

# An Introduction to the Collection

Verónica C. Gonzales-Zamora

“I want to see young people in America feel the spirit of the 1960s and find a way to get in the way. To find a way to get in trouble. Good trouble, necessary trouble.”

U.S. Representative John Lewis<sup>1</sup>

The year is 2020. For once, millennials<sup>2</sup> (and their counterparts, xennials<sup>3</sup>) are not being blamed. Millennials had allegedly killed cereal, traditional department stores, mass-marketed beer, casual dining chains, and more.<sup>4</sup> But this time, it is the global pandemic and local police who are killing, not things or pastimes, but people.

In what follows, I succinctly summarize and memorialize the events of the past six months to provide context for this collection. As further described

Verónica C. Gonzales-Zamora (she/her/ella) is a millennial law professor at the University of New Mexico School of Law. I am eternally grateful to my husband, our parents, godparents, grandparents, great-grandparents, brothers and sisters, aunts and uncles, cousins, friends, mentors, and teachers, all of whom have raised me, encouraged me, and made sacrifices large and small over many years so that I might pursue my life’s passions. I am especially thankful for my two children and my six nieces and nephews for giving me the courage to take risks and the motivation to imagine a world worthy of my nieces and nephews. I am indebted to my research assistants Alejandro Macias-Urias and Morgan Porter for their grace and enthusiasm this summer.

1. In tribute to his life and legacy as a civil rights hero, Apple is donating its portion of the proceeds from the documentary “John Lewis: Good Trouble” to the National Civil Rights Museum in Memphis, Tennessee, and the National Museum of African American History and Culture in Washington, D.C. *Apple Donates its Proceeds from John Lewis Documentary to Museums that Honor His Legacy*, APPLE NEWSROOM (July 24, 2020), <https://www.apple.com/newsroom/2020/07/apple-donates-its-proceeds-from-john-lewis-documentary-to-museums-that-honor-his-legacy/>.
2. Millennials are defined as those born between 1981 and 1996. Michael Dimock, *Defining Generations: Where Millennials End and Generation Z Begins*, PEW RSCH. CTR. (Jan. 17, 2019), <https://www.pewresearch.org/fact-tank/2019/01/17/where-millennials-end-and-generation-z-begins/>.
3. People born between 1977 and 1983 are referred to as “xennials” because they share features of both Generation X and Generation Y (millennials). Shana Lebowitz, *There’s a Term for People Born in the Early ’80s Who Don’t Feel Like a Millennial or a Gen Xer—Here’s Everything We Know*, BUSINESS INSIDER (Mar. 10, 2018, 6:45 PM), <http://www.businessinsider.com/xennials-born-between-millennials-and-gen-x-2017-11>.
4. *14 Industries Experts Say Millennials Are Killing—And Why They’re Wrong*, CCB INSIGHTS (Feb. 26, 2020), <https://www.cbinsights.com/research/millennials-killing-industries/>.

below, this collection consists of an introduction, nine essays, and an afterword (referred to herein as the collection).<sup>5</sup>

They were all anyone could talk about: COVID-19 (coronavirus), the global pandemic, local police suffocating Black lives and Black rights, demands for justice framed as Black Lives Matter<sup>6</sup> and echoes reverberating in ongoing and widespread protests, talks of demilitarizing and redirecting funds for local police forces, concerns of occasional looting, the toppling of statues of racist nonheroes,<sup>7</sup> the invisibilizing of and growing numbers of Indigenous women who were missing and murdered, and the targeting of Latinas in power as targets of the convergence of racism and sexism.<sup>8</sup> There were the failing economy, lingering questions about the inequality posed by distance learning and special education, people reminiscing about life milestones—proms, graduations, weddings, concerts, sporting events, birthdays—that would never happen, meeting for virtual conferences and unhappy hours, grieving together with their families but in solitude, people losing their jobs and hopes of rising out of poverty, mothers working at home and on the brink of giving up,<sup>9</sup> and new mothers giving birth without partners to hold their hand or catch their baby as they took their first, or perhaps last, breath. In the same way families used to gather around a campfire to tell scary stories, they gathered on digital videoconferencing and messaging apps to swap stories about asymptomatic

5. We owe our gratitude to Marcus Gadson for his leadership and notable contributions to this collaborative collection. We are also thankful for the collaborative efforts and support of our colleagues and co-authors (listed alphabetically): *Kinda Abdus-Saboor, Ernestine Chaco, Marcus Gadson, Verónica C. Gonzales-Zamora, Camilo Romero, Lysette Romero Córdova, Morenike Saula, Joseph Schremmer, and the Hon. Roshanna Toya*. We wish to express our gratitude to three wonderful women who generously shared their time and expertise in the early stages of our discussions about this collection: Professor Meera E. Deo, Professor Margaret Montoya, and Dean Laura Rosenbury. Finally, this collection would not have been possible without the moral support and superb editing skills of Joseph Gallardo and my research assistants Morgan Porter and Alejandro Macias-Urias.
6. To learn about and support the #BlackLivesMatter movement, see Sanya Mansoor, *From Donating to Volunteering: Here's How to Support Black Lives Matter, Protesters and Equity Initiatives*, TIME (June 9, 2020), <https://time.com/5849721/how-to-help-black-lives-matter-protests/>.
7. Robert Draper, *Toppling Statues Is a First Step Toward Ending Confederate Myths*, NAT'L GEOGRAPHIC (July 2, 2020), <https://www.nationalgeographic.com/history/2020/07/toppling-statues-is-first-step-toward-ending-confederate-myths/#close>.
8. See BeLatina Daily, *Racism and Misogyny: How the Attack on Judge Esther Salas Speaks to American Reality*, BELATINA DAILY (July 23, 2020), <https://belatina.com/racism-misogyny-how-attack-on-judge-esther-salas-speaks-american-reality/> (discussing the racist and sexist views of a man who previously appeared before Judge Esther Salas in court and is now accused of shooting and killing Judge Salas' college-age son at the front door of her home); *AOC Takes on Sexism and Abusive Speech Toward Women: How the Media Covered It*, BU TODAY (July 24, 2020), <https://www.bu.edu/articles/2020/alexandria-ocasio-cortez-ted-yoho-speech/> (consolidating media coverage of U.S. Representative Ted Yoho's microaggression against U.S. Representative Alexandria Ocasio-Cortez).
9. For more information about the experience of law faculty moms during this pandemic, see Lysette Romero Córdova's essay, "Mommy Track" on Steroids: *How the Pandemic is Derailing "Moms of Law"*, 69 J. LEGAL EDUC. 671 (2020).

