

# Book Review

Nicole P. Dyszlewski, Raquel J. Gabriel, Suzanne Harrington-Steppen, Anna Russell, and Genevieve B. Tung (eds.), *Integrating Doctrine and Diversity: Inclusion and Equity in the Law School Classroom*, Durham, N.C.: Carolina Academic Press, 2021

Reviewed by Stevie Leahy

While prioritization of diversity and inclusion within legal education is of clear and profound importance, what is less clear is how educators can shift from enabling structures that “reify disadvantage” and start tearing them down in educational spaces.<sup>1</sup> As noted in the foreword to this book, penned by Boston University School of Law Dean Angela Onwuachi-Willig, professors everywhere desperately need to “learn and absorb” guidance on integrating diversity and inclusion into these spaces.<sup>2</sup> This expansive compilation provides the necessary guidance: *Integrating Doctrine and Diversity* is a collection of essays from over forty scholars gifting us with strategies to integrate diversity, equity, and inclusion into the law school curriculum.

The layout of this book is unique, organized to cater to busy professors who want to find the most relevant information quickly. Chapter 1 is required reading for all and is foundational for the following sections. After this grounding, the book is a self-described “Choose Your Own Adventure” that enables readers to focus on the sections that are most relevant to their own pedagogy.<sup>3</sup> Chapters 2-9 provide instruction through a specific doctrinal lens: property, contracts, criminal law, constitutional law, legal writing, legal research, civil procedure, and torts. Each chapter draws on the wisdom of numerous scholars who have been deliberate in their incorporation of diversity and inclusion and who were intentionally selected to maximize diversity as to perspective,

**Stevie Leahy** Assistant Teaching Professor, Northeastern University School of Law.

- 1 Nicole P. Dyszlewski, *Introduction*, in *INTEGRATING DOCTRINE AND DIVERSITY: INCLUSION AND EQUITY IN THE LAW SCHOOL CLASSROOM* (Nicole P. Dyszlewski, Raquel J. Gabriel, Suzanne Harrington-Steppen, Anna Russell, & Genevieve B. Tung eds., 2021) (hereinafter *INTEGRATING DOCTRINE AND DIVERSITY*). xi-xii.
- 2 Angela Onwuachi-Willig, *Foreword*, in *INTEGRATING DOCTRINE AND DIVERSITY* ix.
- 3 Dyszlewski, *supra* note 1, at xiv.

methodology, and pedagogy.<sup>4</sup> *Integrating Doctrine and Diversity* offers numerous practical ways to foster diversity and inclusion for any instructor, regardless of prior experience in this space. Furthermore, every doctrinal area includes an annotated bibliography, curated by law librarians, for additional resources to deepen understanding and awareness beyond the four corners of this text.

### **Chapter 1—Cross-Curricular Integration of Doctrine and Diversity**

Nicole P. Dyszlewski, Genevieve Blake Tung, Eduardo R.C. Capulong, Andrew King-Ries, Monte Mills, Mark Tushnet, Kali Nicole Murray, Hoang Pham, and Margaret (Meg) Butler made contributions to Chapter 1, which provides the framework for the following doctrinal-specific chapters. Throughout this chapter, the authors stress the need for continual and authentic self-reflection when engaging students (and self) on issues of diversity, equity, and inclusion.

Head of Reference, Instruction, & Engagement Dyszlewski begins Chapter 1 with *Wisdom for Teachers*, focusing on the individual instructor's journey to integrate equity and justice in the classroom.<sup>5</sup> This journey involves critical self-analysis that falls within three spheres: actions before class, actions in class, and within yourself.<sup>6</sup> Chapter 1 offers concrete strategies for these first two categories: "Before class" includes suggestions related to syllabus language, classroom guidelines and goals, and the importance of intentional language.<sup>7</sup> "In Class" offers insight into setting the tone to mirror your efforts before class, awareness of triggers and trauma, and highlighting the necessity of never putting students in a position to speak for other members of their identity.<sup>8</sup> The most challenging sphere, analysis within self, requires acceptance that "you will make mistakes."<sup>9</sup>

In *Working towards Equitable Outcomes in Law School—The Role of the ABA Standards*, Associate Director for Educational Programs Genevieve Tung begins with the gatekeeping role of law schools and outlines the treatment of diversity and inclusion within legal education by the ABA.<sup>10</sup> As this issue has developed over the years, the "work" of diversity disproportionately falls on those individuals from underrepresented groups, illustrating the limits of demographic diversity as a core value of the ABA.<sup>11</sup> Tung notes how schools have been allowed to

4 *Id.* at xiii.

