity is behavioral, aimed at changing the organizational culture, and developing skills and policies that get the best from everyone. . . . Affirmative action and managing diversity go hand-in-hand").

<sup>24</sup> See generally Richard Thompson Ford, *Did the Supreme Court Just Admit Affirmative Action is about Racial Justice*, STANFORD LAW SCHOOL BLOGS (July 21, 2016) <https://law.stanford.edu/2016/07/21/did-the-supreme-court-just-admit-affirmative-action-is-about-racial-justice/>, archived at <https://perma.cc/LX9L-AHSF> (in this opinion piece Professor Ford briefly and favorably examines *Fisher v. Texas*, 136 S. Ct. 2198 (2016), the most recent U. S. Supreme Court case upholding race-conscious admission policies and the issues that continue to be debated about the legality and scope of diversity programs in legal education and, by extension, other professional and graduate schools).

Bakke, a white man who claimed that he was denied admission because he was white, i.e., because of his race.<sup>25</sup> In 1978, the Supreme Court issued its decision which has since been upheld in two major cases about admission to law schools, the 2003 *Grutter v. Bollinger*<sup>26</sup> and the 2013 *Fisher v. Univ. of Texas (Fisher I)* case,<sup>27</sup> a decision which was re-heard and reaffirmed in 2016, (*Fisher II*).<sup>28</sup>

These Supreme Court decisions, and specifically the diversity rationale in *Grutter*, coupled with academic freedom interests grounded in the First Amendment to the U. S. Constitution,<sup>29</sup> have been extended to apply to faculty employment.<sup>30</sup> Executive Order 11246,<sup>31</sup> as enforced by the Department of Labor's Office of Federal Contract Compliance Programs, required universities to create affirmative action plans (AAPs) analyzing the demographic makeup of employees, including faculty.<sup>32</sup> These AAPs led to equal opportunity policies with an emphasis on recruiting and reaching out to underrepresented minorities as well as the removal of barriers, training programs to insure access, and mentoring.<sup>33</sup> When I was hired in 1988 as an attorney in UNM's Office of the General Counsel, I was part of the team that wrote a handbook on faculty hiring to promote more open and fairer treatment of all faculty and applicants for faculty positions.

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<sup>25</sup> See *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978) (holding that race was one of several factors that could be used in student admissions and ruled that racial quotas were unconstitutional).

<sup>26</sup> See *Grutter v. Bollinger*, 539 U.S. 306 (2003) (upheld that the University of Michigan had a compelling state interest in promoting diversity in its student body and could use race as one consideration in its admission policy).

<sup>27</sup> See *Fisher v. University of Texas*, 133 S.Ct. 2411 (2013) (voided the lower court ruling in favor of university and remanded the case directing that the standard of strict scrutiny be applied to the student admissions program).

<sup>28</sup> See *Fisher v. University of Texas*, 136 S.Ct. 2198 (2016) (holding that the 5th Circuit Court of Appeals has correctly applied the strict scrutiny standard and concluded that the University's Top Ten Percent and holistic review policies were constitutional).

<sup>29</sup> For a discussion of the constitutional foundations for academic freedom, see Rachel Levinson, *Academic Freedom and the First Amendment*, AM. ASS'N OF UNIV. PROFESSORS, <https://www.aaup.org/our-work/protecting-academic-freedom/academic-freedom-and-first-amendment-2007>, archived at <https://perma.cc/GWD7-Y2J7>.

<sup>30</sup> See generally *Handbook on Diversity and the Law: Navigating a Complex Landscape to Foster Greater Faculty and Student Diversity in Higher Education*, AM. ASS'N FOR THE ADVANCEMENT OF SCI., <https://www.aaas.org/sites/default/files/LawDiversityBook.pdf>, archived at <https://perma.cc/RF8Y-S8FP> [hereinafter AAAS Handbook] (a comprehensive analysis of the constitutional, statutory, and case law applying to and structuring diversity policies applying to students and faculty in higher education with an overview of governing legal principles).

<sup>31</sup> Executive Order 11246 is set out as a note in 42 U. S. C. § 2000e.

<sup>32</sup> AAAS Handbook, *supra* note 30, at 96–8.