cases, deadly risks for children, the frail, and the elderly, and lingering effects of the coronavirus. Somberly, people sat at their once-filled dining tables, quietly resolving to avoid human connections—I don't mean "follows" and "friends"—for fear of infecting someone they love, or, worse, having to care for an ill or grieve a dead loved one from afar. It seemed, for the first time, that no one was immune from the ill effects of an oppression.

Millions of people became sick, mostly BIPOC (Black, Indigenous, and other People of Color).<sup>10</sup> As they approached the entryway to any local hospital in America, people walked a little slower, savoring the warmth of the sun, a breath of fresh air, and a loved one's embrace, unsure if those would be their last. Hundreds of thousands died.<sup>11</sup> Mostly, they died alone in their hospital beds with only a nurse or a doctor to hold their hand, pray over them, or witness their last sigh of relief in leaving this sick life. When family members arrived to retrieve corpses from the hospitals, refrigerated trucks, and military vessels, often there was no one who could tell them their loved one's last words.

As seasonal temperatures increased, so did the number of positive coronavirus tests. Empathetic state governors commuted sentences of low-level offenders, not because of the injustice of having imprisoned them for nonviolent offenses, but as a means of mitigating the spread of the coronavirus.<sup>12</sup> Even so, federal

10. Maria Godoy & Daniel Wood, *What Do Coronavirus Racial Disparities Look Like State By State?*, NPR (May 30, 2020), <https://www.npr.org/sections/health-shots/2020/05/30/865413079/what-do-coronavirus-racial-disparities-look-like-state-by-state> (noting that African Americans, Hispanics, Latinas/x/os, Native Americans, Asian Americans, and Hawaiians and Pacific Islanders account for a disproportionate number of infections and deaths across the United States); Rogelio Sáenz, *COVID-19's Surging Impact on Latinos, a Glimpse in August 2020*, LATINODECISIONS (2020), <https://latinodecisions.com/blog/covid-19s-surging-impact-on-latinos-a-glimpse-in-august-2020/> (concluding that as of August 2020, Latinas/x/os were overrepresented in number of cases in forty-five out of forty-six states and deaths in twenty-one out of forty-six states reporting race of individuals who contracted or died from the virus; and that "Latinos accounted for approximately 35% of people infected with the coronavirus and a bit more than 19% of fatalities" nationwide).
11. Between Feb. 1, 2020, and Aug. 22, 2020, a total of 164,280 people died in the United States from COVID-19. Center for Disease Control and Prevention, *Provisional COVID-19 Death Counts by Sex, Age, and State*, <https://data.cdc.gov/NCHS/Provisional-COVID-19-Death-Counts-by-Sex-Age-and-S/9bhg-hcku/data>. Over the same period, 266,520 people died of pneumonia, influenza, or COVID-19. *Id.* BIPOC have the highest incidences of death, according to an independent lab. *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, APM RESEARCH LAB, <https://www.apmresearchlab.org/covid/deaths-by-race> (last visited Aug. 27, 2020) (relying on data indicating race for ninety-five percent of cumulative deaths in the United States and noting "Black, Indigenous, Pacific Islander and Latino Americans all have a COVID-19 death rate of triple or more White Americans (age-adjusted).").
12. Prison Policy Initiative, *The Most Significant Criminal Justice Policy Changes from the COVID-19 Pandemic* (2021), <https://www.prisonpolicy.org/virus/virusresponse.html#releases> (consolidating list of state courts, state legislatures, state governors, and state and county jails and prisons that have released inmates because of the risk of spread of coronavirus); Zusha Elinson & Deanna Paul, *Jails Release Prisoners, Fearing Coronavirus Outbreak*, WALL STREET J. (Mar. 22, 2020), <https://www.wsj.com/articles/jails-release-prisoners-fearing-coronavirus-outbreak-11584885600> (highlighting fifteen local governments that released "thousands of inmates in an unprecedented effort to prevent a coronavirus outbreak in crowded jails and

executions were accelerated for the first time in nearly two decades.<sup>13</sup> The federal government, somewhat uninvolved with state mitigation of healthcare, took interest in and executed Lezmond Mitchell, against the wishes of the Navajo Nation, his family, and the victim.<sup>14</sup> The news could only react to catastrophes and, like all of us, seemed powerless to prevent them.

Healthcare workers, praised as heroes, were underprotected and overworked. Some of them prayed that if they survived the coronavirus, they would not die of exhaustion. Cruise ships wandered from coast to coast because countries would not allow them to dock and seek humanitarian relief, because of the infected people and corpses on board.<sup>15</sup> Despite multitrillion-dollar healthcare and pharmaceutical industries,<sup>16</sup> the United States led the world in coronavirus cases and related deaths.<sup>17</sup> Evictions were halted but shortly thereafter, unemployment benefits and stimulus checks were paid but not renewed. Unemployment soared to 13-14% and the gross domestic product fell 32.9%.<sup>18</sup> Simultaneously, the stock market fell but then made record gains

prisons”).