5 Nicole P. Dyszlewski, *Wisdom for Teachers on the Journey to Integrating Diversity in the Law Classroom*, in *INTEGRATING DOCTRINE AND DIVERSITY* 3.

6 *Id.* at 4.

7 *Id.* at 4-8.

8 *Id.* at 8-12.

9 *Id.* at 13.

10 Genevieve Blake Tung, *Working towards Equitable Outcomes in Law School—The Role of the ABA Standards*, in *INTEGRATING DOCTRINE AND DIVERSITY* 15.

11 *Id.* at 15-18.

“treat cultural competency as a skill which they may or may not think essential to their mission.”<sup>12</sup> This essay ends with Tung’s dismantling some arguments or obstacles that an institution may offer in neglecting to prioritize incorporation of cultural humility into legal education.<sup>13</sup> Progress will come from faculties, as individuals and a collective, that work to prioritize and employ real commitment to diversity and inclusion.<sup>14</sup>

Professor and Director Capulong, Professor King-Ries, and Professor and Director Mills contributed *Starting at the Start: Integrating Race and Reflection for an Antiracist Approach to Professional Identity Development in the First Year Curriculum*. This section begins with the premise that current legal instruction does not meaningfully require students to grapple with or develop a professional identity that will enable them to dismantle racist systems as practicing attorneys.<sup>15</sup> The underpinnings of this critique are more fully developed within other sources, but the authors here focus on practical ways to incorporate antiracism into instruction, and subsequently legal professional identity.<sup>16</sup> First, “surface and center race” for students by devoting class time to discussion—this instruction is particularly lacking in 1L courses.<sup>17</sup> This must be accompanied by time for reflection to engrain self-assessment as regular practice (with helpful example prompts included).<sup>18</sup> Instructors and students should be prepared to engage in “heavy” and “emotional” work required to build an antiracist professional identity.<sup>19</sup>

In *Presenting Issues of Diversity and Social Justice in the 1L Curriculum: A Report on a Lecture Series and Seminar*, Professor Mark Tushnet reports on a two-year lecture series and accompanying seminar at Harvard Law School that focused on presenting issues related to diversity and social justice in the 1L curriculum.<sup>20</sup> Tushnet details the rationale for and descriptions of the series and seminars, as well as a compilation of papers and lesson plans developed by students. Despite some identified challenges, and suggestions for future adaptation, the success of the series at Harvard is something that “can be reproduced at any law school, provided that the series has sufficient administrative (and to

<sup>12</sup> *Id.* at 20.

<sup>13</sup> *Id.* at 21–22.

<sup>14</sup> *Id.* at 22.

<sup>15</sup> Eduardo R.C. Capulong, Andrew King-Ries & Monte Mills, *Starting at the Start: Integrating Race and Reflection for an Antiracist Approach to Professional Identity Development in the First Year Curriculum*, in *INTEGRATING DOCTRINE AND DIVERSITY* 23.

<sup>16</sup> *Id.* at 23–24.

<sup>17</sup> *Id.* at 25.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 27.

<sup>20</sup> Mark Tushnet, *Presenting Issues of Diversity and Social Justice in the 1L Curriculum: A Report on a Lecture Series and Seminar*, in *INTEGRATING DOCTRINE AND DIVERSITY* 31.

a modest degree financial) support from the Dean.”<sup>21</sup> Once again, the need for continual reflection on diversity and inclusion topics is noted—and this lecture series and seminar provides concrete opportunities for both faculty and students to give thought to and reflect upon these topics.

In six parts, Professor Kali Nicole Murray unpacks and then offers a model for reformation of the traditional doctrinal classroom and the silence it creates for students and faculty alike.<sup>22</sup> In *Breaking through Silence: The Necessary Space of the Doctrinal Classroom*, Murray notes that prior attempts to disrupt the doctrinal classroom through altering subject matter alone were not enough—the methods themselves need to change to give students an experience other than “default whiteness” and “default maleness.”<sup>23</sup> By providing nontraditional outline materials to students, as well as exposing them to the idea of learning outside of the lecture space (among other pedagogical techniques), Murray shifts away from teaching methods “that reproduce pre-existing social hierarchies” to those that benefit all students.<sup>24</sup> A map of techniques for the necessary doctrinal classroom grounds the essay in an educational framework, ultimately providing a global and sustainable method for reform of the doctrinal classroom space.<sup>25</sup>

