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## MESSAGE FROM THE CHAIR

On behalf of the AALS Section on Student Services, we are excited to share this collection of scholarship and thoughtful reflection from Section members. While it has grown over time and now bloomed in November, the initial seed for this project was planted in the Executive Committee's very first meeting of 2021, recorded in our notes after the introduction of new Committee members and before session and speaker brainstorming for the 2022 Annual Meeting. Jeffrey A. Dodge has done phenomenal work to shepherd it from intriguing idea to finished publication and the Section owes him a sincere debt of gratitude for that work.

Amid the myriad challenges of administrative problem solving, student services professionals are also called upon to be scholarly practitioners. We bring to bear our graduate or professional education (or graduate *and* professional education) as we seek to develop both effective lawyers and equitable systems for their education. We do that not simply by being a friendly face or by writing informative emails, but by understanding student psychology, gathering data about program efficacy, and reflecting on our own position(s) within complex institutions. The field has come a long way since its late introduction to legal education and increased scholarly engagement is both a driver and product of that specific professionalization.

As any Associate Dean can attest, however, mounting administrative duties make scholarship harder to produce and law student services professionals may face unique burdens. As staff, law student services professionals occupy one of the lowest "castes" in the hierarchy of legal academia. As a more diverse field, we also include more members who have historically been excluded or under-valued in legal academia based on their identity and positionality. We therefore wanted this collection to include ideas still in development and reflective work that will advance the field without the usual barriers to entry. We are confident that the works presented here will illuminate and improve law student services practice and hope they will also serve as an invitation for further dialogue.

Maria Saez Tatman, Chair  
Student Services Section



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## **EXPANSION AND COLLABORATION: A MULTI-OFFICE APPROACH TO SUPPORTING FIRST GENERATION LAW STUDENTS**

*Belinda Dantley, Assistant Dean for Diversity, Equity and Inclusion & Petina Benigno, Assistant Director of Academic Support and Bar Exam Preparation at Saint Louis University School of Law*

Learning about the history of academic support programs has motivated our team at Saint Louis University School of Law to create programs that target specific groups of students and has encouraged the Office of Inclusion and Diversity Education to work more closely with the Academic Resource Center. Our goal is to dismantle the traditional approaches of how law school operates and shed light on the unique needs of our first generation students.

Targeted programming for specific groups of students has origins in law school academic support programs. Academic support programs grew out of support for the influx of “minority students,” as they were referred to in the 1960’s on, usually beginning by working with the Black Law Students Associations. The models that academic support programs took on challenged the traditional “sage on the stage” model of law school and moved to motivate students to engage in the learning process and for professors to be “guides on the side.” Academic support programs sought to show students the steps to being successful by guiding students on how to have ownership over their academic success and contribute to the classroom experience. This was especially helpful to students who did not come from legal backgrounds and elite schools, and those who were often left out of traditional law school environments. Academic support programs started to address the reality that more and more students do not have these backgrounds, and that they needed to be taught certain skills more explicitly during law school for them to share the same success.

Some first generation students come into law school lacking networks, financial support, and often familial support.<sup>1</sup> As the first in their family to go to law school, they do not have the benefit of relatives who have the lived experience of how to be successful in law school. Their families may have the best intentions, encouragement, and well wishes, but no blueprint or practical plan for law school success. Due to their lack or exposure to the legal profession, first generation law students may feel behind when establishing mentors, particularly if they have not had the opportunity to meet with a lawyer before attending school. First generation students may have a longer adjustment period navigating the vernacular and understanding the culture of the law school experience, and law schools should give resources to help accommodate these hurdles.<sup>2</sup> First generation

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<sup>1</sup> Kayla Molina, Giselle Garcia, J. J. Despain & Mario Vasta, *First-Generation Students Face Unique Challenges*, 48 *STUDENT LAW*. 19 (2020).

<sup>2</sup> Susan K. Gardner & Karri A. Holley, “*Those invisible barriers are real*”: *The Progression of First-Generation Students Through Doctoral Education*, 44 *EQUITY & EXCELLENCE IN EDUC.* 77 (2011).

law students are likely to spend less time interacting with faculty, as they may not have been given advice to do otherwise. These students may not understand just how important it is to utilize office hours, build a rapport with professors, and ask for additional resources like practice exams. Utilizing these resources in undergrad may not have been an expectation of their undergraduate experience but does make a large impact on success in law school. Because first generation students come to law school with these barriers, it is important for law schools to implement programming to address these unique needs.

Academic support programs were widely successful for the cohort of students they were designated for – minority students. Then law schools gradually began to insist these programs be made available to all students.<sup>3</sup> As the programs shifted to broader bases, they became less focused on meeting the needs of the very students the programs were set up to address.<sup>4</sup> It's time for academic support programs to get back to their roots and create programming for students of color, marginalized students, and students that don't have legal professionals in their family – first generation students.

Academic support programs were set up to assist struggling students, and we wanted to assist the struggling students effectively. Due to the success of diversity recruitment by our Admissions Office, our current students come from varying backgrounds with unique needs and educational experiences. We seek to meet the needs of students from various backgrounds to ensure they are engaged in the learning process, feel part of the law school community, and meet their academic and professional goals. Another goal is to enhance academic success by mitigating psychological isolation and prior educational disadvantages. We seek to create programming that addresses these needs even before students start their first day of law school. We have provided methodologies, techniques, and skills to help our law students develop feelings of self-worth, successful participation, and belonging. Not all students have these challenges, and not all students want to participate in targeted programming; however, there are many students who desire it.

### **Defining First Generation Students**

While definitions vary, generally a first generation student is the first in their family to attend college.<sup>5</sup> There is also a space for first generation law students who are the first in their family to attend law school.<sup>6</sup> Ultimately your program should allow people to self-identify as a first generation student and should align with the goals you have for the programming.

At Saint Louis University School of Law, our definition is: “those students who are the first in their family to attend law school or those students who have not had the opportunity to engage with lawyers prior to entering law school.” This is a relatively broad definition and does include many students, but our reasoning for keeping our definition broad is that students entering law school tend to have gaps in their knowledge about law school and how to access resources no matter their family connection to the legal profession. In the end, we seek to provide useful information to as many students as possible. Law school is new to everyone, regardless of their family connections.

There may be reasons to limit the definition of first generation beyond how we have chosen to define it. These reasons may include the institution's lack of financial resources to support the program, the inability to coordinate large groups of students, or the desire to start small and expand later. Ultimately, we at Saint Louis University School of Law decided on a broader definition to reach more students and encourage students to participate in the programming.

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<sup>3</sup> See generally Ellen Suni, *Academic Support at the Crossroads: From Minority Retention to Bar Prep and Beyond - Will Academic Support Change Legal Education or Itself Be Fundamentally Changed?*, 73 UMKC L.REV. 497 (2004).

<sup>4</sup> See generally *id.*

<sup>5</sup> *Defining First-generation*, CTR. FOR FIRST-GENERATION STUDENT SUCCESS (Nov. 20, 2017), <https://firstgen.naspa.org/blog/defining-first-generation>.

<sup>6</sup> Grover E. Cleveland, *Helping First-Generation Lawyers Thrive*, ABA L. PRAC. TODAY (Apr. 13, 2018), <https://www.lawpracticetoday.org/article/helping-first-generation-lawyers/>.

## Defining Goals to Steer Your Programming

Taking a page from inclusive learning strategies, we intentionally created specific goals and objectives for our programming. Those goals included:

- Instilling a sense of empowerment in our students before they entered law school;
- Providing a buffer to the knowledge gap for students entering the legal profession;
- Providing resources to our students and their families;
- Providing networking opportunities;
- Creating community building activities for students.

These goals not only help steer us when creating ideas for programming, but also are the most aligned with how to help first generation students.

The support for our first generation students begins before they enter law school. We created a First Generation Workshop for admitted students to participate in the summer before they begin law school. The workshop included a series of short videos and resources on mental states that first generation students may feel when in law school, such as isolation, imposter syndrome, and stereotype threat, which were housed in our learning management system. There were also videos of current students, who identify as first generation, describing their experiences transitioning into law school with tips on how to be successful. We included additional information on what to do before, during, and after class as part of their introduction to the Academic Support Center. In the spirit of collaborating with the entire law school community, we created a “You Belong”<sup>7</sup> video, showing current students, staff, and faculty say “you belong” at Saint Louis University School of Law with a short message to the incoming first generation students. To round out this program, last summer we held a live, synchronous Zoom session for the students who utilized the First Generation Workshop resources to ask questions, talk about what they learned, and further build community.

## Lessons Learned

### Outside Speakers

Early in the spring semester, we invited an outside speaker to speak to our students, particularly to our 1L students. We chose this time to bring in a speaker to reinforce study skills messaging because 1Ls had just received their first semester grades, and many students found they did not perform as well as they liked. The speaker was a lawyer who found success after struggling in undergrad and now is a law school motivational speaker. She talked to students about studying, the time it takes to be successful, supplements, practice tests, and networking – things that they have heard from us before, but that the students needed to hear again. She also provided activities to help them practice visualization, strategic planning, and the power of positivity. The students were very receptive to the words of this outside speaker, and her ideas and way of presenting study tips resonated with the students.