13. Hailey Fuchs, *Justice Dept. Executes Native American Man Convicted of Murder*, N.Y. TIMES (Aug. 26, 2020), <https://www.nytimes.com/2020/08/26/us/politics/lezmond-mitchell-executed.html>.
14. Barbara L. Creel, *Scheduled Federal Execution of Native American is a Death Warrant for Tribal Sovereignty*, MEDIUM (Aug. 20, 2020), <https://medium.com/@creelesq/scheduled-federal-execution-of-native-american-is-a-death-warrant-for-tribal-sovereignty-887e365798e4>; Navajo Nation President Jonathan Nez & Vice President Myron Lizer, *Statement on the Execution of Lezmond Charles Mitchell* (Aug. 26, 2020), <https://www.navajo-nsn.gov/News%20Releases/OPVP/2020/Aug/STATEMENT%20ON%20THE%20EXECUTION%20OF%20LEZMOND%20CHARLES%20MITCHELL.pdf> (“We don’t expect federal officials to understand our strongly held traditions of clan relationship, keeping harmony in our communities, and holding life sacred. What we do expect, no, what we demand, is respect for our People, for our Tribal Nation, and we will not be pushed aside any longer.”).
15. Lisa J. Huriash, *As Cruise Ship Carrying Sick and Dead Passengers Moves Toward Florida, Governor Says State Can’t Take Them*, SUN SENTINEL (Mar. 30, 2020); Francesca Street, *Cruise Ships Are Still Scrambling for Safe Harbor*, CNN (Apr. 7, 2020), <https://www.cnn.com/travel/article/cruise-ships-still-sailing/index.html>.
16. Centers for Medicare and Medicaid Services, *National Health Expenditures 2019 Highlights* (2019), <https://www.cms.gov/files/document/highlights.pdf> (reporting that healthcare spending in the U.S. increased to reach \$3.6 trillion in 2018). The United States may lead the globe in COVID-19-related illness and death because of poor access, administrative efficiency, equity, and healthcare outcomes. See Eric C. Schneider et al., *Mirror, Mirror 2017: International Comparison Reflects Flaws and Opportunities for Better U.S. Health Care*, COMMONWEALTH FUND (July 14, 2017), <https://interactives.commonwealthfund.org/2017/july/mirror-mirror/> (comparing patient and doctor surveys in eleven developed countries).
17. Center for Systems and Engineering at Johns Hopkins University, *COVID-19 Dashboard* (last accessed Sept. 2, 2020, 3:28 PM), <https://coronavirus.jhu.edu/map.html> (showing in September 2020 6.1 million confirmed coronavirus cases and 185,594 deaths in the United States and only 3.9 million cases and 122,596 deaths in Brazil, the country with the second-highest numbers).
18. Rakesh Kochhar, *Unemployment Rose Higher in Three Months of COVID-19 Than it Did in Two Years of the Great Recession*, PEW RESEARCH CTR. (June 11, 2020), <https://www.pewresearch.org/>

(clustered primarily in the tech sector) and, because of low interest rates, the real estate market was healthy, symptoms of the incongruity and unconscionable inequalities of life between the upper and middle classes, to say nothing about the working poor.

Too suddenly and too soon, U.S. Representative John Lewis, a true hero as the youngest leader of the 1960s civil rights movement, passed away. The void that remains will burden three generations of Black people and their allies who are persisting in Lewis' struggle to liberate Black men and women from oppression in the United States. No moment of silence, or mourning, however profound, of the Congressman's rich life could change the reality that his passing was remarkable in part because he, unlike Dr. Martin Luther King, Jr., Malcolm X, or Medgar Evers, died from natural causes rather than political assassinations. Even more remarkably, people celebrated Lewis' long life while grieving and calling for justice for George Floyd,<sup>19</sup> Breonna Taylor,<sup>20</sup> and Vanessa Guillén, whose lives were too short.<sup>21</sup>

Spring, normally a time for rebirth and regrowth, felt heavy, tragic. It was a new beginning, indeed.

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fact-tank/2020/06/11/unemployment-rose-higher-in-three-months-of-covid-19-than-it-did-in-two-years-of-the-great-recession/; Scott Horsley, *3 Months of Hell: U.S. Economy Drops 32.9% in Worst GDP Report Ever*, NPR (July 30, 2020), <https://www.npr.org/sections/coronavirus-live-updates/2020/07/30/896714437/3-months-of-hell-u-s-economys-worst-quarter-ever> (noting that the 32.9% drop for April, May, and June was more than three times the previous record of 10% in 1958, and nearly four times greater than the worse quarter during the Great Recession). See also *U.S. Second-quarter GDP Falls at Steepest Rate Since Great Depression*, REUTERS (July 30, 2020), <https://www.reuters.com/article/us-usa-economy-instant/us-second-quarter-gdp-falls-at-steepest-rate-since-great-depression-idUSKCN24V2GJ> (noting that the government did not record gross domestic product, known as GDP, until 1947).

19. To learn more about how to support the Black Lives Matter movement, see Marcus Gadson's essay, *Legal Education in the Era of Black Lives Matter*, 69 J. LEGAL EDUC. 637 (2020).
20. Vanity Fair magazine honored Breonna Taylor in a special issue edited by Ta-Nehisi Coates. *The Great Fire*, VANITY FAIR (Sept. 2020), <https://www.vanityfair.com/culture/2020/08/september-2020-issue-the-great-fire>. To learn about and support the #SayHerName campaign launched by the African American Policy Forum (co-founded and directed by law scholar Kimberlé Crenshaw) and the Center for Intersectionality and Social Policy Studies, which "brings awareness to the often invisible names and stories of Black women and girls who have been victimized by racist police violence, and provides support to their families," see <https://aapf.org/> and <https://intersectionality.law.columbia.edu/> respectively.
21. The #IAmVanessaGuillen and #JusticeforVanessaGuillen movements inspired hundreds of women to reveal their stories of sexual assault while serving in the military. See Jennifer Steinhauer, *A #MeToo Moment Emerges for Military Women After Soldier's Killing*, N.Y. TIMES (July 31, 2020), <https://www.nytimes.com/2020/07/11/us/politics/military-women-metoo-fort-hood.html>. To learn about and support the #JusticeforVanessaGuillen movement, visit <https://www.facebook.com/findvanessaguillen/>.