J.D. Candidate Hoang Pham contributed *The Critical Case Brief: A Practical Approach to Integrating Critical Perspectives in the 1L Curriculum*. This essay offers the first student insight into what is missing from the student experience during the 1L year as to critical perspectives on issues of race, gender, class, and/or sexual orientation.<sup>26</sup> The absence of discussion on these issues caused Pham to become disconnected, noting that students “often leave class feeling disengaged, disaffirmed, and alienated when critical perspectives are ignored.”<sup>27</sup> Although the Critical Case Brief Framework is guided by traditional briefing methods, it addresses the “shortcomings” of those methods by supplementing classroom discussions with (1) critical facts, and (2) critical analysis.<sup>28</sup> This essay gives tiered suggestions for instructors new to the space as to how they can ease into introducing these perspectives in their educational spaces.<sup>29</sup> Regardless of the method, seeking out feedback from students on the approach, setting the tone

21 *Id.* at 40.

22 Kali Nicole Murray, *Breaking through Silence: The Necessary Space of the Doctrinal Classroom*, in *INTEGRATING DOCTRINE AND DIVERSITY* 43-49.

23 *Id.* at 46.

24 *Id.* at 46.

25 *Id.* at 48.

26 Hoang Pham, *The Critical Case Brief: A Practical Approach to Integrating Critical Perspectives in the 1L Curriculum*, in *INTEGRATING DOCTRINE AND DIVERSITY* 52.

27 *Id.* at 52-54.

28 *Id.* at 54.

29 *Id.* at 55.

early in the process, and creating a framework to minimize re-traumatization are all essential.<sup>30</sup>

Chapter 1 culminates with a bibliography for inclusive critical legal pedagogy, a collection of sources that focuses on higher education pedagogy within a law teaching context.<sup>31</sup> Associate Director for Legal Services Butler anchors the bibliography in the concept of the “needs of the reader,” which undoubtedly is shaped by positionality, experience, and other factors.<sup>32</sup> In explaining the selection criteria for the diverse cross section of books, articles, and podcasts provided, Butler focused on the classroom space and noted opportunities for interested readers to seek out or contribute to different areas of scholarship.<sup>33</sup> The final list prioritizes items that give a concrete call to action that readers can take to deepen their understanding of diversity and inclusion in instructional spaces: “The unification of theory and action is important, and optimally it should be part of an ongoing conversation.”<sup>34</sup>

### Chapter 2—Property

Joseph William Singer, Rebecca Tushnet, Todd Brower, D.O. Malagrino, and Clanitra Stewart Nejdil made contributions to incorporating diversity into property doctrine. A common theme of this chapter is that property is uniquely amenable to frank discussion of the impact of the development of law on minority Americans.<sup>35</sup>

Because of the topics traditionally covered in property, it is “one of the easiest first year courses to use to promote inclusion and equity.”<sup>36</sup> In *Everyone Should Have Some: Inclusion & Equity in Property Law*, Professor Singer posits specific topics and associated cases that can be integrated into a first-year course, including public accommodations, fair housing, and homelessness.<sup>37</sup> For example, *Shelley v. Kraemer* illustrates how the Equal Protection Clause and The Fair Housing Act “prevent private exclusionary practices by prohibiting the enforcement of racially restrictive covenants.”<sup>38</sup> The suggested resources

30 *Id.* at 60.

31 Margaret “Meg” Butler, *Selected Bibliography for Inclusive Critical Legal Pedagogy*, in INTEGRATING DOCTRINE AND DIVERSITY 61.

32 *Id.*

33 *Id.* at 62.

34 *Id.* at 62–63.

35 Clanitra Stewart Nejdil, *Property, Ownership, and the “Other”: A Selected Annotated Bibliography of Sources for Addressing Issues of Diversity in the First Year Property Law Course*, in INTEGRATING DOCTRINE AND DIVERSITY III.

36 Joseph William Singer, *Everyone Should Have Some: Inclusion & Equity in Property Law*, in INTEGRATING DOCTRINE AND DIVERSITY 80.

37 *Id.* at 77–79.

38 *Id.* at 78–79.

and cases in Singer's essay show that modern issues can be overlaid with core property principles.<sup>39</sup>

Next, Professor Rebecca Tushnet and colleagues have gone a step further in advancing inclusion in educational spaces; not only does this section use the concept of zoning to show how "race is a major part of the story of property law," the example derives from a casebook that is free for students.<sup>40</sup> Using St. Louis and its surrounding suburbs as a case study in *Zoning and Race, from Ladue to Ferguson*, Tushnet provides a framework to expose students to the concept of racialized zoning as a weapon in the distribution of power.<sup>41</sup> Tushnet notes that this approach can generate a range of reactions from students, which is a key point to consider and anticipate for any of the book's suggested exercises.<sup>42</sup>