At first, we debated the pros and cons of bringing in an outside speaker, because we did not want to diminish our credibility or have the students consider us less of an expert since they were hearing information from someone other than us. Ultimately, we came to the decision that the students have repeatedly heard things from us as academic support professors, and it would resonate differently with them to hear it from someone else. Similarly, we want doctrinal professors to reiterate the same messages we are giving to students when it comes to study skills and retaining the information. Hearing the same message from multiple sources allows adult learners to retain the information better, improving their engagement with the information and increasing their motivation to learn. We spoke to a student about our thoughts on this to get a student perspective, and she shared with us that bringing in an outside speaker actually

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<sup>7</sup> SAINT LOUIS UNIVERSITY SCHOOL OF LAW, YOU BELONG (2020), [https://drive.google.com/file/d/1JvyglPPNM\\_oxWIIR7EbKXfpOSmyTFGj/view](https://drive.google.com/file/d/1JvyglPPNM_oxWIIR7EbKXfpOSmyTFGj/view).

reinforced what we have been saying to students and did not minimize us as experts. It is important to note that as an Academic Support Professional you need to give the information to your students first so that when they hear things from someone else, it reinforces your own messaging.

## **Collaboration**

One reason for the success of our first generation programming is our efforts to collaborate with others. For example, we included our Office of Admissions at Saint Louis University School of Law, which acts as the primary liaison between the incoming students and us, from the start. The Office of Admissions informs us what questions the incoming students are asking so that we can tailor our programming even more to the needs of the first generation students and helps us identify who might benefit from our programming. Since the incoming students have heard of who we are and the programming and resources we offer, we have found they are more comfortable approaching us and utilizing the resources of our offices. Additionally, the Office of Admissions has recently added a field on the School of Law application for incoming students to identify as not only first generation college students but also first generation law students. This data will help us in reaching out to students who identify as first generation so that they know the resources available to them. Since we have established this relationship with our Office of Admissions, we plan to coordinate to expand our first generation programming through pipeline work for first generation students.

Saint Louis University School of Law is fortunate to have a student organization focused on first generation law students named First Chair Society. We sought to incorporate First Chair Society into our planning but needed to be aware of not adding additional burdens on the students. One lesson we learned is that we should have incorporated them into our discussions earlier to let them know we were planning this targeted programming. A communication line for student input is crucial so that we can learn how best to meet their current needs. We ultimately found a balance of communicating with students and receiving their input and shared with the students that we as faculty and administration are taking on the task of providing resources. So far, we have collaborated on a panel event with First Chair Society to bring in alumni to speak to their members. This event further established our relationship with that group of first generation students.

From the beginning, we knew that we wanted to expand our programming beyond the 1L year and collaborate across the law school departments that serve our students, including The Office of Student Services, The Office of Career Services, and The Office of Admissions. Finding ways to integrate our first generation programming into other law school departments is important for the program to gain traction and exposure to students. When we initially presented our ideas and goals for future programming and collaboration to other law school departments, it came across in a way that seemed final to those other departments. This ultimately proved unsuccessful because the other departments did not feel as though they had the capacity to collaborate with us and were not as invested in the ideas because they did not participate in the planning and idea creation. To avoid this roadblock, we suggest including other departments in the planning phase or let them know this is an idea and not a full plan. We also hope to seek faculty involvement and further staff involvement in our programs. We know that many faculty and staff members are first generation themselves, so it will be more impactful the more people we bring into our first generation network within Saint Louis University School of Law. We know that many hands make light work and will continue to find ways to collaborate with other law school departments to present as many resources as possible to our first generation students.

## **Resources for Students' Families**

Another of our goals is to help educate students' families so that the families can support their students even more. Often, law students may not be familiar with the timeline and progression of the law school semester, and unsurprisingly their families are not either. One of the hurdles first generation students face is potential lack of support or misunderstanding of what the student is experiencing and pressure to explain and educate what the student is going through during the semester. To alleviate some of this potential pressure, we provided a letter that students could choose to give to their

family members about one month into the first semester. The letter describes the potential stressors students might face and describes the law school timeline to give the family an idea of what the students might be going through. We gave this information to facilitate some of the conversation about responsibilities at school that would take them away from family events. This is a resource for families to get a better understanding of why their loved one would not be available like they may have been in the past. We have since expanded this family resource guide to include law school lingo and definitions that they may hear from their student, a description of the 1L classes, and descriptions of the various offices in the law school that are available to support students. This has been created with the assistance of first generation students so that we can further have insight into what information can be helpful for their families. We believe that the more families know about the law school process, the better able they will be to support their students.

## **Conclusion**

Saint Louis University School of Law's goal is to produce well-rounded and culturally competent professionals who will respectfully serve their diverse communities. As part of our Jesuit tradition, Saint Louis University remains faithful to the value of promoting justice and the dignity of all human beings. Our mission compels us not only to train lawyers for others, but to address the gap in access to justice faced by underrepresented communities. While our faculty and staff are available to all students, we recognize that law students are not merely getting an education but entering a profession with its own unique language and culture. For those who are the first in their family to go to law school, it can be particularly challenging. Thus, our First Generation programming through our Office of Inclusion and Diversity Education and Academic Resource Center seeks to bridge gaps for incoming First Generation students to ultimately help them thrive during their time in law school and in their legal career, and ultimately helps us start meeting our institution's goals of improving access to a legal education.

## MINORITY MENTOR PROGRAM

*Dr. Wende' Ferguson, Assistant Dean for Student Services, Penn State Law in University Park*

*Shoba Sivaprasad Wadhia, Associate Dean for Diversity, Equity, and Inclusion; Samuel Weiss Faculty Scholar; Clinical Professor of Law; Director, Center of Immigrants Rights Clinic, Penn State Law in University Park*

The Minority Mentor Program (MMP) at Penn State Law in University Park enters its seventh year. The MMP began as an idea during a brainstorming session within Penn State Law's faculty diversity committee in 2015. The MMP began with a matching seed grant from the Office Educational Equity of Penn State University and now operates as an independent program at Penn State Law. The mission of the MMP aims to foster support and mentorship to minority law students by "matching" them with an "internal" faculty or senior administrator and an alum. Alumni mentors are minority professionals in the legal field and can help mentees achieve academic success and emotional well-being for the duration of the students' law school journey. Additionally, the mentorship program continues to provide invaluable support after students enter the legal profession.

Underrepresented law students often find it difficult to locate suitable mentors with whom to build a strong connection (Bouclin, 2017; Patton & Harper, 2003). For example, traditional mentoring approaches do not apply to underrepresented law students because cultural issues often skew mentoring relationships that are normed in White middle-class male interactions (Patton, 2009). Given underrepresented law students historical exclusion from institutions of higher education, the persistent group stereotypes that relate to their academic abilities and competencies, as well their unique cultural perspectives demand that more attention needs to be paid to the qualities needed to effectively mentor this group (Thomas et al., 2007). Specifically, underrepresented law students with positive mentoring relationships convey greater academic satisfaction regarding knowledge of degree requirements and engaging in research activities (Davidson & Foster-Johnson, 2001; Ellis, 2001).

At the 2021 annual kickoff reception for the MMP, Shoba Sivaprasad Wadhia, associate dean for diversity, equity, and inclusion, shared with attendees the objective of the program and how it positively impacts the students:

"One goal of the Minority Mentor Program is for participating students to have support while in law school and learn how to navigate unique challenges, including overt and implicit bias, and to channel their lived experiences to represent their clients with compassion and legal excellence. Advancing equity and inclusion of minority lawyers in the legal profession cannot be solved with a single program, but it is my hope that the MMP will help prepare our students in a meaningful way."

The MMP at Penn State Law in University Park currently has over 90 participating students. Mentees are matriculated law students who identify as students from diverse backgrounds: students identifying as a member of a racial or ethnic group underrepresented in the practice of law; members of a religious minority; students with mental or physical disabilities; students identifying as LGBTQ+. Many students in the MMP are also first-generation college or law students without the social capital to navigate law school and the legal profession.

Overwhelmingly, the data reveals that access alone is not enough to ensure equal opportunity for underrepresented law students at predominantly white institutions, PWIs (Deo & Griffin, 2011; Johnson-Bailey et al., 2008). They must deal with societal pressures and frequent negative stereotypes as well as usually being a token in their law school (Thomas et al., 2007). As well, underrepresented law students are more likely to begin their programs lacking the social, political, and cultural capital necessary for success (Young & Brooks, 2008). Mentoring relationships among underrepresented law students is a vital component in the academic experience (Culver, 2017; Patton, 2009).

Dialogue between mentees and mentors in the MMP have included advice on careers and networking, challenges related to COVID-19 and racial trauma, transitioning to law school, achieving academic success, how to navigate

microaggressions, and communicating with professors. While the MMP has operated largely with mentors and mentees meeting informally one-on-one or at important points during the academic year. For example, mentors and mentees can meet after final exams or before job or internship application season. This is an indispensable component in the academic experience of students from diverse backgrounds.

Currently, the MMP is managed by the Office of Student Services with support from Alumni Relations and the Office of Diversity, Equity and Inclusion. With more than one hundred graduates of the MMP, we have witnessed the program's growth and the benefit law students gain from a strong mentoring relationship. Graduates have also gone on to serve as mentors after entering the legal profession.