<sup>33</sup> *Id.* at 99.

## PART II. PERSONAL STORIES AND REFLECTIONS

My admission to Harvard Law School was through its affirmative action policies<sup>34</sup> and these legal concepts became the foundation for my academic career. My first publication as a law professor describes both the young woman who arrived at HLS y *la niña* within her. Here's an excerpt of the story:

*One of the earliest memories from my school years is of my mother braiding my hair, making my trenzas. In 1955, I was seven years old. I was in second grade at the Immaculate Conception School in Las Vegas, New Mexico. Our family home with its outdoor toilet was on an unpaved street, one house from the railroad track. I remember falling asleep to the subterranean rumble of the trains.*

*Nineteen-fifty-five was an extremely important year in my development, in my understanding of myself in relation to Anglo society. I remember 1955 as the year I began to think about myself in relation to classmates and their families. I began to feel different and to adjust my behavior accordingly.*

*. . . I remember my mother braiding my hair and my sister's. I can still feel the part she would draw with the point of the comb. She would begin at the top of my head pressing down as she drew the comb down to the nape of my neck. "Don't move," she'd say as she held the two hanks of hair, checking to make sure that the part was straight. Only then would she begin, braiding as tightly as our squirming would allow, so the braids could withstand our running, jumping, and hanging from the monkey bars at recess. "I don't want you to look greñudas," my mother would say. ["I don't want you to look uncombed."]*

*Hearing my mother use both English and Spanish gave emphasis to what she was saying. She used Spanish to talk about what was really important: her feelings, her doubts, her worries. . . Usually, though, Spanish and English were woven together. "Greñuda" was one of many words encoded with familial and cultural meaning. My mother used the word to admonish us, but she wasn't warning us about name-calling: "greñuda" was not an epithet that our schoolmates were likely to use. Instead, I heard my mother saying something that went beyond well-groomed hair and being judged by our appearance—she could offer strategies for passing*

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<sup>34</sup> See Luz Herrera, *Challenging a Tradition of Exclusion: The History of an Unheard Story at Harvard Law School*, 5 HARV. LATINO L. REV. 51 (2002) (In tracing the efforts by law students to convince HLS to hire a Latino/a law professor, Herrera examines the history of Chicano/a, Latino/a students and the growth in their numbers from the late 1960s until the late 1990s, providing personal recollections about how students were recruited, accepted, and advocated to change legal education at HLS).

*that scrutiny. She used the Spanish word, partly because there is no precise English equivalent, but also because she was interpreting the world for us.*

*The real message of “greñudas” was conveyed through the use of the Spanish word—it was unspoken and subtextual. She was teaching us that our world was divided, that They-Who-Don’t-Speak-Spanish would see us as different, would judge us, would find us lacking. Her lessons about combing, washing and doing homework frequently relayed a deeper message: be prepared, because you will be judged by your skin color, your names, your accents. They will see you as ugly, lazy, dumb and dirty.*

*As I put on my uniform and as my mother braided my hair, I changed; I became my public self. My trenzas announced that I was clean and well-cared-for at home. My trenzas and school uniform blurred the differences between my family’s economic and cultural circumstances and those of the more economically comfortable Anglo students. I welcomed the braids and uniform as a disguise which concealed my minimal wardrobe and the relative poverty in which my family lived. . .*

*Mine is the first generation of Latinas to be represented in colleges and universities in anything approaching significant numbers. We are now represented in virtually every college and university. But, for the most part, we find ourselves isolated. Rarely has another Latina gone before us. Rarely is there another Latina whom we can watch to try and figure out all the little questions about subtextual meaning, about how dress or speech or makeup are interpreted in this particular environment. My participation in the Chicano student movement in college fundamentally changed me. My adoption of the ethnic label as a primary identifier gave me an ideological mask that serves to this day. This transformation of my public persona was psychically liberating. This nascent liberation was, however, reactive and inchoate. Even as I struggled to redefine myself, I was locked in a reluctant embrace with those whose definitions of me I was trying to shrug off.*