In *Who Are These People and What Are They Doing in My Casebook?* Professor and Director Brower urges exploration of the cultural and societal assumptions underlying the legal rules, even when casebooks ignore them.<sup>43</sup> By providing specific examples from cases, Brower illustrates why it is essential that students understand the litigants and their needs and identities; "teachers should challenge the default assumption that property litigants do not have race."<sup>44</sup> In a case study on housing discrimination, Professor Malagrino provides a concrete framework for the discussion of individuals living with HIV.<sup>45</sup> *Deconstructing Discrimination within Common Interest Communities* uses a 1996 New Mexico case to analyze covenant construction and enforcement and examine its impacts.<sup>46</sup> Malagrino urges caution and sensitivity to the possibility that students or their loved ones might be among a targeted community, an important reminder for any of the exercises in this book.<sup>47</sup>

At the end of the chapter, Head of Professional Development and Research Services Librarian Nejdil offers an annotated bibliography, *Property, Ownership, and the Other*, for continued treatment of issues of diversity in first-year property courses. In selecting the books, articles, and websites, Nejdil prioritized resources that "provide practical guidance on selecting cases and other class

39 *Id.* at 80.

40 Rebecca Tushnet, *Zoning and Race, from Ladue to Ferguson*, in INTEGRATING DOCTRINE AND DIVERSITY 81.

41 *Id.* at 88-89.

42 *Id.* at 89.

43 Todd Brower, *Who Are These People and What Are They Doing in My Casebook? Teaching Inclusion and Diversity in First Year Property*, in INTEGRATING DOCTRINE AND DIVERSITY 92-93.

44 *Id.* at 94.

45 D.O. Malagrino, *Deconstructing Discrimination within Common Interest Communities: Hill v. Community of Damien of Molokai—A Case Study of Combatting AIDS Panic in Your Neighborhood*, in INTEGRATING DOCTRINE AND DIVERSITY 101.

46 *Id.* at 103-09.

47 *Id.* at 109.

materials, effectively framing the class discussion, and helping students to feel comfortable with discussing these issues.”<sup>48</sup>

### Chapter 3—Contracts

Jeremiah A. Ho, Noah D. Zatz, Kerri L. Stone, Alisha Hennen, and Jessica Almeida made contributions to incorporating diversity into contracts doctrine. While contract law “may be ill-equipped to remedy . . . inequality,” instruction of the doctrine should not legitimize that shortcoming.<sup>49</sup>

Teaching 1L students the concept of bias awareness in conjunction with contract law is a seemingly “tall and difficult order.”<sup>50</sup> In *Uncovering Bias: Teaching Contracts Critically*, Professor Ho urges that, despite this difficulty, putting students “on notice” early on is essential.<sup>51</sup> In offering an alternative to the traditional case method, Ho gives specific examples of how to delve more critically into the concept of “objectivity” to uncover bias.<sup>52</sup> For example, using one of the most widely taught cases, *Embry v. Hargadine*, Ho delivers a blueprint to introduce students to bias and structural inequality that may arise in practice.<sup>53</sup>

Professor Zatz continues the theme of pushing back against traditional methods of “thinking like a lawyer” that result in “whitewashed” understandings of the law.<sup>54</sup> In *A Law and Political Economy Approach to Race, Gender, and Power in Contracts*, Zatz provides guidance on how to unpack cases for students to illustrate that questions of race and inequality are fundamental in contracts, favoring an interdisciplinary approach, pushing students to see the overlap of contracts with other doctrines.<sup>55</sup> This type of critical analysis functions as a more inclusive mode of pedagogy for the law school classroom.<sup>56</sup>

Professor Stone continues this section with *Teaching Contracts to Promote Inclusivity*, an essay discussing the varied themes that speak to sex and gender inequality as they arise in a first-year contracts course.<sup>57</sup> Stone lists pervasive themes that arise—for example, intersectionality—and gives the reader specific

48 Nejd, *supra* note 37, at 112.

49 Noah D. Zatz, *A Law and Political Economy Approach to Race, Gender, and Power in Contracts*, in INTEGRATING DOCTRINE AND DIVERSITY 136.

50 Jeremiah Ho, *Uncovering Bias: Teaching Contracts Critically*, in INTEGRATING DOCTRINE AND DIVERSITY 121.

51 *Id.*

52 *Id.* at 124–28.

53 *Id.* at 126.

54 Zatz, *supra* note 49, at 130.

55 *Id.* at 132.

56 *Id.* at 136.