"The Minority Mentor Program at Penn State Law created an opportunity to build community with students and legal professionals who shared similar backgrounds, experiences, and social justice interests I hold. The program expanded my network of colleagues and mentors. I have remained close to many and enjoy celebrating their successes as a community."

– Raquel Muniz '18, Assistant Professor, Boston College

"MMP has a life-long impact on both of our lives because we met our life partner and our life mentor through MMP. MMP will continue to help us succeed in our career and personal life and assure us that we belong in the legal field."

– Deokhee Ryu '18, Associate Immigration Attorney, Berry Appleman & Leiden LLP

– Sung Che Jo '19, Assistant Commonwealth Attorney, Fairfax County Government

"What I love most about the Minority Mentor Program is that I was assigned mentors who value me, are patient with me, and are invested in my success"

– Sidnee McDonald, third-year law student, president of the Black Law Students Association (BLSA) at Penn State Law in University Park, national director of career and professional development for the National Black Law Students Association (NBLSA)

We hope the next chapter of the MMP will allow for even deeper relationships between mentors and students as well as metrics to determine how the MMP has influenced a student's law school experience or preparation for the legal profession.

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# Diversity, Equity, Inclusion and Belonging in Student Services: The Bridge Left Burning

*Mx. Lauren Lofton*

The chasm between students, staff, and faculty widened during the pandemic and civil rights movement of 2020. There is increasing urgency to create a space of belonging in our ivory tower institutions known for the exclusion of those from historically marginalized backgrounds. Law schools hear the demand within and beyond the legal community that we create paths for what are often referred to as “diverse students.” That we have a responsibility to shift the demographics of the legal profession itself. When we are the recipients of privilege and power while it is not our individual “fault” that we hold this privilege and power it is our individual and institutional responsibility to create access, and to change structures such that the inequitable status quo does not continue. This shift is imperative as attorneys go on to serve as district attorneys, public defenders, judges, senators, and in the White House itself.

Additionally, the attorneys who join Public Interest and Social Justice legal organizations<sup>8</sup> will be serving a low-to-moderate income population that by and large is not reflected by the existing demographics of even legal aid attorneys.<sup>9</sup> *The Legal Aid Association of California Report: Justice at Risk* details the reasons that working in legal aid itself requires financial privilege, which is often coupled with the benefits we receive from our social and personal identities. These identities bestow financial privilege upon us such as generational wealth and marriage to other individuals who share the same access to privilege.<sup>10</sup> The demographics from the American Bar Association’s (ABA’s) 2021 National Lawyer Population Survey, which found in the span of a full decade (2011 – 2021) the percentage of African-American attorneys remained stagnant at 5%.<sup>11</sup> Hispanic attorneys are also at 5%, which marks a marginal increase from the previous 3-4% seen as late as 2014.<sup>12</sup> Asian attorneys dropped from a brief high of 3% down to 2%.<sup>13</sup> Multi-racial attorneys were not tracked until 2014, and have only recently reached 2%, and both Hawaiian/Pacific Islander and Native-American attorneys remain at 0% with brief instances of reaching 1%.<sup>14</sup> The number of women attorneys saw a slight increase from 33% to 37%.<sup>15</sup> Men continue to make up and take up the majority of the profession at 63%.<sup>16</sup> Gender diverse attorneys were not contemplated until 2016 and presently account for 0% of attorneys according to the ABA.<sup>17</sup> The ABA states that “reliable statistics are not available on the total number of LGBT lawyers in all parts of the legal profession.”<sup>18</sup> However, the ABA found “law students are more likely to be openly LGBT than law firm lawyers at a rate of 6.86% ... double the percentage [of] out attorneys at 2.99%.” That is of interest to me as a non-binary attorney who graduated well in advance of this change in accounting.

I write this article from the positionality of the 5% (African American), the 2% (multi-racial), the similarly situated LGBT+ (approximately 2%), the 0.5% (attorney with a disability), and last though in my heart of hearts never least 0% (gender

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<sup>8</sup> There is disagreement as to whether organizations that work within existing legal structures can be considered “social justice” organizations at all. The term is now used with such frequency that organizations with vastly different mission statements, and values may self-define in this way. Many law schools have also changed public interest concentrations to social justice concentrations. Some social justice concentration faculty advisors explain the difference while others do not. See Legal Aid Association of California, *Justice at Risk: More Support Needed for Legal Aid Attorneys in California*, 1, <https://laaconline.egnyte.com/dl/6Sf5depos9>.

<sup>9</sup> The private law firms are overall substantially less diverse than the public interest/social justice legal sector.

<sup>10</sup> Legal Aid Association of California, *Justice at Risk: More Support Needed for Legal Aid Attorneys in California*, 1, <https://laaconline.egnyte.com/dl/6Sf5depos9>.

<sup>11</sup> American Bar Association, *ABA National Lawyer Population Survey*, (2021), [https://www.americanbar.org/content/dam/aba/administrative/market\\_research/2021-national-lawyer-population-survey.pdf](https://www.americanbar.org/content/dam/aba/administrative/market_research/2021-national-lawyer-population-survey.pdf).

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> American Bar Association, *ABA Profile of the Legal Profession: Demographics*, 2, 32, (2020), <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>

<sup>16</sup> Id.

<sup>17</sup> Id. at 39.

<sup>18</sup> Id.

diverse). As law schools grapple with how to best respond to closing the gap, the U.S. Census Bureau, “marked the 24<sup>th</sup> time the nation’s population has been counted since the first census in 1790.”<sup>19</sup> The population count tripled in size since that time and the number of Black, Indigenous, and People of Color (BIPOC) people increased substantially.<sup>20</sup> Despite our increased population size our representation remains unconscionably small. More than 200 years later, no longer legally prevented from doing so and years after trailblazers like Pauli Murray<sup>21</sup>, I sought to attend law school. As a bright-eyed twenty-one-year-old, seeking to make a difference in the world, neither I nor any of my peers asked aloud even one of the nuanced and painful questions we receive today as law school administrators. In the documentary, “My Name Pauli Murray” Pauli Murray herself/themselves detailed how as the civil rights movement swelled even she/they<sup>22</sup> could not be radical enough for her/their law students.

This past year, we also found ourselves behind the generation we sought to educate. We were frequently asked the following:

How will you address white supremacy in the classroom? Will doctrinal classes that touch on the topics of race be taught through a Critical Race Theory lens? Will those classes be taught by faculty who are from diverse backgrounds? Will the analysis be intersectional? Will all doctrinal classes be co-taught such that white faculty are accompanied by a faculty member of color? How do you create emotionally and psychologically safe spaces for students of color? Once students of color arrive how do you take care of us? You’ve created a pipeline for students from Historically Black Universities (HBCUs) how do you make sure we aren’t tokenized when we arrive? Conditional scholarships are disproportionately harmful to BIPOC students will you eliminate the GPA requirement in the future? When will you hire a Dean of Diversity? How many Black staff and faculty are there total?<sup>23</sup>

Once situated in the student body, students ask these questions in the classroom, while serving on diversity, equity and inclusion committees and working groups, during focus groups, in feedback forms, in clinical and experiential placements, and in journal articles. For instance, one student describes the conditional scholarships as follows in a law journal article:

Predominately white institutions, like universities and law school, provide diversity scholarships which require students to commodify their backgrounds in exchange for temporary access into white spaces. This operation of white supremacist capitalism generally leads to people having to relive their trauma for money from an institution that will turn around and enact the same violence that manufactured their trauma. Racial capitalism fractures identity, creates pressure for nonwhite people to engage in particular identity performances, and inflicts economic harm by placing nonwhite people at the greater mercy of the market.

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<sup>19</sup> Ron Jarmin, *The 2020 Census: Our Growing Nation*, THE U.S. CENSUS BUREAU (April 26, 2021)

<https://www.census.gov/newsroom/blogs/director/2021/04/2020-census-our-growing-nation.html>.

<sup>20</sup> Id.; Though, it is important to note that the census began in a time when Indigenous people were actively still experiencing genocide and the theft of land, as a direct result of the birth of this nation. We had as a country to pass the 13<sup>th</sup> Amendment which would come a full 75 years later – certainly longer than the average African American person, or any person, lived at that time. In fact, the census relied upon white slave owners to count and include the people they held as property to determine the African American population in 1790. Thus, the population size itself fails to count many ancestors.

<sup>21</sup> “Ruth Bader Ginsburg wrote “Pauli Murray” on the front cover of her women’s rights brief before the Supreme Court to give credit for the idea she’d be arguing. In 1965, Murray had written a law journal article positing that the 14<sup>th</sup> Amendment could be used to protect gender equality. It was really Ginsburg’s nod to Pauli Murray’s very radical idea to use the 14<sup>th</sup> Amendment to win gender equality for women and African Americans.” Betsy West and Julie Cohen from the film “My Name is Pauli Murray.”

<sup>22</sup> Pauli Murray was a gender diverse person based on historical information including her/their own journals. This author uses the pronouns she and they to recognize the history as a part of LGBTQ+ history.

<sup>23</sup> These are real questions offered as examples. See generally, National Association of Law Student Affairs Professionals, *Law School Student Affairs Toolkit* (last updated 2020), <https://www.nalsap.org/page/Toolkit>.