*When I arrived as a student at Harvard Law School, I dressed so as to proclaim my politics. During my first day of orientation, I wore a Mexican peasant blouse and cutoff jeans on which I had embroidered the Chicano symbol of the aguila (a stylized eagle) on one seat pocket and the woman symbol on the other. The aguila reminded me of the red and black flags of the United Farm*

*Worker rallies; it reminded me that I had links to a particular community.*<sup>35</sup>

My memories about how I came to apply to Harvard are similar to other stories that I have heard from students of color who became lawyers and physicians. I had never known a lawyer nor knew very much about what lawyers did, except that I was very influenced by the Black civil rights movement and its use of lawyers, judges, and courts which was constantly in the news. One fall day when I was a senior at San Diego State University, I was walking with a friend who mentioned that there was a recruiter from Harvard Law School, a Chicano HLS student from California. He gave us applications and waived the application fee. Based on that short and casual interaction, I applied and was admitted to Harvard Law School. My future and that of my extended family changed.

Many of my student activities at Harvard were connected to the racial politics that were subsumed under the affirmative action rubric. I was admitted to the Board of Student Advisors (“Board” or “BSA”), a prestigious student organization that conducted several co-curricular programs, such as serving as teaching assistants to the writing instructors and organizing the moot court arguments and upper-level competitions.<sup>36</sup> What I heard at the time was there was a heated discussion about diversifying the Board and my admission was the result of that debate. While I was at Harvard, affirmative action was a policy issue as well as a moral question that was hotly debated, and I was outspoken in defense of it, both on and off the Board.<sup>37</sup> I also wrote my third-year paper (a graduation requirement) on affirmative action in student admissions and won a Frederick Sheldon Fellowship<sup>38</sup> proposing to visit Malaysia and India to study their affirmative action policies and programs. I have often said that I am a proud beneficiary of affirmative action in the sense that this admission policy opened many doors for me at HLS, but, equally important, the legal dimensions of affirmative action also greatly influenced my scholarly choices, inspired my passion for travel, and provided a direction for my employment and academic agenda. There is a

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<sup>35</sup> Margaret E. Montoya, *Máscaras, Trenzas y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN'S L.J. 185 (1994) [hereinafter Montoya, *Máscaras*] (concurrently published in 15 CHICANO-LATINO L. REV. 1 (1994) at 186–88, 190–91).

<sup>36</sup> For a short history of the Board of Student Advisors, see *History of the BSA*, HARV. L. SCH. BD. OF STUDENT ADVISORS, <https://orgs.law.harvard.edu/bsa/history/>, archived at <https://perma.cc/J7LT-LGKV>.

<sup>37</sup> At the end-of-year banquet with Dean Sacks, BSA members gave the outgoing President and me, as the outgoing Vice-President, each a gift. They gave me a lovely leather passport cover and a miniature high chair for being a “cry baby about affirmative action.” I remember being deeply embarrassed as I was meant to be. I still have the high chair and have used it as a prop at talks I have given at HLS. Looking back, it was a prescient gesture since I was to spend much of my academic career boldly advocating (crying) for greater access for students and faculty of color.

<sup>38</sup> See *Traveling Fellowships*, HARV. UNIV. COMM. ON GEN. SCHOLARSHIPS, <https://scholarships.harvard.edu/traveling-fellowships>, archived at <https://perma.cc/XQ7H-5DU8>. These fellowships support research, study, and/or travel abroad or in the United States.

straight line from my admission and graduation from Harvard to the work I have done as a professor in law and now in health sciences, working to create greater diversity and inclusion in the legal and health professions.

### PART III. A COMPARISON OF DIVERSITY DATA AND APPROACHES IN LAW AND MEDICINE

According to U. S. Census Bureau, in 2016, 67.2% of the U. S. population was white or Asian/Pacific Islander (“Pac. Isl.”) and 32.4% was Black, Latina/o, and Native American (consistent with the usage in academic medicine as mentioned above,<sup>39</sup> these three categories are considered underrepresented minorities).<sup>40</sup> Yet, in 2013, 89.5% of all lawyers are white and Asian/Pac. Isl.<sup>41</sup> as are 91.1% of all physicians in 2014.<sup>42</sup>