Movies and other media, like the *One World: Together at Home* benefit concert<sup>22</sup> and the *Tiger King* true crime docuseries,<sup>23</sup> offered a brief distraction from the crises. DreamWorks Animation released a movie sequel about trolls, warning our children of the danger of colorblindness. It reminded us that history books written by the winners are not always accurate. Disney, uncharacteristically political, released a made-for-TV movie sequel about zombies that introduced our children to assimilation. It prompted a re-watch of the original, loosely based on the experience of “separate but equal” schools during segregation. But it was *Hamilton*, a Broadway musical adapted for on-demand streaming, that won the hearts of the masses, tired and huddled closely on their living room couches.

Inspired by Alexander Hamilton’s resolve to write his way out of hell through a series of essays (and aided by the time that the film occupied my two young children), I began writing and planning this collection with my co-authors.

### I. Knowledge and Power Building Through Shared Worldview

The stories from our tradition have much to tell us about the knowledge we need in our journey . . . . We need to be more truthful and more sensitive with each other as we learn about the complexity which comes with growth. It is futile and wasteful to depend on only one set of stories to learn the truth. There are many stories, many paths, and they are available to us in our own land.

Rudolfo Anaya<sup>24</sup>

Quietly suffering and sometimes only barely surviving, beneath the surface of the pandemic crisis is another group of people who are even more marginalized and forgotten: millennials and xennials who are Black, Indigenous,<sup>25</sup> Latinx,

22. The One World movement is “[a] global broadcast & digital special to support frontline healthcare workers and the [World Health Organization].” *One World: Together at Home*, GLOBALCITIZEN (2021), <https://www.globalcitizen.org/en/connect/togetherathome/>.
23. During the first month of its release, 64 million households tuned in to watch *Tiger King: Murder, Mayhem, and Madness*, making it one of Netflix’s most successful releases to date. Dominic Patten, *Netflix Reveals Strong Viewership Numbers For Mindy Kaling’s ‘Never Have I Ever’ & Spike Lee’s ‘Da 5 Bloods’ in Earnings Report*, DEADLINE (July 16, 2020), <https://deadline.com/2020/07/netflix-viewership-results-mindy-kaling-never-have-i-ever-steve-carell-space-force-spike-lee-da-5-bloods-earnings-report-q2-1202987697/>.
24. Rudolfo Anaya, *La Llorona, El Kookooee, and Sexuality*, 17 BILINGUAL REVIEW/LA REVISTA BILINGÜE 55 (1992). Rest in power, Rudolfo Anaya (Oct 30, 1937–June 28, 2020). See also Chimamanda Ngozi Adichie, *The Danger of a Single Story*, TED.COM (July 2009), [https://www.ted.com/talks/chimamanda\\_ngozi\\_adichie\\_the\\_danger\\_of\\_a\\_single\\_story?language=en](https://www.ted.com/talks/chimamanda_ngozi_adichie_the_danger_of_a_single_story?language=en) (“Novelist Chimamanda Adichie tells the story of how she found her authentic cultural voice--and warns that if we hear only a single story about another person or country, we risk a critical misunderstanding.”).
25. For more information about Native American law students, see Hon. Roshanna Toya’s

Asian, without status or with temporary status or who are seeking asylum, or who are nonbinary or trans, and others.<sup>26</sup> Especially women.<sup>27</sup> Millennials are highly diverse, highly tolerant, and boast the highest levels of educational achievement of any generation. Why are they marginalized?

These dynamics are best understood through the intersectionality framework developed by Kimberlé Crenshaw, Richard Delgado, and many others.<sup>28</sup> Although it was originally applied to describe race or ethnicity in connection to gender dynamics, I extend that analysis to incorporate age as a distinct, third dynamic.<sup>29</sup> My co-authors and I, along with other millennial and xennial law scholars, came together at a virtual roundtable<sup>30</sup> to begin

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essay, *A Rite of Passage: Perpetuating the Invisibility of American Indian Lawyers*, 69 J. LEGAL EDUC. 699 (2020).