Racial capitalism is a problematic practice of deriving social and economic value from the racial identity of another person. The process of racial capitalism relies upon and reinforces commodification of racial identity, thereby degrading that identity by reducing it to another thing to be bought and sold. Assigning value to nonwhiteness within a system of racial capitalism displaces measures that would lead to meaningful social reform. The value does not always have to be immediately economic but can often allow institutions to “[deflect] potential charges of racism or avoid legal liability for racial discrimination.

Not only do institutions use racial capitalism for enrichment, so does dominant society as a whole, i.e. white people. White people gain economic and social value associated with nonwhiteness through “affiliations with friends, colleagues, and employees.” The value associated with nonwhiteness gives white people and white institutions the power to determine the worth of nonwhiteness, upholding our [referring to white people] position of gatekeepers. Racial capitalism and claiming nonwhiteness benefits institutions by providing universities, “status, honor and respect” yielding both “social and economic value.”<sup>24</sup>

Students are often hesitant to speak with complete candor to a chancellor, a dean, or a faculty member posing their questions to them with hesitancy and care. Certainly, there are students who speak with confidence, share well thought out substantive arguments for change, and push us to be a better version of ourselves amid a global racial reckoning. These students are typically small in number and often dismissed as a loud minority, or as failing to grasp why things must continue to be as they are and why incremental change must be enough. Student services staff on the other hand find students may treat us as their peer with a completely unfiltered version of themselves. We must still respond with the consciousness that the student is the client and ultimately an alumnus who may become a future donor. Students wield this unseen power recklessly, and as they often feel it is the only power they have when we disappoint them around diversity, equity, and inclusion (DEI) initiatives. They declare they will become a part of the “not one penny ever” or “nope” alumnus chapter. Diverse staff charged with leading DEI efforts find that students will go directly to our boss, without an attempt to resolve concerns directly with us, a strategy one compassionate student aptly identified as “going to the manager.”

As student services staff we hold in our hands the glass object that is customer service. At orientation, we embody the authority of a directing attorney setting the expectation that students always conduct themselves professionally. On their hardest days, we embody a family member who believes in them when they are unable to believe in themselves. One of my best days was a day that a student told me I reminded her of her grandmother. While I am still far from my senior years, I felt seen in some way as an elder and deserving of respect in that moment. It was a gift in a week that had felt quite the opposite in interactions with her peers. On our hardest days, we remind them that they may serve in the chambers and halls of Congress as decision makers in the not-too-distant future and ask them to consider if their words, actions, and behaviors match their stated values. We transform the shape of our demeanor in service of their professional development. We are magicians. Most do not notice our sleight of hand.

The chancellors and deans try to hold a delicate balance. They create “no wrong door” policies for students to bring their concerns directly to their offices. An unintended consequence is that students may never speak directly to student services staff and instead utilize the open door to go directly to our supervisors. They rage against our “incompetence” and “stupidity” to our highest level boss with no regard for the phone call we will receive afterward. They go so far, in a global pandemic, to declare we do not deserve our jobs. That we are the ones that owe them an apology after engaging in verbal abuse in their interactions with us. If we do not implement an immediate change, as they see fit, there may be consequences in social media spaces (Facebook, GroupMe, Instagram, Twitter, etc.). They may declare their affiliation to

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<sup>24</sup> Karissa Provenza, *Operating within Systems of Oppression*, 18 *Hastings Race & Poverty L.J.* 295, 318 (2021)

the nope alumnus chapter. In 2020, in response to cries from diverse staff that this is not what we signed up for, many law schools re-wrote job descriptions for Career Services, Student Services, and Registrars Offices. Our point as diverse staff was that we signed up for leadership development and guiding the next generation of attorneys, not verbal abuse. What we saw in response were job postings to fill positions of those of us who have left, updated to indicate that applicants must be willing to work in a “volatile” environment focused on student satisfaction. Job applicants are also universally required to have a DEI lens and be able to apply it in “all the work we do.” That the two may be diametrically opposed is not on the table for discussion.

Those of us who worked as teenagers and young adults seeking class ascension through education and hard work know this volatile dynamic well. We experienced it before, between, and after all of our classes from high school through law school. It is the coffee customer screaming at you at 6 AM because they believe they ordered something different from what they received. The restaurant table that takes all your time and doesn’t tip you. It is the customer who brings back a garment clearly damaged and worn, without a receipt, and insists on a cash refund. Student services operates somewhere between “on the floor” staff and middle management hospitality staff. We offer to replace the drink for free at no cost. We offer to split our tips with our colleague who didn’t get tipped at all. We say no repeatedly, explain why and then refer them to our superior who may at that point simply give them what they want. We return to work with little to no flexibility when the students declare that they have experienced a “loss of services” though in truth we worked more hours in the last 20 months than ever before. They then refuse to come to our offices and prefer virtual/remote appointments and then pivot to a demand for tuition reduction. Our students are highly intelligent. They are aware of the dynamic and are unwilling to disrupt it in the context of student life concerns. Because it is where they hold some measure of power in a setting where they feel “power down” most of the time.<sup>25</sup> This is at the detriment of BIPOC staff who are supervised by predominantly white, and non-Black chancellors and deans.

On the ground student services staff spent the year running from one fire to the next while being told by students that we had failed to start with the right fire, that we were not moving quickly enough, that they were ready to see the whole institution and us with it burn to the ground anyway and let it light their way. This past “unprecedented” year, we understandably found the unmet student mental health and emotional needs around DEI innumerable. The wound of the racial harm and violence of the world wept without pause. The substantial and deeply felt distress disproportionately impacted historically marginalized students, staff, and faculty. We watched as some staff and faculty were in fact fired, and others quit. This dynamic creates huge barriers to the spaciousness needed to find our creativity. However, we are the kind of professionals who dig deeper when things get hard. We innovated our programming, initiatives, and communications. We worked to center BIPOC wellness practitioners. Wellness gifts of BIPOC-led facilitation of sound healing, yoga, and water coloring. They invited students to add healing like water to their bright watercolor paints. To create their own picture of what healing from the ongoing trauma meant. We hoped it would help them find a way to heal what we couldn’t heal for them no matter how much we hoped and prayed that we somehow could. We leveraged the trust of long-term relationships built with BIPOC attorneys to create panels speaking to lived experience. Guest speakers shared: their paths to sobriety; how they navigated the moral character application and disparate treatment in disciplinary proceedings after arrest<sup>26</sup>; failing and later passing the bar exam at a time that the California bar exam remained the toughest in the country.<sup>27</sup> They did so with accountability, honesty, and vulnerability.

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<sup>25</sup> Personal power is our ability to have influence and an impact on others. Role power is the additional power that comes with a positional role. That power confers both a responsibility and opportunity to the person in the “power up” position who holds this power and the person in the power down position who holds less or no power depending on the context. Regardless of our actual power (ability to influence and impact) our perception of our power also shapes the ways we engage in interpersonal interactions and conflict as well as conflict resolution.

<sup>26</sup> See generally, State Bar of Cal. Report on Disparities of the Discipline System (Nov. 14, 2019).

<https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000025090.pdf>

<sup>27</sup> Some of us successfully advocated for bar examination cut score changes during the pandemic. Scores that for some of us, would have meant we ourselves would have passed the first time. We did so in an effort to create a more equitable process for the current generation even when they could not see us as their allies, nor accomplices.

We led leadership labs focused on building empathy and connection across difference.<sup>28</sup> We wrote history month communications not just celebrating our diversity but offering a “re-education” to the community through a Critical Race<sup>29</sup> lens. We led campus climate survey analysis with the support of experts. We opened Cross-Cultural Centers virtually. When unranked students (bottom 25%) expressed a sentiment that Career Services, when setting realistic expectations, did not believe in their ability to reach their dream career goals we built connection to support their achievement. We sought to repair past institutional harm through restorative justice practices. Through our efforts we connected students to food access, eviction prevention, mutual aid, and academic support intervention. Simultaneously, we supported them through their grief and helped them find hope where it felt utterly hopeless. We taught diversity, equity, and inclusion programs to bridge the divide between us all. In these moments we were our full authentic selves.

Some of our efforts were recognized with awards this year. More importantly, we found the perspectives we shared about our own trajectories and experience in the legal world stayed with alums who post-graduation scheduled external appointments with us just to say thank you. Our vulnerability had in fact served as an anecdote for the poison of imposter syndrome<sup>30</sup> in their first years of legal practice. In contrast, we watched as our seat at the table became irrelevant to many students who do not wish for a seat, but rightfully so, have the ambition to build their own table.<sup>31</sup> The jury is still out on whether the diverse staff and faculty that came before them may be offered a seat at that new table in that new world. Student sentiment is that the mere existence of those of us who are a part of the 0 – 5% is not and has never been enough. Representation matters and it is not a substitute for equity, liberty, or freedom. One student shared this perspective:

Our institutions may look like they are diversifying, but no amount of ‘Diversity and Inclusion’ trainings will remove the deeply imbedded forms of white supremacy that are habitually reinforced. Understanding that the institutions we take part in actively perpetuate harmful racist norms... is just one minute step toward forming a safer and more equitable environment. We have to “actively and directly challenge white supremacist people, policies, institutions, and cultural norms.”<sup>32</sup>

Students, including white students, attempted to reduce the potential psychological and emotional harm to their peers by resorting to muting faculty in Zoom classrooms, cancelling staff and faculty in student government meetings, and creating online petitions calling for our resignation, or firing. We watched students tear each other apart and remain at a social distance beyond reproach. The struggle to survive the backlash permeated our staff meetings, supervision hours, and closed faculty and dean key issue meetings. BIPOC staff were held to the highest, and in fact an impossible, standard by both students and colleagues. We were called upon to share our thoughts, to represent an entire group, and to be silent when it created discomfort to delve into the topics of anti-Black racism and anti-Asian hate. Some of us ghost wrote communications for white chancellors and deans who could not find the words and did not have a Critical Race Theory lens from which to write their own thoughts. Some of us insisted they write their own communications instead and watched as they failed, and the students’ anger, otherwise known as pain manifest, became inflamed. We watched them get better and we watched the students call the improvement “too little, too late.” We watched deans and chancellors navigate the deeply divided opinions of their board members, faculty, and alums and struggle to be everything to

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<sup>28</sup> Student services departments worked with centers for negotiation, mediation, and dispute resolution to create programming for student leaders.