In 1990, the Institute of Medicine released its report, *Unequal Treatment*,<sup>43</sup> and popularized the concept of racial and ethnic health disparities and the idea that race and ethnicity are reliable predictors for health outcomes.<sup>44</sup> This report used over a hundred studies to conclude that minority communities received a lower quality of healthcare that led to poorer health outcomes. For example, African Americans, and sometimes Hispanics, are less likely to receive cardiac medication and peritoneal dialysis and kidney transplantation, and more likely to receive lower quality basic clinical services.<sup>45</sup> Diversifying the workforce and increasing cross-cultural education of all health care providers were identified as key elements of creating health equity.<sup>46</sup> The AAMC website reports that in 2015 the percentage of M. D. matriculants who plan to work in underserved communities ranges from 50% for African Americans to around 40% for Hispanics and Asian Americans.<sup>47</sup> It is worth noting that such data is not collected for J.D. matriculants, which indicates to me a lower level of concern in the legal profession and

<sup>39</sup> See AAMC Current Trends, *supra* note 21.

<sup>40</sup> UNITED STATES CENSUS BUREAU, QUICK FACTS UNITED STATES, <https://www.census.gov/quickfacts/fact/table/US/>, archived at <https://perma.cc/89QU-CAEU>.

<sup>41</sup> James Lindgren, *Measuring Diversity: Law Faculties in 1997 & 2013*, Nw. L. & ECON. RESEARCH PAPER NO. 15-07 Mar. 2015, at 55, Table 17, <https://ssrn.com/abstract=2581675>, archived at <https://perma.cc/4GK2-BJCY>.

<sup>42</sup> ASSOC. OF AM. MED. COLLEGES, DIVERSITY IN MEDICAL EDUCATION: FACTS AND FIGURES 2014, *Current Status of U. S. Physician Workforce*, <http://aamcdiversityfact-sandfigures.org/section-ii-current-status-of-us-physician-workforce/>, archived at <https://perma.cc/N9GH-B6CQ>.

<sup>43</sup> INSTITUTE OF MEDICINE, *UNEQUAL TREATMENT: CONFRONTING RACIAL AND ETHNIC DISPARITIES IN HEALTH CARE* (2003) [hereinafter “*Unequal Treatment*”].

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 2–3.

<sup>46</sup> *Id.* at 20–21. Recommendation 5-3: Increase the proportion of underrepresented U.S. racial and ethnic minorities among health professionals and Recommendation 6-1: Integrate cross-cultural education into the training of all current and future health professionals.

<sup>47</sup> AAMC Current Trends, *supra* note 21, at Figure 28 (showing the percentage of 2015 U.S. medical school matriculants planning to practice in an underserved area by race and ethnicity).

among law schools about the career aspirations of law students with respect to those underserved by the legal profession.

No study comparable to *Unequal Treatment*<sup>48</sup> has been done in law to comprehensively analyze the extent of legal and justice disparities for minority communities. There have been many reports on diversity and the legal profession, including the ABA Presidential Initiative dated April 2010 called "Diversity in the Legal Profession: The Next Steps."<sup>49</sup> I was the lead author, but the report, despite sets of recommendations for law schools, law firms and corporate law departments, the government and judiciary, and bar associations, did not lead to academic studies or metrics assessing services to underserved communities. All lawyers are required to perform a certain number of hours of unpaid service each year but this requirement is largely self-reported and unmeasured (in fact, the comments to the rule specifically state that this responsibility is not to be enforced through the disciplinary process).<sup>50</sup> There are no metrics and AALS does not ask nor report on the percentages of law school graduates who plan to work in underserved communities. There is no denying that both professions place great emphasis on diversity and the importance of race and ethnicity as categories that are salient to law/justice and health/health equity. However, there are stark differences in the data gathered and reported, the ease of locating such information, the programs to advance diversity, and the implicit messages about the relative importance of diversifying the two professions. I have concluded that the health professions are more diligent about this challenge facing both the legal and medical professions.

Here are some other data points that contrast the two professions: In 2015, 30% of all law school graduates are racial/ethnic minorities; 69.8% are White.<sup>51</sup> In 2015, 38.2% of all medical school graduates are racial/ethnic minorities; 58.8% are White.<sup>52</sup> Here are data on full-time faculty (take these data with a grain of salt because racial/ethnic categories are fluid and may not align between two professions but they are instructive nonetheless):

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<sup>48</sup> *Unequal Treatment*, *supra* note 43.