57 Kerri L. Stone, *Teaching Contracts to Promote Inclusivity*, in INTEGRATING DOCTRINE AND DIVERSITY 137.



cases to advance those themes in the classroom.<sup>58</sup> The cases for all themes enable students “to see how the law may and ought to be seen through critical lens as it develops.”<sup>59</sup> Research and Instructional Librarian Hennen and Associate Librarian Almeida round out the chapter with a *Select Annotated Bibliography on Teaching Diversity in Contracts*, a range of books, articles, and videos that encourage discussions of diversity in the classroom.<sup>60</sup>

#### Chapter 4—Criminal Law

Brooks Holland, Deborah Ahrens, Thea Johnson, and Ana Isabel Delgado Valentín made contributions to incorporating diversity into criminal law doctrine. A concept underpinning this chapter is that the realities for individuals entangled in the criminal system cannot be truly understood when doctrine is guided by “some preferred neutral construct.”<sup>61</sup>

The rewards and challenges of teaching criminal law to 1L students are “amplified when the professor incorporates issues of race, gender, sexual orientation, and poverty.”<sup>62</sup> Professor Holland offers a case study exercise that prioritizes diversity in *A Bronx Tale: Integrating Music, Practical Skills, and Values to Introduce First Year Law Students to Race and the Criminal Law*. This study combines law and diversity as interwoven and equally necessary components.<sup>63</sup> Holland provides a detailed breakdown of the study, including music suggestions to immediately engage students and act as a vehicle for class themes, specific exercises, polling options, and course-long learning objectives.<sup>64</sup>

In *Centering Race and Diversity in the Criminal Law Classroom*, Professor Ahrens emphasizes the benefits of being open and authentic with students, a skill that can often take years to develop with comfort.<sup>65</sup>

In recent years, first-year students are arriving with increasing familiarity with inequality within the legal system, and this essay details Ahrens’ evolving adaptation of the discussion of the role of a jury to better meet the needs of students.<sup>66</sup> This essay offers specific exercises related to the role of juries, jury nullification, and jury biases to ground race and diversity in classroom

58 *Id.* at 138–44.

59 *Id.* at 140.

60 Alicia Hennen & Jessica Almeida, *Select Annotated Bibliography on Teaching Diversity in Contracts*, in INTEGRATING DOCTRINE AND DIVERSITY 147–53.

61 Brooks Holland, *A Bronx Tale: Integrating Music, Practical Skills, and Values to Introduce First Year Law Students to Race and the Criminal Law*, in INTEGRATING DOCTRINE AND DIVERSITY 158.

62 *Id.* at 157.

63 *Id.* at 160.

64 *Id.* at 161–64.

65 Deborah Ahrens, *Centering Race and Diversity in the Criminal Law Classroom*, in INTEGRATING DOCTRINE AND DIVERSITY 177.

66 *Id.* at 171–74.



discussion.<sup>67</sup> In *Taking Up Space in the Criminal Law Classroom*, Professor Johnson offers suggestions for professors to provide first-year students to help them self-assess their professional and personal identities as they navigate the law school classroom.<sup>68</sup> This method, when supplemented with a “gentle” Socratic approach, helps balance the contribution of thought and question.<sup>69</sup> Johnson gives a specific self-defense exercise to showcase how these strategies create an opportunity to overlay doctrine with social, racial, and class justice.<sup>70</sup>

The chapter on criminal law ends with *Re-Tipping (Re-Balancing?) the Scale of Justice: A Selected Annotated Bibliography of Sources for Incorporating Issues of Diversity and Inclusion in the First Year Criminal Law Course* by Legal Research Librarian Ana Isabel Delgado Valentín.<sup>71</sup> Valentín provides a nonexhaustive list of books, articles, podcasts, and websites, with a short description of “the most appealing features” of each.<sup>72</sup>

### Chapter 5—Constitutional Law

Ruthann Robson, Nancy Leong, Tiffany C. Graham, and Jingwei Zhang made contributions to incorporating diversity into constitutional law doctrine. A caution addressed throughout is the delicate balance between teaching “doctrine” and exposing students to cases that are “assaultive, disrespectful, [and] hostile.”<sup>73</sup>

Unlike those in other doctrinal courses, almost every constitutional law case “explicitly raises an issue of race, gender, disability, immigration, sexuality, poverty, class-exploitation, colonialism, or even enslavement.”<sup>74</sup> In reflecting on decades of teaching experience, Professor Robson addresses the challenges of “managing” diversity in *Why Are You Making Us Read Such Hateful Cases?*<sup>75</sup> Robson shares student pushback when discussing cases like *Dred Scott*, *Plessy*, *Loving*, *Cleburne*, and *Lawrence*.<sup>76</sup> Robson then shares a favorite strategy to combat the

67 *Id.* at 171–73.