<sup>29</sup> A Critical Race lens refers to a body of legal scholarship and an academic movement focused on civil rights that examines the intersection of race and United States law and challenges race and racism perpetuated by dominant culture in the legal context. Historical figures seen as creating the legacy of such a lens include such well-known names as Fredrick Douglass, W.E.B. Du Bois, Martin Luther King Jr., Sojourner Truth, and many more.

<sup>30</sup> Imposter syndrome is itself a result of oppression and the impact that it has upon those of us from historically marginalized backgrounds. This is often left out of conversations on imposter syndrome which is attributed to those impacted by it as a personal failing. In and of itself this is a form of harm.

<sup>31</sup> Some even dare to dream of a world where there is no need to build any tables at all.

<sup>32</sup>. Provenza, supra note 18 at 320.

everyone. We watched a new demand build for them to repair past harm, and for those without a Critical Race lens to develop one as an official job duty.

We were asked to attend classes to teach faculty how to support diverse students. In response, all we could do was explain academic freedom and that it is not our role to intervene with faculty in this way. Some of us were not permitted to explain why at all again inflaming the students' pain. We were called ineffective tokens in response. We asked our supervisors to bring these concerns to the faculty meetings that we are not permitted, as student services staff, to attend while students proclaimed that we simply did not care. We heard frustration from faculty that we kept all of this secret from them in the hopes it would somehow not permeate their classrooms. We heard their pain that we had seen it coming, though some of us were directed by our supervisors to not speak to them about this topic at all. We became the bridge set aflame on both sides – the students on one side, the administration and faculty on the other. Law school “diverse” staff stand on the bridge between the ivory tower and the not yet full-fledged attorney, the forest around us aflame. We have but a watering can in hand. Unable to bridge the divide we were left by the “good people on both sides” to burn.<sup>33</sup> Unfortunately, individuals cannot by our very nature undo all the harm of the systems and institutions in which we are situated.

This excerpt from an article further elucidates the classroom environment, experienced across the nation, from the view of a student who self-identifies as a white woman:

When we sit in our classes of predominately white peers, generally led by white professors, we have to use the power we hold as white women to push back on oppressive norms. We have to challenge our professors and deans when they fail to properly address the disparities within the law, which they too often do. Because if we don't, the alternative is to participate in the mental and emotional abuse of our peers. “Mainstream communication does not want women, particularly white women, responding to racism. It wants racism to be accepted as an immutable given in the fabric of your existence. We cannot bend to the system and let it use us as pawns to white supremacy.”<sup>34</sup>

We asked if it was the isolation, the grief from the loss of loved ones, a generational divide, social media culture, or “a new normal.” For some students nothing we did was good enough because what we could not do was single handedly dismantle all systems of oppression simultaneously. Because rightfully so, it will never be enough until we are all free from oppression. Student services staff could not completely upend the institutions in which we work from a “power down” position.<sup>35</sup> We could not eliminate Federalist Societies in public institutions, nor did many of us wish to do so regardless of our personal beliefs. Some of us are conservative ourselves and trying to reconcile how to show up to our values and the inquiries of this moment. Those who defended the right of conservative perspectives to exist and be spoken aloud were the online equivalent of burned at the stake. Others of us worked with students to consider if a sit-in during exam week was wise while offering to help liaison with campus police, and to sit with them when the time comes. We considered these formidable questions as we tended to the loss of our own loved ones and own grief. As we lost our own spouses, parents, grandparents, and community members to COVID-19, to cancer and dementia.

Some of us asked human resources and our supervisors for permission to take a “vacation day” to march masked in on-the-ground and car demonstrations, serve as law enforcement liaisons, provide arraignment hearing support, and to wear our free speech on our t-shirts. We wrote articles teaching about: civil rights protest safety, what to do when encountering

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<sup>33</sup> The phrase “good people on both sides” is offered as a tongue in cheek reference to the descriptions authority figures used to describe the deep political divisions between Americans.

<sup>34</sup> Provenza, supra note 18 at 322-23.

<sup>35</sup> Personal power is our ability to have influence and an impact on others. Role power is the additional power that comes with a positional role. That power confers both a responsibility and opportunity to the person in the “power up” position who holds this power and the person in the power down position who holds less or no power depending on the context. Regardless of our actual power (ability to influence and impact) our perception of our power also shapes the ways we engage in interpersonal interactions and conflict as well as conflict resolution.

pepper spray, rubber bullets, and militarized force; how to decide the level of risk to take at an action as a law student; moral character and fitness evaluations if they experienced arrest; and the potentially irrevocable impact upon undocumented students who experience detention and arrest. This all occurred as we approached the next presidential election, and a historical insurrection. We did all of this as students criticized when we wore our politics on our hearts and literal sleeves and charged us as performative when we could not. We did this as students dreamed bigger than we ever could and worked to publish articles that call for a different legal world such as “Black Lives Matter: Banning Police Lynchings,” “Driver’s License Suspensions for Nonpayments: A Discriminatory and Counterproductive Policy,” “Furtive Blackness: On Blackness and Being” and “The Strict Scrutiny of Black and BlaQueer Life.” “Exclusionary Zoning, School Segregation, and Housing Segregation: An Investigation into a Modern Desegregation Case and Solutions to Housing Segregation.”<sup>36</sup>

Simultaneously, we grieved the loss of students who were not able to survive the impact of the civil rights pandemic on their mental health. We helped each other navigate how to host a virtual Zoom memorial and reviewed academic regulations about the number of units that must be earned to confer a posthumous degree. We cried with family members and students while holding both the beauty of the relationships forged between students before an early loss; and the deep pain of relationships broken and left unhealed with no opportunity for repair in this life. Truthfully, our encouragement to students to learn about secondary trauma is a genuine effort to create coping mechanisms to literally help keep them alive. Nonetheless, it feels disingenuous to students isolated and drowning in seemingly insurmountable work. Most must attempt to prove their worth and value to future employers through the grade from a single exam. Others at elite private law schools that have eliminated grades find it is nearly impossible to fail. In elite settings, predominantly white students use grade nondisclosure to support job placement. In public law schools, substantially more diverse populations, the students have no such protection. It is understandably of little comfort to many students to be on the receiving end of reminders to get fresh air, to hydrate, and to practice “self-care.” To be told that they’ve “got this” when the “this” is overcoming structures and systems that have been in place since the furthest reaching memory of any living relative. For many, this is nothing short of a performative culture of “toxic positivity.”

Keep in mind, students receive our, at times, relentlessly positive messages close in time to when they must also access exam banks where they find themselves reading fact patterns that contain racial, and gender stereotypes. Some of those fact patterns detail instances of police brutality and state violence. Students spent a portion of this year demanding to know if they needed to be prepared to read the dying words of a “suspect” who looked like them on a timed exam that determines their future value within an institution, and a profession not built to support, promote, and advance people who look like them. If these fact patterns would show up on bar exams as well. There are not enough walks outside, nor enough drinking water in the world to cleanse the trauma of that experience from our students’ hearts, minds and spirits.

Law schools gained some ground around the concept of “silence is violence,” and “white silence” as a form of emotional violence since the publication of a 2017 Georgetown Journal of Law & Modern Critical Race Perspectives article where the author shared:

“I would not wish my law school experience on my worst enemy... my social-justice focused law school, has largely ignored the recent racially-motivated, legally-upheld killings of people of color and their effects on marginalized communities. As an African American law student from a welfare-reliant household ... [the] silence has been especially painful because it suggests that my law school does not care about events that impact my community. At each critical point of my first year in law school ... [the law school] remained silent to the national recognized, racially motivated, and repeated police killings of unarmed African-American men.”<sup>37</sup>

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<sup>36</sup> See generally, 48 Hastings Const. L.Q. (Fall 2020).

<sup>37</sup> Taifha N. Baker, How Top Law Schools Can Resuscitate an Inclusive Climate for Minority and Low-Income Law Students, 9 GEO. J. L. & MOD. CRITICAL RACE PERSP. 123, 124 (2017).