<sup>49</sup> AMERICAN BAR ASSOCIATION, DIVERSITY IN THE LEGAL PROFESSION: THE NEXT STEPS. An ABA Presidential Initiative, Commission on Diversity (2009–2010) (on file with author).

<sup>50</sup> MODEL RULES OF PROF'L CONDUCT r. 6.1 (AM. BAR ASS'N 1983) (providing that every lawyer is required to provide services to those unable to pay and sets an aspirational goal of fifty hours per year).

<sup>51</sup> *Statistics*, AMERICAN BAR ASSOCIATION, [https://www.americanbar.org/groups/legal\\_education/resources/statistics.html](https://www.americanbar.org/groups/legal_education/resources/statistics.html), archived at <https://perma.cc/R4L9-255Q> (referencing data titled: Degrees Awarded, Totals and Minority Students (2011–2016)).

<sup>52</sup> AAMC Current Trends, *supra* note 21. At Figure 17 (showing the percentage of U.S. medical school graduates by race and ethnicity in 2015).

Data on Full-time Faculty		
Race/Ethnicity	Law, 2013 <sup>53</sup>	Medicine, 2015 <sup>54</sup>
Hispanic, multiple race Hispanic	4.7%	4.4%
American Indian	0.6%	0.1%
Asian-American/Pacific Islander	4.4%	15.0%
African-American	9.7%	3.0%
Two or More	0.4%	5.3%
White, Other	79.3%	63.5%
Unknown	0.2%	11%

Let me draw another contrast between law and medicine that has to do with the role that law faculty of color played in changing classroom dynamics, legal discourse, and legal analysis. Through continuous activism, law students and faculty of color created a new area of scholarship and jurisprudence and an academic community called Critical Race Theory (CRT), dedicated to examining the connections between race and law, including issues pertaining to student and faculty diversity.<sup>55</sup> CRT eventually engendered other groups—LatCrit—Latina/o critical legal theory,<sup>56</sup> Asian/Pacific American Critical Legal Scholarship or APA Crit,<sup>57</sup> and Tribal/Law of Indigenous Peoples and Nations.<sup>58</sup> Besides a rich and voluminous body of race and

<sup>53</sup> Lindgren, *supra* note 41.

<sup>54</sup> AAMC Current Trends, *supra* note 21, at Figure 20 (showing the percentage of U.S. medical school full-time faculty by race and ethnicity in 2015).

<sup>55</sup> Two origin stories relating to Critical Race Theory are the following: Kimberlé Williams Crenshaw, *Twenty Years of Critical Race Theory: Looking Back to Move Forward*, 43 CONN. L. REV. 1253 (2011) (describing the emergence of CRT from the struggles of students at HLS and the exposure of the limitations of liberal racial discourse) and Sumi Cho and Robert Westley, *Historicizing Critical Race Theory's Cutting Edge: Key Movements That Performed the Theory in CROSSROADS, DIRECTIONS, AND A NEW CRITICAL LEGAL THEORY*, [hereinafter "Crossroads"] (Valdes, J. M. Culp and A. Harris, Eds., 2002) (connecting the student-of-color-led coalitional movement at the University of California, Berkeley School of Law to diversify the faculty with racial theorizing).

<sup>56</sup> See generally, LATINA/O CRITICAL LEGAL THEORY, INC., <http://latcrit.org/index/>, archived at <https://perma.cc/XE69-N5SU> [hereinafter "LatCrit"] (LatCrit convened its twenty-first annual event on September 29–30, 2017; LatCrit has created and maintained a set of inter/national projects over a period of 21 years and has recently opened its Living Justice Institute campus near Orlando, Florida). The Crossroads, *supra* note 55, book is an example of the crossover from CRT to LatCrit scholarship.

<sup>57</sup> For an early example of APA Crit, see Elizabeth M. Iglesias, *Comment: Out of the Shadow: Marking Intersections in and Between Asian Pacific American Critical Legal Scholarship and Latina/o Critical Legal Theory*, 19 B. C. THIRD WORLD L. J. 349 (1998).