68 Thea Johnson, *Taking Up Space in the Criminal Law Classroom*, in INTEGRATING DOCTRINE AND DIVERSITY 180.

69 *Id.*

70 *Id.* at 181–85.

71 Ana Isabel Delgado Valentín, *Re-Tipping (Re-Balancing?) the Scale of Justice: A Selected Annotated Bibliography of Sources for Incorporating Issues of Diversity and Inclusion in the First Year Criminal Law Course*, in INTEGRATING DOCTRINE AND DIVERSITY 187–92.

72 *Id.*

73 Ruthann Robson, *Why Are You Making Us Read Such Hateful Cases?*, in INTEGRATING DOCTRINE AND DIVERSITY 196.

74 *Id.* at 195.

75 *Id.* at 197.

76 *Id.* at 197–98.

hateful words of these cases—a “choral reading” of Justice Sotomayor’s dissent in a decision related to diversity in higher education.<sup>77</sup>

Professor Leong provides professors with concrete strategies to avoid mispronunciation of students’ names, while grounding these suggestions in the Equal Protection Clause.<sup>78</sup> *Naming Them* shows how these efforts at the outset of a first-year constitutional law class will create “a baseline of equal treatment” and an environment of respect.<sup>79</sup> In *Integrating Diversity into the Constitutional Law Classroom: Roe, Abortion, and Reproductive Justice*, Professor Graham highlights areas that are “ripe for greater inclusion” of the role that diverse groups played in shaping doctrine.<sup>80</sup> This essay gives guidance on how to explore substantive due process more deeply in coverage of abortion, and specifically the experiences of low-income women of color who encounter barriers to accessing care.<sup>81</sup> This approach also has the benefit of exposing first-year students to “modes of organizing that one often sees in social movements to secure legal rights and related policy goals.”<sup>82</sup> Grounding discussion in the context of organizing can also help allay student objections or trepidation to engaging in conversations around reproductive justice.<sup>83</sup>

Reference Librarian Zhang rounds out Chapter 5 with the *Annotated Bibliography on Diversity and Inclusion Practice in the Constitutional Law Classroom*.<sup>84</sup> The selected articles, books, and websites are aimed at creation of an “open-minded, safe learning environment” for students when facing sensitive issues that often create conflict among students or between students and professors.<sup>85</sup>

### Chapter 6—Legal Writing

Bonny L. Tavares, Christine Tamer, Kathryn Stanchi, Bridget Crawford, Linda Berger, and Alyssa Thurston made contributions to incorporating diversity into legal writing doctrine. A common theme emphasizes that legal writing courses are “especially rich opportunities to incorporate diversity, inclusion, and social justice in ‘pedagogically progressive’ ways.”<sup>86</sup>

77 *Id.* at 200.

78 Nancy Leong, *Naming Them*, in *INTEGRATING DOCTRINE AND DIVERSITY* 203–04.

79 *Id.* at 204.

80 Tiffany C. Graham, *Integrating Diversity into the Constitutional Law Classroom: Roe, Abortion, and Reproductive Justice*, in *INTEGRATING DOCTRINE AND DIVERSITY* 208.

81 *Id.* at 208–09.

82 *Id.* at 210.

83 *Id.* at 213.

84 Jingwei Zhang, *Annotated Bibliography on Diversity and Inclusion Practice in the Constitutional Law Classroom*, in *INTEGRATING DOCTRINE AND DIVERSITY* 215.

85 *Id.*

86 Alyssa Thurston, *Teaching Diversity, Inclusion, and Social Justice in Legal Writing: A Selected Annotated Bibliography*, in *INTEGRATING DOCTRINE AND DIVERSITY* 255.

Professor Tavares begins the chapter with *Integrating Diversity through Design of Legal Writing Assignments*, underscoring the need to infuse assignments with equity and inclusion to help guide the professional development of students.<sup>87</sup> With a focus on issue selection, character diversity, and authentic fact development in problem design, Tavares provides a clear blueprint for instructors to create materials that incorporate experiences outside the predominant culture and are engaging and accessible to first-year students.<sup>88</sup> Highlighting the tremendous amount of work it is to create an innovative writing assignment, Director and Professor Tamer gives additional ideas for assignment development that are keyed to “the importance of empathy and the role of implicit bias.”<sup>89</sup> *Small Tweaks, Big Effect: Fitting Diversity and Inclusion into the “Puzzle” of Any Legal Writing Problem, Involving Any Legal Issue* is organized by five specific suggestions to accomplish this—for example, “make the original problem free of stereotypes; and consider including counterstereotypes.”<sup>90</sup> Tamer illustrates how to be intentional and thoughtful about combating gender stereotypes and reducing bias in assignments.<sup>91</sup>