However, we still find ourselves grappling with how to bring trauma informed practices to the classroom in the context of gender-based and race-based violence including state and police killings of Black and brown people. It has been somewhat normalized to provide content warnings around case reading and classroom discussions on gender-based violence. Faculty provide survivors of violence the option to not attend class without penalty. Title IX and CARE advocates provide additional office hours to support students. Black and brown students are not afforded the same care around racialized harm. That disparate treatment remains unaddressed, and understaffed. Student services staff find ourselves in a role that in another context would be fulfilled by a clinical therapist or professional with a masters in social work (MSW). We still ask students choking on fact patterns with racialized violence to swallow our positivity whole.

We individually, collectively, and institutionally strove to do all that we could do, that we were permitted to do, that we had the time available to do. Black staff and faculty seemingly reached into another realm for the strength required to show up. We kept our heads up, and our voices clear as we spoke at Black Lives Matter vigils. We kept our hands up and shouted “don’t shoot” at protests with our students. We were not silent though we were in a multitude of ways silenced at work. We spoke in the moments between our own trauma and the secondary trauma of our students when we might otherwise have caught our breath. We did this when asked, when expected, and when told. We did this whether the students believed that we meant it or not, and whether the words we shared and the ideas we expressed caused our colleagues discomfort or not. BIPOC staff navigated conversations with colleagues about our fears of assault when we must return to public transit back to the office, and differences in our ability to pay for parking or not. All staff looking to reconcile everything that has come before this moment and how we move forward must to turn and face our own role in the very institutions that uphold the structures and systems that keep attorneys like me and far too few of my colleagues a very low statistical figure. On our best days, we found gratitude that, unlike far too many of our people lost to the harms of hate crimes, and police and state violence, we are at least still breathing.

We face the same conundrum that students identify while within the ivory tower. In nuanced ways far beyond what many of us were able to conceive of at their age aptly described below:

I have expressed how we should reject the master’s tools while working within his home, falling in line with Audre Lorde’s distinguished statement that the “master’s tools will never dismantle the master’s house.” So is tossing out the tools that built and maintain these oppressive systems the only true way to work within them? I am of the belief that we may have to use the master’s tools as a point of entry, but it is from there that we have to acknowledge our place within the system and repudiate the status quo. In order to find our role, we need to appreciate our differences and act accordingly. For women who are negatively racialized, just existing in these abusive institutions should be enough. Lorde states, “[f]or in order to survive, those of us for whom oppression is as American as apple pie have always had to be watchers, to become familiar with the language and manners of the oppressor, even sometimes adopting them for some illusion of protection.” Assimilation and the use of the master’s tools is generally necessary for many people to survive within oppressive systems. In a country based on individualism and nationalism, forms of dissent are often met with the suggestion to just ‘get out.’ But where does that then leave us?<sup>38</sup>

Award-winning scholar of law, literacy and cultural studies and racial-justice strategist Professor T. Anansi Wilson shared great wisdom in their<sup>39</sup> poem, “You’re Asking of Me of Freedom? Black Talks Back.”

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<sup>38</sup> Provenza, supra note 18 at 324

<sup>39</sup> Professor T. Anansi Wilson uses the pronouns they/them and theirs. The use of they in this context is not in the plural and rather is a grammatically correct reflection of their pronouns utilized intentionally in the singular. This honors our gender diversity and respects our fellow community members.

***You're Asking Us of Freedom? Black Talks Back***

*It is cruel,*  
to ask us what  
*freedom*  
looks like  
When you,  
and your forefathers  
have hid it for years.

Criminalized it's  
presence  
in our own American Day *Dreams*,  
turned into nightmares  
for fear that  
*freedom*  
may be another  
cruel  
trick of the master's  
dynastic  
rule of terrorists  
trip wires.

*It is cruel,*  
to ask us of  
*freedom.*  
when tongues are lashed for its  
pronunciation  
in

Black  
brown  
queer  
trans  
poor

and disabled  
mouths.  
sending shivers  
through your  
soul.

So you take ours,  
suckling  
to feel  
free and  
strong again,  
because redemption rest in the  
inheritance of the meek.

*Freedom is*  
*a cruel*  
*bait to the gates*  
*of the dead*

We disavow your  
*freedom*  
and speak of

Liberation  
Autonomy  
Love  
Healing.

Absence from racist mythologies.  
Flows of blackness  
unhindered by white  
dams  
Flowing,  
deeper than rivers of psycho-analytic thought

Deeper,  
than the bosom of entrapped  
bodies in musty ships  
whipped through  
the Atlantic  
in chains  
of false hope.  
We've survived that too.  
Reclaimed the passage as  
Homeschooled tutorial  
have lost some,  
but hold them close in memorial  
we speak their names:

Trayvon Martin.  
Sandra Bland.  
Tamir Rice.  
Renisha McBride.  
Jordan Davis.  
Tanisha Anderson.  
Jamar Clark.  
Janisha Fonville.  
Eric Garner  
Natasha McKenna  
Ezell Ford  
Shereese Francis  
Walter Scott  
Kendra James  
Freddie Gray

Still deeper,  
Blackness flows from the core of Earth,  
to the cover of the flesh  
and the heart of the  
Cosmos,

Adorned with shooting stars  
Undeterred by the scars  
Of being Black, gifted  
And whole in Amerikka

To ask us of *freedom* is cruel  
and curious  
Like breaking a man's jaw  
And asking why his teeth don't  
stand straight

We speak of liberation  
from the menace of spec  
and the prison of spectacle

We seek to rest  
In the absence of white indifference,  
And Other Facebook filters,  
Unassigned to violences  
On bodies of color,

That our society cosigns,  
for cheap oil,  
capitalisms  
and other ways to make cents  
off of bodies born free  
that we refuse to let be,  
but here's the key.

we will be free from  
black death,  
Islamophobic bombings,  
Native genocides,

As a family, we will decide  
*The Unbought won't plead for freedom*

We burn,  
we birth  
we build  
for  
*Liberation*  
Your fear is logical<sup>40</sup>

None of us have survived the pandemic unscathed in some way. BIPOC law school staff, find as we “return” to the “new normal” we do so with our teeth hanging sideways, while tending to the words held back tenderly in our bruised mouths. We must as a community determine how to reconcile the demands of this and the next generation of law students. As they enter the workforce, we must ask ourselves how we best support them for the expectations they will be held to when they find themselves at work held to the same or tougher standards than what I’ve described above. We must encourage their growth such that they bring their ideals with them so that changing the current conditions is possible. While we consider what anti-racist programs, resources, and co- and extra-curricular initiatives are happening at law schools across the country, I have already seen the loss of multiple diverse colleagues unable and unwilling to merely survive leave to find an environment where they can thrive. We must ask which of us get to stay to see those programs through and which of us must “get out.” Who is forced to do the listening? Who is listened to? Who is permitted to speak without fear of punishment? Who is invited to the meetings? Who is excluded?

Recruitment and retention of both students and staff requires a more sustainable way of developing DEI programming – the cultivation of the quality of “enoughness” while there is still ever more to be done and undone.<sup>41</sup> Many of our

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<sup>40</sup> Tabias Olajuawon Wilson, *Furtive Blackness: On Being In And Outside of Law* (2021) (Ph.D Dissertation, University of Texas at Austin). Professor T. Anansi Wilson read this poem at a vigil in 2021 coordinated by the faculty, staff, and Black Law Students Association (BLSA) at UC Hastings. The poem is also a published literary work. It has been shared here with the generous consent of the author.

<sup>41</sup> The phrase “there is much to be done and undone” comes from the wisdom of Black Lives Matter organizers and has become a rallying cry at on the ground protests, and in social media spaces.

colleagues who have left law schools are now working outside of the legal profession entirely. They have set down the master's tools. They burn brightly, advancing away from the burning bridge, toward transformative ways of being that do not require the legal system. They are the seed keepers who will grow the nourishing future world where the words diversity, equity and inclusion are no longer needed. In the interim, law schools must learn how to bring enough water to bridge the ivory tower divide. Law school staff and faculty must create enough belonging for us to act simultaneously with one another both inside and outside of legal institutions. We must tend to those within institutions while others build something new. Our collective liberation depends upon it.

## EXPLORING THE INTEGRATION OF WELL-BEING & ANTI-RACISM: SOME PRACTICAL LESSONS FROM THE 2020-2021 SCHOOL YEAR

*Janet Stearns, Dean of Students, University of Miami School of Law*

I would like to share some successes from our past year at Miami Law, with a focus on the integration of critical anti-racism work with my area of passion and expertise, law student well-being. Surveys of lawyer and law student well-being are demonstrating clearly that stress in the legal profession is greatest for lawyers of color. This phenomenon was supported in the pathbreaking report [Practicing Law in the Pandemic and Moving Forward](#), which revealed that over 47% of lawyers of color feel stress at work on account of their race or ethnicity, and 52% of women on account of their gender. Women of color are experiencing law school substantially different than their male or white counterparts, as documented in [Women of Color: A Study of Law School Experiences](#) (NALP Foundation and Center for Women in Law). With this perspective in mind, I want to share some specific programs that we explored at Miami Law that were designed to recognize and address concerns at the integration of diversity and well-being, as well as provide valuable teaching resources.