<sup>58</sup> For an example of Tribal Crit, see Jones Brayboy and Bryan McKinley, *Toward a Tribal Critical Race Theory in Education*, 37 URBAN REV.: ISSUES IN PUBLIC EDUCATION 425 (2005) (outlining the central tenets of a Tribal Crit addressing issues of Indigenous Peoples in the U. S. ). Some law schools have developed programs addressing the issues of Native peoples and Native legal scholars have created an area of law called the Law of Indigenous Peoples and Nations. See Christine Zuni Cruz, *Strengthening What Remains*, 7 KAN. J. OF LAW AND PUB. POL'Y 18 (1997) (addressing the challenge facing Indian Tribes to identify and preserve Indian legal concepts to develop an Indigenous system of justice).

identity-conscious scholarship, one of the most important contributions of CRT and LatCrit was that, over some thirty years, we changed the face of the legal profession and professoriate by creating a diversity architecture to recruit, prepare, mentor, hire, tenure, and promote many faculty of color in law schools today, myself included.<sup>59</sup>

The next excerpt from my Máscaras article<sup>60</sup> is an example of using CRT to analyze how law is discussed in the law school classroom.

*My memories from law school begin with the first case I ever read in Criminal Law. I was assigned to seat number one in a room that held some 175 students.*

*The case was entitled *The People of the State of California v. Josefina Chavez*. It was the only case in which I remember encountering a Latina, and she was the defendant in a manslaughter prosecution. The facts, as I think back and before I have searched out the casebook, involved a young woman giving birth one night over the toilet in her mother's home without waking her child, brothers, sisters, or mother. The baby dropped into the toilet. Josefina cut the umbilical cord with a razor blade. She recovered the body of the baby, wrapped it in newspaper and hid it under the bathtub. She ran away, but later she turned herself in to her probation officer.*

*The legal issue was whether the baby had been born alive for purposes of the California manslaughter statute: whether the baby had been born alive and was therefore subject to being killed. The class wrestled with what it meant to be alive in legal terms. Had the lungs filled with air? Had the heart pumped blood? For two days I sat mute, transfixed while the professor and the students debated the issue. Finally, on the third day, I timidly raised my hand. I heard myself blurt out: What about the other facts? What about her youth, her poverty, her fear over the pregnancy, her delivery in silence? I spoke for perhaps two minutes, and when I finished, my voice was high-pitched and anxious. . .*

*To this day, I have dozens of questions about this episode in Josephine Chavez's life. I yearn to read an appellate opinion which reflects a sensitivity to her story, told in her own words. What did it take to conceal her pregnancy from her familia? With whom did she share her secret? How could she have given birth with "the doors open and no lights. . . turned on?" How did she*

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<sup>59</sup> LatCrit has sponsored a Student Scholar Program (since 2003, mentoring 29 students, 7 of whom have attained tenure-track positions in U. S. law schools) and in 2003 began its Junior Faculty Development Workshop (now being hosted annually with the Society of American Law Teachers) see *LatCrit Portfolio of Projects*, LATCRIT, <http://latcrit.org/content/about/portfolio-projects/>, archived at <https://perma.cc/PE3M-4MS9>.

<sup>60</sup> Montoya, Máscaras, *supra* note 34.

*do so without waking the others who were asleep? How did she brace herself as she delivered the baby into the toilet? Did she shake as she cut the umbilical cord?*

*I long to hear Josephine Chavez's story told in what I will call *Mothertalk* and *Latina-Daughtertalk*. *Mothertalk* is about the blood and mess of menstruation, about the every month-ness of periods or about the fear in the pit of the stomach and the ache in the heart when there is no period. *Mothertalk* is about the blood and mess of pregnancy, about placentas, umbilical cords and stitches. *Mothertalk* is about sex and its effects. *Mothertalk* helps make sense of our questions: How does one give birth in darkness and in silence? How does one clean oneself after giving birth? How does one heal oneself? Where does one hide from oneself after seeing one's dead baby in a toilet?*