In *Teaching with Feminist Judgments*, Professors Stanchi, Crawford, and Berger introduce a series of projects and associated methodology in which significant judicial opinions are rewritten using feminist methods and reasoning.<sup>92</sup> This essay describes how these “alternative judgments,” specifically within legal writing classrooms, “help students think creatively when researching, show students how to do deep factual research, and help with cultural competence.”<sup>93</sup> When the reasoning of the original judicial opinion fails to address the more complicated dynamics of race, gender, or other deeper issues of diversity and inclusion, *Feminist Judgments* exposes students to a deeper analysis and provides an “invaluable and flexible” teaching tool.<sup>94</sup> This essay offers concrete suggestions on which rewritten opinions to pair with what topics in numerous subject matter areas along with associated prompts to guide educators in their use.<sup>95</sup>

Senior Research Librarian Thurston provides a collection of sources to further teaching methods that “consciously acknowledge law students’ varied

87 Bonny L. Tavares, *Integrating Diversity through Design of Legal Writing Assignments*, in *INTEGRATING DOCTRINE AND DIVERSITY* 225.

88 *Id.* at 230–31.

89 Christine Tamer, *Small Tweaks, Big Effect: Fitting Diversity and Inclusion into the “Puzzle” of Any Legal Writing Problem, Involving Any Legal Issue*, in *INTEGRATING DOCTRINE AND DIVERSITY* 234.

90 *Id.* at 238.

91 *Id.* at 239.

92 Kathryn Stanchi, Bridget Crawford, & Linda Berger, *Teaching with Feminist Judgments*, in *INTEGRATING DOCTRINE AND DIVERSITY* 241.

93 *Id.* at 242–43.

94 *Id.* at 245, 253.

95 *Id.* at 247–52.

life experiences, perspectives and backgrounds.”<sup>96</sup> In *Teaching Diversity, Inclusion, and Social Justice in Legal Writing: A Selected Annotated Bibliography*, Thurston offers books, articles, and websites to guide students and educators in recognizing and addressing bias and inequities, as well as building professional identity in a way that enables representation of clients from vulnerable or historically underrepresented populations.<sup>97</sup>

### Chapter 7—Legal Research

Raquel J. Gabriel, Shamika D. Dalton, Alyson Drake, Brie Sherwin, and Malikah Hall made contributions to incorporating diversity into legal research doctrine. A concept underpinning these essays is the need to incorporate intentionally and responsibly current social events into research exercises that will help foster the professional identities of twenty-first-century law students.

Professor and Director Gabriel begins this chapter by centering social context: Legal educators and students are “dealing with the repercussions of two seismic disruptions”—COVID-19 and the murder of George Floyd.<sup>98</sup> These events shape our current and future students and impact their ability to learn and must be considered in any discussion of engaging with diversity within legal research.<sup>99</sup> In *Integrating Diversity into Legal Research: Building an Essential Skill for Law Students*, Gabriel focuses on two themes: laying the groundwork for these discussions, as well as specific techniques and methods to consciously prepare for diversity in the classroom.<sup>100</sup> Both sections prioritize relationship-building among students as well as between faculty, transparency as to expectations and areas for improvement, and intentional creation of classroom materials that are grounded in social context.<sup>101</sup>

In *Teaching Cultural Competency through Legal Research Instruction*, Associate Director and Professor Dalton first discusses what it means to be a “culturally competent lawyer” in the legal profession.<sup>102</sup> Avoiding this topic is a disservice to students, and Dalton provides options to incorporate it throughout the semester, including a diversity statement in the syllabus, a set of ground rules for the classroom, class #1 activities, and research hypotheticals and exercises that are grounded in current events.<sup>103</sup> This suggestion is likewise echoed in *Service-Learning in the First Year Research and Writing Classroom*, where

96 Thurston, *supra* note 86, at 255.

97 *Id.*

98 Raquel J. Gabriel, *Integrating Diversity into Legal Research: Building an Essential Skill for Law Students*, in *INTEGRATING DOCTRINE AND DIVERSITY* 267.

99 *Id.*

100 *Id.* at 269, 273.

101 *Id.* at 273–77.

102 Shamika D. Dalton, *Teaching Cultural Competency through Legal Research Instruction*, in *INTEGRATING DOCTRINE AND DIVERSITY* 279–80.