### ***Mindfulness & Anti-Racism***

Professor Rhonda Magee has presented her pathbreaking work many times through the AALS Student Services Section and joined us in person at the University of Miami in February 2019. I highly recommend reading Professor Magee's latest book, [The Inner Work of Racial Justice: Healing Ourselves and Transforming our Communities Through Mindfulness](#). Some of you may prefer the [TED talk version](#). Professor Magee was the featured speaker for Mental Health Day in October 2020. The program, sponsored by the ABA COLAP and Law Student Division, reached law school faculty and students across the country, with the video replay available [here](#).

In 2011, the University of Miami launched its [Mindfulness in Law program](#) under the insightful leadership of my colleague Scott Rogers. The program has had a decade of bringing academic and inter-disciplinary focus to Mindfulness throughout the academy and the legal profession. Following the senseless and tragic murders of George Floyd and too many others, Professor Rogers developed innovative mindfulness meditations that supported our student affairs team and our students to connect and acknowledge our own feelings. I would strongly recommend [Mindfulness 101: The Heart of Discomfort](#) as a resource for processing emotions surrounding George Floyd's murder and police brutality (with the cautionary reminder that these mindfulness exercises will bring up many emotions, and not all of them pleasant).

### ***Addressing Mental Health with and for our Affinity Groups***

Amy Perez, University of Miami's Assistant Dean of Students, envisioned and implemented a program with an explicit focus on mental health in our diverse affinity communities. The planning process started with conversations among the leaders of our various affinity groups who were deeply interested in and concerned for their own well-being during the pandemic. The result, held in March 2021, was a Zoom panel called: *Counting on Community: Inequality, Mental Health, and Resilience in the Legal Profession*. The program featured our Miami Law Associate Dean of Diversity, Equity and Community Osamudia James and the Dean of Miami's School of Education and Human Development Laura Kohn-Wood. Affinity group student leaders engaged both speakers with thoughtful and incisive questions that explored strategies for responding to difficult situations in the classroom, destigmatizing accessing mental health resources, and identifying structural issues that make accessing resources challenging. I want to emphasize that the success of this program was the early engagement of students in its design and implementation. Engaging with students so early on ensured that we were connecting to topics that students identified as deeply relevant.

### ***Providing Funding to Students for the Programs They Want and Need***

At Miami Law, we have a Law School Committee that allocates a portion of the mandatory student activity fee to students for various activities, speakers and travel. This year, representatives of our Black Law Students Association (BLSA) came forward to request funding for a BLSA “Women’s Week” with particular focus on Black women and femmes. I want to highlight the amazing work of our Class of 2021 graduate Kadian Crawford in envisioning this important program. Her funding proposal reviewed the impacts of chronic stress affecting people of color, and the need for targeted intervention and resources. Ms. Crawford identified her key goal “to go from surviving, to thriving and healing and receiving.” BLSA requested and received funding for a yoga class with a spiritual wellness trainer intended to create a safe place for the Black women in our community to address their unique stressors. This program further highlights the value that students taking leadership and ownership of initiatives has for improving their law school experience.

### ***Some final thoughts***

Law schools must implement programs that improve the well-being of all law students, recognizing that students from historically under-represented groups may be experiencing additional stress and pressures and require unique outreach and services. Those of us in student services are often on the front lines of communicating with our students about their hopes, dreams, and frustrations with the law school experience. We can work to facilitate difficult conversations and focus resources to promote the well-being of all of our students. Let us have the courage to change the things that we can.

## KEEPING MY FEET PLANTED: REFLECTIONS FROM A DIRECTOR OF DIVERSITY AND OUTREACH

*Ralph E. Tavares, MBA, Director of Diversity and Inclusion, Roger Williams University School of Law*

I'd be lying if I said I wasn't nervous about a return to in-person classes. I started working at my law school on Halloween of 2019. I was thrown into a familiar world, and at the same time, I was out of my lane. Without a law degree or legal background, I merged onto the superhighway, almost like the AutoBahn, trying to learn a whole lot of acronyms, abbreviations, and merge into a culture and climate that was totally new to me. I know how to drive. I know the rules of the road, and I knew that all roads in diversity, equity, inclusion, and justice work are connected. But driving in a different country with no speed limits is an entirely different thing that takes time to adapt to.

That's the best way to describe my arrival and transition into working at the law school.

Following my arrival, I met with students for several months and hosted some amazing in-person events. I was starting to gain my footing, and then the foundation was ripped out from underneath all of us by COVID. I remember taking a short vacation with my family in mid-March and watching the entire world close its stores and businesses, raise masks, and feverishly wash hands with sanitizer. It was around the same time that we were in the process of searching for a new dean at my school. So, an entirely new leader of the law school... In the middle of a global pandemic... You can imagine the chaos.

When we returned from our short vacation, I found myself bringing an extra table upstairs from the basement and setting up my laptop and web camera in the bedroom...which I now call the home office. Strategically tucked in the corner of the room with the screen facing away from the bed so that my partner could not see the flickering lights, this became home to my late-night typing sessions, where I was poised to react to the many tragedies that would emerge in those coming months: the deaths of George Floyd, Ahmaud Arbery, Breonna Taylor, and so many other Black lives at the hands of white supremacy and policing. As someone who has worked in the world of diversity, equity, and inclusion, belonging, and social justice, seeing these moments play out with nowhere to divert our eyes was jarring.

I know how I felt seeing the images on the screen as a Black male, and I could imagine the anger, hurt, and frustration of the students that I was poised to serve in this role.

Early in June, the law school administration received an email from a graduating 3L who expressed great frustration at the lack of DEI within our curriculum. Following this email, members of our Black Law Student Association held a town hall that, some would say, has changed the course of our law school as we know it. In addition to voicing concerns with the curriculum, our students fought back tears as they shared their incredible frustration and pain, detailing incidents of housing discrimination, police profiling, and the many microaggressions taking place both within the classroom and in the town of Bristol, Rhode Island.

From this hurt, on the backs of our Black students, came a list of demands for our administration to address. One of these demands included the creation of a mandatory course that addressed racial discrimination in our legal system. Thus, was born a new mandatory course called Race and the Foundations of American Law. We piloted that class this Spring and will be launching it for all students come Fall of 2022.

And even as this was all going on, I felt that my work never was quite enough. The reckoning of our country's past continued to manifest itself through more police killings, an insurrection of our capital, and the targeted deaths of Asian and Pacific Islanders in Atlanta, Georgia. Sadly, this is not an exhaustive list. Each one of these new tragedies further amplified the call for social justice in our curriculum, in our profession, and in our systems.



‘Systems’ is the keyword here. Systemic change, as many who are reading know, takes an awfully long time, especially in higher education. And yet, in this moment, my heart, my head, and my soul are calling for more immediate and direct change. I can only imagine the frustration our current law students must be feeling in this moment... watching the world fall apart around them and wanting to do something about it. I reflect on my own shortcomings. In an effort to address some of the systems-level changes that need to happen in our law school, I realize I was not on the ground nearly enough during the pandemic.

If I were to place myself in the shoes of my students right now, especially our Black students, I am someone only visible on a screen that’s about 4“ x 6.“ I am a member of our school’s senior administration. In a lot of ways, as a Black male, I feel like a bit of a talking head. For the past year, I’ve been called to react in the moment almost weekly. I know that being 3,000 feet in altitude to ensure that systems are changing and moving in a way that helps move the needle forward is critical, but equally important, if not more, is descending to the ground and helping our students. If you are a diversity practitioner at this moment, you cannot be afraid of heights; you are constantly asked to ascend and then descend very quickly to the ground to ensure that everyone is okay. In my case, this is on top of joining a legal profession where racial injustice has been embedded in the foundations...and figuring out where my place lies within that fight.

I want to stop our Black students from being harmed by police officers. I want our BIPOC students to be able to find housing around our campus without facing discrimination. I want our students to feel like they belong at our law school so that they can find their success. And at the same time, I want to support our students so that they can fight against systemic racism in all its forms, in the ways that only they can accomplish: by passing the bar exam, by increasing representation in the profession, by fixing our systems from the inside out.

I don’t have anything earth-shattering or ground-breaking to share with you in this article. Diversity, equity, inclusion, belonging, and social justice work is human and community work. It is being with each other. It is building relationships. That’s the foundation. My goal this year is simply to keep my feet planted to the ground as much as possible, be with our students, listen with resilience, and affirm that I am right here with them on this journey.

# PEER MENTORSHIP PROGRAMS AND HELP-SEEKING BEHAVIOUR: EXPLORING OPPORTUNITIES TO USE PEER MENTORS TO ENCOURAGE HELP- SEEKING BEHAVIOUR FOR LAW STUDENTS EXPERIENCING MENTAL HEALTH CHALLENGES

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## **Introduction**

Universities continue to commit significant resources to provide mental health services and supports to students within the campus community. For example, since 2017, university and college mental-health budgets have increased, on average, by 35 percent in Ontario (Pang, 2017). Despite the significant financial investments and the enhancement of mental health services and supports on campus, there remain students who do not use the campus resources available to them.

As law student affairs professionals, it would be useful to better understand the relationship between peer mentorship programs and help-seeking behaviour for law students experiencing mental health challenges. If peer mentors can play an important role in encouraging help-seeking, then peer mentorship programs could be a cost-effective way to supplement campus mental health services and supports, ensuring that university resources (physical, intellectual, human and financial) are allocated in a way that maximizes the impact of campus mental health supports.