26. For example, Reniqua Allen, a Black writer for *The New Republic*, noted like all millennials, Black millennials have to deal with a host of economic challenge - "In almost all areas of life, the deck is stacked even higher against us, in part due to historical discrimination and in part because of inequities unique to the millennial era." Reniqua Allen, *The Missing Black Millennial*, THE NEW REPUBLIC (Feb. 20, 2019), <https://newrepublic.com/article/153122/missing-black-millennial>. See also Hillary Hoffower, *Black Millennial Households Earn About 60% of What Their White Counterparts Make, and it Highlights Just How Much Worse the Generational Wealth Gap is Along Racial Lines*, BUSINESS INSIDER (July 23, 2020), <https://www.businessinsider.com/black-millennials-student-debt-earnings-wealth-2020-7>; Kimberly Quick, *A New Silent Majority—Low-Income and Minority Millennials*, THE CENTURY FOUND. (Dec. 9, 2015), <https://tcf.org/content/commentary/a-new-silent-majority-low-income-and-minority-millennials/>; Adrian Florido, *Why Millennials of Color Can't Get Ahead*, NPR (Nov. 30, 2015), <https://www.npr.org/sections/codeswitch/2015/11/30/457881222/why-millennials-of-color-cant-get-ahead>; Mel Jones, *The Second Racial Wealth Gap*, WASHINGTON MONTHLY (Nov./Dec. 2015) ("[M]ost studies show that a primary reason why people of color are unable to save as adults is because they give financial support to close family. This is important because when life emergencies happen, many Millennials won't have the reserve money to cover it.").
27. Whizy Kim, *Coronavirus is Already Impacting the Hiring Gap for Millennial Women*, REFINERY29 (June 1, 2020), <https://www.refinery29.com/en-us/2020/06/9834826/unemployment-due-to-coronavirus-women-impact> (discussing the impact of full-time child care and "motherhood penalty" on mothers, and that women face lower prospects for finding employment even after the economy has recovered). We can assume from data about the general population that the consequences of higher unemployment will likely extend beyond financial insecurity. See, e.g., Reginald D. Williams II et al., *Do Americans Face Greater Mental Health and Economic Consequences from COVID-19? Comparing the U.S. with Other High-Income Countries*, THE COMMONWEALTH FUND (Aug. 6, 2020), <https://www.commonwealthfund.org/publications/issue-briefs/2020/aug/americans-mental-health-and-economic-consequences-COVID19> ("Fifty-six percent of U.S. adults who reported negative economic consequences of the pandemic also reported having mental health distress," the highest of five countries surveyed).
28. See, e.g., Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity, and Violence Against Women of Color*, 43 STAN. L. REV. 1241-300 (1991). See also Athena D. Mutua, *Shifting Bottoms and Rotating Centers: Reflections on LatCrit III and the Black/White Paradigm*, 53 U. MIAMI L. REV. 1177 (1999).
29. Here I do not use the words "age" or "youth" to describe years in a biological or chronological sense but rather to describe a generational experience molded by social and cultural processes. Ruth Milkman, *A New Political Generation: Millennials and the Post-2008 Wave of Protest*, 82(1) AM. SOC'Y ASSOC. 1, 2 (2017), <https://journals.sagepub.com/doi/pdf/10.1177/0003122416681031>.
30. Veronica Gonzales-Zamora, *First-of-its-Kind Millennial/Xennial Scholars Roundtable on the Future of*

analyzing the relationships of power and inequality within a social setting and how these shape our individual and group identities.<sup>31</sup> Specifically, we focused on the impacts of the global pandemic, shifts in legal education in light of the crises,<sup>32</sup> and racial injustice that triggered and intensified the Black Lives Matter movement.<sup>33</sup> A central tenet of intersectional analysis, which forms the subject matter of this collection—considering “experiences in social groups and how we as members of those groups encounter institutionalized social structures.”<sup>34</sup>

What qualities are unique to our social generational group? Ruth Milkman, in the Department of Sociology at CUNY graduate center in New York, studied millennial-led social movements and described the social and cultural processes, structures, and identity-building that spurred those movements. She describes millennials as a uniquely *political* generation based on three features that “sharply distinguish” us from prior generations: (1) the scale and effectiveness in using technology and network-based communication;<sup>35</sup> (2) precarious employment and labor market, which, despite our high educational attainment, stifle our aspirations; and (3) the exacerbation of those conditions by the Great Recession in 2008.<sup>36</sup>

What has been the millennial experience with social structures? Milkman notes that millennials, who are more diverse than prior generations, “came of

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*Legal Education*, RACE & L. PROF. BLOG (Aug. 10, 2020), <https://lawprofessors.typepad.com/racelawprof/2020/08/first-of-its-kind-millennialxennial-scholars-roundtable-on-the-future-of-legal-education-by-professo.html>.

31. “This is the sense in which a particularized intersectional analysis or formation is always a work-in-progress, functioning as a condition of possibility for agents to move intersectionality to other social contexts and group formations.” Devon W. Carbado et al., *Intersectionality: Mapping the Movements of a Theory*, 10 DU BOIS REV. 303, 312 (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4181947/>.
32. To learn more about innovation in law schools during this crisis, see Morenike Saula’s essay, *Crisis Induced Innovation in the U.S. Legal Education*, 69 J. LEGAL EDUC. 679 (2020).
33. “[S]cholars and activists have broadened intersectionality to engage a range of issues, social identities, power dynamics, legal and political systems, and discursive structures in the United States and beyond,” but “there is potentially always another set of concerns to which the theory can be directed, other places to which the theory might be moved, and other structures of power it can be deployed to examine.” Carbado, *supra* note 31, at 303–12.
34. Adai A. Tefera et al., *Intersectionality in Education: A Conceptual Aspiration and Research Imperative*, 42 REV. RES. IN ED. vii, viii (2018), <https://doi.org/10.3102/0091732X18768504>.
35. It is worth noting that the use of social media by Black millennials can also have traumatizing effects. *Black Americans Experience Deadly Stress as a Pandemic and Violent Racism Collide, Experts Say*, NBC NEWS (June 29, 2020), <https://www.nbcnews.com/news/nbcblk/black-americans-experience-deadly-stress-pandemic-violent-racism-collide-experts-n1231448> (quoting Dr. Gail Parker as stating, “Black people today are also suffering from experiencing racism in a way that has not been possible in the past, because of social media and the constant replay of killings.”).
36. The inequalities based on race and gender in legal academia have been well documented. See, e.g., MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019).



age in a supposedly post-racial society—yet they confront persistent racism.” Similarly, being raised to believe that gender equality had been achieved, “this generation routinely encounters disparities in the treatment of women and men, as well as systematic discrimination against sexual minorities.”<sup>37</sup> Third, arguably the most important characteristic is “soaring level of class inequality, and the vast political influence of corporations and wealthy individuals.”<sup>38</sup> This last element complicates the application of the intersectionality framework in that the third dynamic, age (here, youth), has become inextricably intertwined with class, a fourth dynamic.<sup>39</sup> The pandemic, no doubt, has intensified inequalities experienced by millennials.