*Latina-Daughtertalk* is about feelings reflecting the deeply ingrained cultural values of Latino families: in this context, feelings of *vergüenza de sexualidad* ("sexual shame"). Sexual experience comes enshrouded in sexual shame; have sex and you risk being known as *sinvergüenza*, shameless. Another *Latina-Daughtertalk* value is *respeto a la mamá y respeto a la familia*. Families are not nuclear nor limited by blood ties; they are extended, often including foster siblings and *comadres y compadres, madrinas y padrinos* (godmothers, godfathers and other religion linked relatives)

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*I sense that students still feel vulnerable when they reveal explicitly gendered or class-based knowledge, such as information about illicit sexuality and its effects, or personal knowledge about the lives of the poor and the subordinated. Even today there is little opportunity to use Spanish words or concepts within the legal academy. Students respond to their feelings of vulnerability by remaining silent about these taboo areas of knowledge.<sup>61</sup>*

By the mid 1990s I was a new faculty member and I wrote the *Máscaras* article from which the two excerpts are taken; it was to become one of the first CRT/Latinx articles. It was specifically a bilingual, autobiographical article by a Latina analyzing why my intersectional identity was a professional asset by using and analyzing voice and silence and juxtaposing personal stories with legal analysis. The article was one of the first to be published concurrently in two law journals, appearing in the *Harvard Women's Law Journal* and the *UCLA Chicano-Latino Law Review* in 1994. In

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<sup>61</sup> Montoya, *Máscaras*, *supra* note 34, at 201–201, 204–205.

2014, the two journals organized 20-year retrospective symposia on the article.<sup>62</sup>

My work on mentoring uses CRT in telling and listening to stories, confronting unconscious bias, cross-cultural communication, and moving away from colorblind or identity-neutral employment practices. These topics are emblematic of the theories and pedagogical innovations that have been advanced and deepened by scholars working within CRT. In multiple ways, I see myself as both a product and a producer of policies and scholarship relating to affirmative action and diversity and inclusion. Let me conclude by saying a little more about mentoring.

#### PART IV. MORE ON CROSS-CULTURAL MENTORING

I have developed a generational model to describe the process that institutions and underrepresented minorities go through under diversity employment programs. What I call First Generation universities (1970s and 80s) often used word-of-mouth faculty recruiting which reached only those known to the White-male faculty who were likely to “fit” well in departments.<sup>63</sup> The result was that only a few women and fewer URMs were recruited and hired; it was mostly those with stellar credentials who overcame the barriers (because there was one or two from each racial group, I have called this early model a “Noah’s Arc”). Non-White male faculty hired in these early days have described experiencing isolation and overt expressions of bias.<sup>64</sup> At the time I was a student, Harvard, like other universities at the time, was in its earliest stages in adopting diversity as a value and mission, a reality that extended into the classrooms and the lack of faculty of color.<sup>65</sup>

Second Generation universities (1990s through present) have formal diversity missions, equal employment policies, and budgets and organizational charts that reflect the resources and personnel necessary for a broad and dispersed range of diversity policies and programs. The result is that the faculty workforces in most universities and HSCs include cohorts of women and URMs throughout the faculty ranks, although the senior ranks are still likely to be less diverse. Many women and some URMs in second genera-

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<sup>62</sup> The HLS symposium produced seventeen articles responding to or commenting on my *Máscaras* article and were published on the website of the Harvard Journal of Law & Gender at this website: <http://harvardjlg.com/print-journal/print-edition/>, archived at <https://perma.cc/C9B9-CPGF>. The UCLA symposium produced ten articles which can be accessed at this link: UCLA CHICANA/O LATINA/O LAW REVIEW, [http://escholarship.org/uc/search?entity=uclalaw\\_cllr;volume=32;issue=2](http://escholarship.org/uc/search?entity=uclalaw_cllr;volume=32;issue=2), archived at <https://perma.cc/Y3ND-XB59>.

<sup>63</sup> This draws on a talk I presented at the 2008 Conference celebrating 55 years of women graduating from HLS entitled *Faces of Female Leadership: Taking Stock of Where We Are and Where We Are Going* (on file with the author).