## **Student Mental Health**

A number of factors influenced the addition of mental health supports to school-based health services in the last fifty years, including changes to the legal landscape requiring schools to support those with mental health challenges and the acknowledgement of educators, health care providers, and policy makers that schools were ideal sites for these services (Flaherty, Weist and Warner, 1996). Mental health is an important consideration because it can have a profound impact on all aspects of educational administration. Mental health challenges impede the learning process, impact attendance, engagement, academic performance, graduation, drop-out rates, can result in impaired concentration and memory, lead to a lack of motivation, cause low self-esteem, hamper personal and professional growth, which can lead to isolation and social withdrawal (Mahoney, 2001).

Among university students, law students experiencing mental health challenges warrant special consideration. Entry into law programs is very competitive and the academic program undertaken is quite rigorous. There can be little opportunity for feedback, first year academic performance can heavily influence career options (Mahoney, 2001), and there is a perceived need to hit the ground running upon entry. High stakes professional degree programs, like law programs, may foster environments that make students hesitant to disclose. This is largely because any weakness or vulnerability, real or perceived, could impact future professional success. The metaphor of the Swan aptly describes the struggle in professional degree programs, like law programs, where students might appear to be high functioning, but, in reality, are masking significant mental health challenges:

The swan that gracefully moves on a lake is a picture of elegance in motion but what is hidden from the eye is the activity going on beneath the water's surface. We don't see the hard work conducted by the swan's webbed feet which propels the graceful motion we see and admire. (Horeb, 2012).

## **Help-Seeking Behaviour**

Various factors have been shown to influence and predict help-seeking behaviour among university students including age, gender, race, ethnicity, sexual orientation, current financial status, stigma, relationship status, and

awareness of campus (Clement, Schauman et al, 2015; Cook, 2007; Dadfar and Friedlander, 1982; Dearing, Maddox and Tangney, 2005; Eisenberg, Downs, Golberstein and Zivan, 2009; Eisenberg, Golberstein and Gollust, 2007; Eisenberg, Hunt and Speer, 2012; Givens and Tjia, 2002; Hammer and Vogel, 2010; Hunt and Eisenberg, 2010; Kitzrow, 2003; Masuda, Anderson and Edmonds, 2012; Nelson-Le Gall and Glor-Scheib, 1986; Ryan, Shochet and Stallman, 2010; Yorgason, Linville and Zitzman, 2008).

One particular factor has emerged from the research and is foundational to this exploration, namely, the research suggesting that positive relationships with faculty advisors, peer counsellors, teaching assistants and residence life assistants not only contributes to greater awareness of campus resources but also encourages help-seeking behaviour (Hyun, Quinn, Madon and Lustig, 2006; Kitzrow, 2003; Cook 2007).

## **Peer Mentorship Programs**

The term mentor is said to have originated from Homer's "The Odyssey" where Odysseus chose his friend, Mentor, to guide, teach, and offer counsel to his son, Telemachus, while he was away fighting in the Trojan War (Patton and Harper, 2003). There are other historical and recognizable mentorship pairs, including Socrates with Plato, Sigmund Freud with Carl Jung, and Anne Sullivan with Helen Keller. Peer mentoring on university campuses dates back to the 1700's, mostly focused on new undergraduate students (Colvin and Ashman, 2010). While most professional disciplines, including medicine, law, business, and education, have long utilized mentoring programs, they have usually focused on faculty/student mentoring rather than peer mentorship (Bussey-Jones et al., 2006). By 1990, peer mentorship programs were gaining popularity and were seen to benefit not only the student receiving help, the mentee, but also the student providing the help, the mentor (Jacobs et al., 2015).

In any mentoring program, the relationship is central to the success of mentoring. Students with higher functional relationships with their advisors were significantly more likely to utilize counseling services. For students in distress, contact with sympathetic administrative staff and faculty advisors who are willing to direct them to appropriate campus services is critical (Hyun, Quinn, Madon and Lustig, 2006). Further, better relationships with advisors contributed positively to emotional well-being, not just to utilization of services for students with mental health needs (Hyun, Quinn, Madon and Lustig, 2006).

In general, people are more likely to seek informal assistance rather than professional help because not only is informal help is less stigmatizing, but it is also readily available from family, friends, even self-help books, or the internet (Ryan, Shochet and Stallman, 2010). Students are also more likely to seek help from their peers than from a teacher, depending on the type of help requested (Nelson-Le Gall and Glor-Scheib, 1986). Other campus relationships can play an important role in the promotion of mental wellness among university students, including peer counselors, teaching assistants, resident life assistants (Kitzrow, 2003) and peer to peer support programs have been recommended as a way to encourage help-seeking (Cook, 2007).

Law schools are in a position to help students with mental health challenges by ensuring that students have the tools to maintain wellness (including practical things like a course on law school life, providing time and opportunity to socialize with each other, and spreading awareness of the mechanics of how to seek help during tough times) and that administrators and professors serve as good role models for wellness and balance (Jolly-Ryan, 2009). It has been noted that one way for law students to keep themselves well was to find opportunities to openly express their values, feelings, and concerns with friends, peers, colleagues, family, or others that one trusts.

There is some, albeit scant, proof that peer mentors have a role to play in encouraging help-seeking behaviour and promoting good mental health among law students. Participants in a 2014 Yale study reported very positive experiences when law students relied on peers for support but had mixed experiences when they relied on administrators and faculty members, ranging from helpful to isolating (Agastein et al, 2014).

## Implications

Despite an abundance of past research into the types and causes of law student mental health challenges, there is little evaluation of the programs launched by law schools in response. More research is needed to determine if these programs are effective. Particularly, programs that were designed by the profession to support lawyers that have been parachuted into law schools to support law students (Rothstein, 2007). A thorough evaluation of these programs may help us determine if they are actually supporting student wellness, encouraging help-seeking, and reducing stigma associated with mental health challenges. We have a real opportunity to not only support our students but to change the culture of law school. A bit like moving a supertanker some might say, but slow and steady progress could yield a healthier, heartier legal profession.

Much work remains to be done with respect to recognizing, legitimizing, and accommodating mental health in an educational setting. Armed with a better understanding of law student mental health and help-seeking behaviour, law schools will be better equipped to ensure their programming and provision of services effectively support all students.

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## WORKING TOWARD AN ANTIRACIST LAW STUDENT EXPERIENCE

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Initially, I didn't plan on contributing an article to this publication. As I was preparing this document for distribution on Friday, November 19, I put another pause on its completion. Watching the jury return not guilty verdicts on each of Kyle Rittenhouse's charges while concurrently keeping up on the trial of those who killed Ahmaud Arbery was just too much. My mind continues to spin at the failure in our rule of law and the work ahead as a society and profession.

As student services professionals, we're in a unique position to contribute in the fight against inequality. We influence so much of the culture and community of our institutions. That's sometimes forgotten between the caste systems and hierarchies that dominate our culture. Remember that every message we send is heard and felt. We carry the weight of the institution's compassion and equity. Our expertise is critical in building the antiracist law student experience we desire for our institution. In pursuit of that, I wanted to offer these thoughts as you plan for 2022 and beyond.

**Disrupt the Culture:** If something isn't working in your institution's culture, now is an opportune time to change that. With the global pandemic, our law schools have changed how we deliver our curricular and co-curricular experiences. As your institutions plot out the "new normal" for the future, consider ways you can integrate and strengthen an antiracist culture.

**Incentivize Programming:** Diversity, equity, and inclusion programming comes from many spaces on our campuses. Sometimes faculty put things together, sometimes it comes from administrative departments, and very often we see it from our affinity based student organizations. Consider if there are ways to promote intersectionality, build new coalitions, and expand programming committed to antiracist principles. One way might be to offer funding opportunities and resources to groups that engage in this work. Getting more people involved with this programming strengthens the institution's community-wide commitment.

**Evaluate Processes:** When challenged, it is easy to defend your institution's current processes and the related policies. You or a predecessor may have worked hard to develop the way something works and it might be time consuming to look at the process more critically. Policies and processes – the administrative operations of our institution – are needed for good order, resource management, and to ensure fairness. That said, being an antiracist institution requires deeper reflections on our administrative operations. Is "fairness" the same as inclusion? Or more importantly, creating equity? Evaluating these processes through the lens of society's inequities – money, race, power, gender, sexuality, ability, and much more – might result in some needed changes. Antiracist institutions center equity in and out of the classroom, in our policies and procedures, and how we communicate and support our community.

**Engage in Strategic Thinking:** I realize that the idea of "strategic planning" evokes a groan in some, but have you tried strategic thinking with your colleagues? I once took on the exercise of charting out the complete student experience with a team, including every current and desired touchpoint. Along the way, we laughed, we challenged each other, and ultimately we developed a document that reflected our collective thinking about the institution. Pulling together professionals from career services, student affairs, academic success and bar preparation, admissions, and more allowed us to better identify our strengths and shortcomings. I suggest some strategic thinking because this process also allowed us to focus on communities who need and deserve more of our resources, like first generation and minoritized law students. Building an antiracist law school experience requires knowing and finetuning all resources at an institution so they can work in concert with one another. These institutions intentionally go out of their way to create resources and opportunities for minoritized students beyond the broadly available services.