It is important to recognize that millennials are not homogenous, because the four dynamics—age, race, gender, class—and others play out differently for each person.<sup>40</sup> Some millennials are in fear for their lives, others for their jobs, and others worry that the delicate house of cards they have carefully built since the Great Recession of 2008 will collapse because of the 2020 recession.<sup>41</sup> Despite these differences, millennials have thus far been successful in creating and sustaining social movements because “[t]o a degree not seen in any previous generation, millennials see themselves in the shoes of others who don’t look like them, speak the same language, have the same education or come from the same background—perhaps because of their high level of diversity.”<sup>42</sup> This collection represents the beginning of our efforts as millennial law scholars to

37. Milkman, *supra* note 29, at 2.

38. *Id.*

39. For more information about economic justice, see my essay in this collection, *Give Me Liberty or Give Me Breath: A Call for Economic Justice*, 69 J. LEGAL EDUC. 661 (2020).

40. William H. Frey, *The Millennial Generation: A Demographic Bridge to America’s Diverse Future*, BROOKINGS INST. (2018), [https://www.brookings.edu/wp-content/uploads/2018/01/2018-jan\\_brookings-metro\\_millennials-a-demographic-bridge-to-americas-diverse-future.pdf](https://www.brookings.edu/wp-content/uploads/2018/01/2018-jan_brookings-metro_millennials-a-demographic-bridge-to-americas-diverse-future.pdf) (noting that race and ethnic disparities among education attainment, family formation, income, and housing persist in the millennial generation, which consists of forty-four percent minority groups).

41. Andrew Van Dam, *The Unluckiest Generation in U.S. History*, WASH. POST (June 5, 2020), <https://www.washingtonpost.com/business/2020/05/27/millennial-recession-covid/> (noting two recessions during the time millennials enter the workforce will have devastating impacts).

42. Derrick Feldmann et al., *Millennial Impact Report: 10 Years Looking Back: Final Report: Understanding How Millennials Engage with Causes and Social Issues* 8 (2020), <http://www.themillennialimpact.com/latest-research>.

build community, knowledge, and power with each other, including people who do not identify

as academics, based on our shared experiences and worldview.<sup>43</sup>

There are some in our audience who might be thinking, here we go again—the “Me Me Me Generation”<sup>44</sup> wants validation, or the “Trophy Generation”<sup>45</sup> wants a cookie for living through a recession, and the “Helicoptered Generation”<sup>46</sup> wants attention. Those sentiments are echoed by, or perhaps initiated by, narratives in the media describing millennials as “emerging” adults or scapegoats.<sup>47</sup> Significant legal scholarship about millennials describes them from the lens of having to motivate<sup>48</sup> and cleanse them of self-entitlement.<sup>49</sup> One purpose of this collection is to challenge the current pejorative narratives, which often ignore the circumstances that have contributed to age-based inequities, prejudices, and microaggressions millennials must endure, while

43. “[I]dentity is best understood as a starting point for intersectional analyses and coalition-building, allowing academics and activists within and across identity groups to address the ‘multiple grounds of identity.’” Tefera et al., *supra* note 34, at vii.
44. Joel Stein & Josh Sanborn, *The Me Me Me Generation*, TIME MAGAZINE (May 20, 2013), <https://time.com/247/millennials-the-me-me-me-generation/> (“And these aren’t just rich-kid problems: poor millennials have even higher rates of narcissism, materialism and technology addiction in their ghetto-fabulous lives . . . . What millennials are most famous for besides narcissism is its effect: entitlement.”); Jason S. Palmer, *“The Millennials Are Coming!”: Improving Self-Efficacy in Law Students through Universal Design in Learning*, 63 CLEV. ST. L. REV. 675, 682 (2015) (noting that millennials believe they are special because they have been told so).
45. Ron Alsop, *The “Trophy Kids” Go to Work*, WALL STREET J. (Oct. 21, 2008), <https://www.wsj.com/articles/SB122455219391652725>; Emily A. Benfer & Colleen F. Shanahan, *Educating the Invincibles: Strategies for Teaching the Millennial Generation in Law School*, 20 CLINICAL L. REV. 1, 9 (2013) (noting that as children, millennials engaged in activities in which all participants were given praise for winning regardless of whether they actually won); Palmer, *supra* note 44, at 684 n.12 (noting that millennials’ confidence often fails to meet their effort or ability).
46. Katerina P. Lewinbuk et al., *The Voice of the Gods is Crippling: Law School for Helicoptered Millennials*, 10 ST. MARY’S J. LEGAL MALPRACTICE & ETHICS 30 (2020) (“In sum, the millennial generation is frequently associated with attributes such as a lack of self-efficiency, supreme confidence, and entitlement. Many scientific studies credit the seemingly negative characteristics surrounding the millennial generation with the way they were parented via the ‘helicopter’ style, which gleans its name from the ‘hovering’ behavior of millennials’ parents.”).
47. See, e.g., Jake Lahut, *Trump Coronavirus Task Force Coordinator Says Millennials ‘Are the Core Group That Will Stop This Virus,’* BUS. INSIDER (Mar. 16, 2020), <https://www.businessinsider.com/trump-dr-birx-calls-millennials-the-core-group-stop-coronavirus-2020-3>.
48. See e.g., Renee Nicole Allen & Alicia R. Jackson, *Contemporary Teaching Strategies: Effectively Engaging Millennials Across the Curriculum*, 95 U. DET. MERCY L. REV. 1 (2017).
49. Adam J. MacLeod, *Undoing the Dis-education of Millennials*, NEW BOSTON POST (Nov. 9, 2017) <https://newbostonpost.com/2017/11/09/undoing-the-dis-education-of-millennials/> (“[T]rue to stereotype, I increasingly find that most of the [millennials] cannot think, don’t know very much, and are enslaved to their appetites and feelings. Their minds are held hostage in a prison fashioned by elite culture and their undergraduate professors.”).