<sup>64</sup> E.g., Rachel Moran, *Commentary: The Implications of Being a Society of One*, 20 U.S. F. L. REV. 503 (1985) (describing the challenges of being one of the first women law professors of color).

<sup>65</sup> Over the years, HLS students of color have organized many demonstrations, sit-ins, and other disruptions to communicate their dissatisfaction with the lack of faculty of color. See generally Herrera, *Challenging*, *supra* note 34 and Crenshaw, *Twenty Years*, *supra* note 55.

tion academic units have achieved leadership positions, but many feel that they are not recognized for the full range of their contributions, that they are not heard, their opinions are not valued, and that senior leadership positions are closed to them.<sup>66</sup>

Third Generation universities have incorporated diversity throughout their administrative, educational, clinical, and service aspects (some HSCs, and I would include UNM HSC, are making strides in this direction). Employment practices include diversity management and the promotion of inclusive environments as a key qualification for all supervisory or leadership positions. Innovative and scholarly programming about diversity is emblematic of third generation; some features are ownership by senior leadership, cross-disciplinary approaches, rigorous evaluation processes, and transformational outcomes for the institution and for individual faculty, staff, and learners.

I propose that developing cross-cultural mentoring is one step in moving us from a second to a third-generation university. As I view the efforts to create the AIME Mentorship Pilot Project, a process that took several years with many collaborators and supporters, I would put it in that transitional space. The AIME project was constructed around four themes—cross-cultural communication, identity and cognitive diversity (the different thinking exhibited by diverse problem-solving groups),<sup>67</sup> implicit bias, and faculty agency. The AIME committees and working groups and later the mentor-mentees worked at having candid conversations and moving toward the edge of discomfort where one can express the usually inexpressible and feel emotions that are often suppressed. It was stories and the unpacking of stories, especially when inflected with identity issues that broke new ground and showed us the potential of cross-cultural mentoring, a space where we can build a bridge of understanding and then another one and another one.

As I mentioned earlier, on October 26, 2017, my husband and I traveled to Cambridge for the Bicentennial events or, more accurately, my primary motivation in going was to have another opportunity to spend time with the students of color, especially those in *La Alianza*, the Latinx student organization. I must admit I was curious about the Bicentennial documentary and my appearance in it. The film was debuted as part of the extravagant ceremony that included talks by the Harvard University President Drew Gilpin Faust and the current HLS Dean John Manning followed by a conversation with six members of the U.S. Supreme Court: Chief Justice John Roberts, Associate Justices Anthony Kennedy, Steven Breyer, Elena Kagan, Neil Gorsuch, and now retired Associate Justice David Souter; all HLS graduates. Despite Dean Minow's assurance that the HLS200 events would include

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<sup>66</sup> See generally G. GUTIÉRREZ Y MUHS ET AL., PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA (2012) (an anthology of writings by women faculty of color exposing the daunting barriers they navigate in employment decisions and relations with students, colleagues, and administrators).

<sup>67</sup> For an explanation of the concept of cognitive diversity, see Scott E. Page, THE DIFFERENCE, supra note 15.

both celebration and critique, there was little if any critique at this opening event.

The documentary narrated a glossy and reverential history reminiscing about the school's influence, the growth of its physical plant and the size of its student body and faculty. It centered six stories of illustrious graduates, including Bryan Stevenson (the founder and Executive Director of the Equal Justice Institute and a famed activist on the death penalty), Loretta Lynch (the first African American woman U.S. Attorney General under President Barack Obama), Michelle Wu (the first Asian American female President of the Boston City Council and caretaker of her mentally ill mother and two sisters), and one of the lawyers from the Nuremburg trials and two others. The film ended with a gallery of other graduates; I was among those featured for about a micro-second. . .

I end this essay where I began, namely, with my role in the HLS200 bicentennial video. I was surprised to be invited to be interviewed as part of this historical retrospective, but it provided an opportunity to reflect on how HLS changed my life and that of my family. My life's work has been dedicated to working with others to change legal education by making it more open to new and diverse stories, influences, and imaginations. I have been energized and emboldened in that work because Harvard Law School has been so impervious to such efforts; our collective struggle, *nuestra lucha*, to create a more just and equal HLS has only been strengthened because HLS has been so resistant to our critiques.