simultaneously ignoring the unique positive attributes millennials have developed, often out of necessity, to deal with those inequities.<sup>50</sup>

There are some exceptions to the intellectual landscape I have described. Some scholarly articles do paint millennials positively, for which we are deeply appreciative, especially those written by millennial voices.<sup>51</sup> This includes the many BIPOC voices before us who, in anticipation of a future cohort, documented their knowledge-building process, shared their wisdom, and held the ivory doors open for people like us to exist within these institutions.<sup>52</sup> In telling our truths through our stories and our paths, as we are exhorted by the eminent Chicano author Rudolfo Anaya, quoted above, we hope to rescue ourselves from anonymity and save legal education from calamity.<sup>53</sup> For this reason we have chosen to go beyond simply documenting or predicting the changes to legal education and society. Although that is an important part of knowledge-building, we wish to position ourselves at the forefront of this movement so that we might also *be* catalysts for change.

## II. TURNING WORDS AND THOUGHTS INTO ACTION

Millennials have been in the same place in which legal education finds itself today—on the brink of transformation, recalibration, and reinvention. We are the only generation that has experienced two recessions in young adulthood, in 2008 and again in 2020.<sup>54</sup> We have experienced 9/11 and the post-9/11 wars, anti-foreigner and anti-immigration policies, hurricanes Katrina/Sandy/Maria/

50. Carrie Menkel-Meadow notes, “Critical race theorists, feminists theorists and other ‘outsiders’ to the canon of mainstream doctrine and jurisprudence have used their stories and narratives to illustrate the harms and injustices that law inflicts by excluding some of us from its tales and remedies.” Carrie Menkel-Meadow, *Telling Stories in School: Using Case Studies and Stories to Teach Legal Ethics*, 69 *FORDHAM L. REV.* 787, 788 n.3 (2000). See also Robin West, *Law, Literature and Feminism*, in *FEMINIST JURISPRUDENCE, WOMEN AND THE LAW: CRITICAL ESSAYS, RESEARCH AGENDA AND BIBLIOGRAPHY* (Betty W. Taylor et al. eds., 1999); PATRICIA WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (1991).
51. See, e.g., Ashley Krenelka Chase, *Upending the Double Life of Law Schools: Millennials in the Legal Academy*, 44 *U. DAYTON L. REV.* 1 (2018); ASHLEY KRENELKA CHASE, *MILLENNIAL LEADERSHIP IN LAW SCHOOLS: ESSAYS ON DISRUPTION, INNOVATION, AND THE FUTURE* (2021).
52. See generally Steven Bender et al., *What’s Next? Into a Third Decade of LatCrit Theory, Community, and Praxis (Afterword)*, 16 *SEATTLE J. FOR SOC. JUST.* 823 (2018), <https://digitalcommons.law.seattleu.edu/faculty/813>; Margaret E. Montoya & Francisco Valdes, “*Latinas/os*” and the Politics of Knowledge Production: *LatCrit Scholarship and Academic Activism as Social Justice Action*, 83 *IND. L. J.* 1197, 1201 (2008); Kimberlé Williams Crenshaw, *The First Decade, Critical Reflections, or “A Foot in the Closing Door,”* 49 *UCLA L. REV.* 1343 (2002).
53. Anaya, *La Llorona*, *supra* note 24, at 55.
54. Zoe Fenson, *For Millennials, ‘Once in a Generation’ Came Around Twice*, *THE WEEK* (June 30, 2020), <https://theweek.com/articles/918127/millennials-once-generation-came-around-twice>; Catherine Bosley et al., *How Millennials are Being Set Back by Back-to-Back Global Crises*, *FORTUNE* (April 11, 2020), <https://fortune.com/2020/04/11/millennials-coronavirus-great-recession-economy-personal-finance/>; Hannes Schwandt & Töll von Wachter, *Unlucky Cohorts: Estimating the Long-Term Effects of Entering the Labor Market in a Recession in Large Cross-Sectional Data Sets*, 37 *J. LABOR ECON.* S161 (2019).

Harvey, and the effects of climate change. Xennials, millennials, and Gen Z have organized and collaborated to bring about many social movements<sup>55</sup> including #BlackLivesMatter, #MeToo, #OccupyWallStreet, #MarchForOurLives (a Gen Z movement), #NODAPL, and #UnitedWeDream, among others.<sup>56</sup> The challenges we have experienced, collectively and individually, have revealed new strengths and potentials that we did not know were within us.<sup>57</sup> Because the global pandemic and racial justice are just two of many adverse events that we have experienced (which is even more true for millennial women of color), we are well-positioned to take on the current challenges.

Following the example of U.S. Representative Shirley Chisholm, a Black woman and community activist, we will not sit quietly and passively observe<sup>58</sup> the transformation of legal education. We, too, have to bring the nation's problems into focus and engage in deliberate action in law and society to both craft and apply the right solutions.<sup>59</sup> Intersectionality not only "directs us to attend to both inter- and intragroup social dynamics," it also "demands both theoretical explanations *and* social interventions."<sup>60</sup>

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55. For more information about civic engagement, see Joseph Schremmer's essay, *Join with Me, Won't You? Civic Engagement, COVID-19, and the Millennial Generation of Law Professors*, 69 J. LEGAL EDUC. 689 (2020).
56. These movements are depicted with a pound symbol, also known as a hashtag, because millennials are primarily known for their online activism in which they use a hashtag to connect information within a given social media platform. Recognizing that a text version of the hashtag outside of social media platforms will not actually link to anything, I use it as a symbol here. Millennials, of course, also engage in traditional forms of activism. See, e.g., Jennifer Earl et al, *Youth, activism, and social movements*, 11 SOCIOLOGY COMPASS 4 (April 2017).
57. Ryan Pintado-Vertner, *The West Coast Story: The Emergence of Youth Organizing in California*, Occasional Paper Series on Youth Organizing no. 5, at preface (2004) ("Amidst grim circumstances, young people across the nation have found spaces in the burgeoning field of youth organizing to engage in truth-telling and action, working not out of mere anger and protest, but enduring hope in the promise of fairness and equity."), [https://fcoyo.org/uploads/resources/4566\\_Papers\\_no5.pdf](https://fcoyo.org/uploads/resources/4566_Papers_no5.pdf).
58. U.S. Representative Shirley Chisholm was the first Black woman elected to Congress, and her welcome was not warm, because of her outspokenness in saying, "I have no intention of just sitting quietly and observing...I intend to focus attention on the nation's problems." *Chisholm, Shirley Anita, 1924-2005*, HIST., ART & ARCHIVES, U.S. HOUSE OF REPRESENTATIVES, [https://history.house.gov/People/Listing/C/CHISHOLM,-Shirley-Anita-\(C000371\)/](https://history.house.gov/People/Listing/C/CHISHOLM,-Shirley-Anita-(C000371)/).
59. Debra Michals, *Shirley Chisholm (1924-2005)*, NAT'L WOMEN'S HIST. MUSEUM (2015), <https://www.womenshistory.org/education-resources/biographies/shirley-chisholm>.
60. Tefera et al., *supra* note 34, at viii, x. See also Francisco Valdes, *Rebellious Knowledge Production, Academic Activism, & Outsider Democracy: From Principles to Practices in LatCrit Theory, 1995 to 2008*, 8 SEATTLE J. SOC. JUST. 131 (2009) (distilling the functions of critical legal theorizing to

This collection, through the analytical device of counternarrative, is the start of our explanations and interventions, and hopefully yours too, as we work toward racial, social, and economic justice, collectively and individually. These challenges inspire us, and I hope that in reading these essays, you will feel inspired too. Our calls for action arose from the fundamental idea that our journey to transform legal education will be less turbulent if we focus on deliberate action and a shared vision, or at least, a shared understanding.

What is the role of law professors<sup>61</sup> scholars, and mentors<sup>62</sup> working toward social justice, protecting and amplifying minority voices, and ending institutional and systemic racism? What will be the role of our students, the future lawyers, in progressing and protecting equity and justice for all? What is the role of the Latinoa/x/os community in this journey? The answers to some of these questions and others you might be asking about the future of legal education can be found in the essays that make up this collection.

As law scholars, we have the power to challenge and change the reality that is the current status quo in the United States, but as junior law scholars, we also recognize that we must continue to operate within the hierarchy and the communicative norms that define legal academia. Professor Margaret Montoya teaches us:

Speaking out assumes prerogative. Speaking out is an exercise of privilege. Speaking out takes practice. Speaking out is an exercise of power.

Silence ensures invisibility. Silence provides protection. Silence masks.<sup>63</sup>

Perhaps that is what Representative John Lewis meant when he encouraged us to get into “good trouble.” We should aggregate our millennial power,<sup>64</sup> use our positions of privilege for good, and speak out even if we will not personally benefit, but especially when we will not personally benefit. In the words of Representative Lewis, the youngest keynote speaker at the March on Washington on August 28, 1963, as he stood before the Lincoln Memorial also

producing knowledge, advancing social transformation, expanding and interconnecting with other critical theories and cultivating critical communities and coalitions), [https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1516&context=fac\\_articles](https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1516&context=fac_articles).

61. For more information about how law professors can promote equity through their teaching, see Kinda L. Abdus-Saboor’s essay, *Lessons from Pandemic Pedagogy: Humanizing Law School Teaching to Create Equity and Evenness*, 69 J. LEGAL EDUC. 621 (2020).
62. For more information about mentoring law students, see Ernestine Chaco’s essay, *Mentorship, Leadership and Being an Indigenous Woman*, 69 J. LEGAL EDUC. 630 (2020).
63. Margaret E. Montoya, *Máscaras, Trenzadas, y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN’S L. J. 185, 209 (1994) (footnotes omitted); Margaret E. Montoya, *Máscaras y Trenzadas, Reflexiones: Un Proyecto de Identidad y Análisis a Través de Viente Años*, 36 HARV. J.L. & GENDER 469, n.36 (2013) (adding power).
64. Feldmann et al., *supra* note 42, at 13 (“One significant, unique notion supported by 10 years of research is that millennials acting in small ways individually often create leverage as a large, active group capable of influencing great change.”).

on the brink of a great legacy he was about to create: “Our minds, souls, and hearts cannot rest until freedom and justice exist for all the people.”<sup>65</sup>

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This summer a group of millennial and xennial law professors and scholars gathered to share their experiences in the legal academy and discuss the impacts of COVID-19 and the Black Lives Matter movement on their collective and individual lives, as well as on future teaching. This collection of essays was inspired by the early discussions at that roundtable. It seemed fitting that if there were going to be a publication about the future of legal education, it must include millennial voices and voices of color because we are, after all, its future too.

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65. Sadly, United States Representative John Lewis was also the subject of ageism. Despite being one of the original “Big Six” prominent leaders of the civil rights movement in 1963, he noted that the press often referred to the group as the “Big Four,” excluding him because he was young and excluding Dorothy Height because she was a woman. JAMES FARMER, *LAW BARE THE HEART: AN AUTOBIOGRAPHY OF THE CIVIL RIGHTS MOVEMENT* 215 (1985).