103 *Id.* at 281–86.

Instructional Service Librarian and Professor Drake and Professor Sherwin offer the benefits of pairing research with local community partners.<sup>104</sup> This type of local partnership fosters “service-learning,” which benefits students’ understanding of diversity issues and gives students the “opportunity to go beyond the intellectual component of a course.”<sup>105</sup> Drake and Sherwin give a case study example, including lessons learned from implementation and avenues for improvement for future use.<sup>106</sup>

Reference Librarian and Instructional Assistant Professor Hall provides a *Selected Annotated Bibliography on Legal Research*, which is a collection of books, articles, and other materials that harness the power of storytelling.<sup>107</sup>

### Chapter 8—Civil Procedure

Frank Deale, Mikah K. Thompson, and Anne Rajotte made contributions to incorporating diversity into civil procedure doctrine. A similarity noted throughout is the challenge of balancing the notoriously complex concepts that arise under federal pleading standards with the need to connect those concepts to the diversity of student experiences.

In *Diversifying Civil Procedure*, Professor Deale grounds the conversation for this topic, a class that instructs on the “best procedures for effectuating justice,” by emphasizing that even the description of the class should be considered as an avenue to better engage a diverse student body.<sup>108</sup> This will require serious and intentional thought to help students identify with assigned civil procedure cases, starting with casebook selection.<sup>109</sup> Deale focuses specifically on joinder as an example of how to use “ideal” cases that will best engage diversity students in understanding challenging rules.<sup>110</sup> Professor Thompson continues with *Teaching Federal Pleading Standards by Way of the “Elusive” Claim of Discrimination*, advising that “any professor who would like to bring some cultural competency into the civil procedure classroom” will be able to use the suggested methods of this essay to engage students on the topic of bias.<sup>111</sup> Thompson gives specific case suggestions for use in pleading discrimination cases, divided by *pre-* and *post-* facial plausibility.<sup>112</sup> The format of this discussion allows professors to

104 Alyson Drake & Brie Sherwin, *Service-Learning in the First Year Research and Writing Classroom*, in INTEGRATING DOCTRINE AND DIVERSITY 287.

105 *Id.* at 288.

106 *Id.* at 290–94.

107 Malikah Hall, *Selected Annotated Bibliography on Legal Research*, in INTEGRATING DOCTRINE AND DIVERSITY 297.

108 Frank Deale, *Diversifying Civil Procedure*, in INTEGRATING DOCTRINE AND DIVERSITY 304.

109 *Id.* at 305.

110 *Id.* at 309.

111 Mikah K. Thompson, *Teaching Federal Pleading Standards by Way of the “Elusive” Claim of Discrimination*, in INTEGRATING DOCTRINE AND DIVERSITY 312.

112 *Id.* at 313–18.

“introduce the topic of implicit bias in a non-threatening manner that ties the phenomenon to the drafting skills and good trial lawyer should have.”<sup>113</sup>

Head of Reference Services Rajotte provides a *Selected Annotated Bibliography in Civil Procedure*, a collection that focuses on “how to present concepts in civil procedure to students in a way that allows them to connect the sometimes abstract concepts to people’s real lives.”<sup>114</sup>

### Chapter 9—Torts

Carol M. Suzuki, Pat K. Chew, Alena Allen, and Margaret (Meg) Butler made contributions to incorporating diversity into torts doctrine. In this final chapter, a common theme was ensuring subject matter coverage while also advancing issues of diversity, equity, and inclusion.

Professor Suzuki offers a concrete lesson plan for teaching tort law using a diversity and inclusion project in combination with two well-known tort cases, *Palsgraf* and *Wassell*. In *Issues of Diversity and Inclusion in Tort Cases*, Suzuki lays out the specifics of the project assignment, including suggestions for research questions, and then shows how those questions play out in the two exemplar cases.<sup>115</sup> This framework fosters thoughtful and respectful discussion of diversity and inclusion issues that are accessible to a 1L student still beginning to understand basic doctrine.<sup>116</sup>

In *Reasonableness and Realism*, Judge and Professor Pat Chew highlights tort law principles that lend themselves to ambiguity or varied interpretation.<sup>117</sup> The most obvious principle that of “reasonableness,” not only underpins the first-year torts curriculum but also surfaces in many non-tort subject areas as well.<sup>118</sup> When judges interpret this concept in case law, the process is “rarely transparent” and provides an opportunity for an instructor to lead students in discussion of whether the decision-making is “formalist” (i.e., lived experiences did not impact the outcome) or “realist” (i.e., lived experience influences the outcome).<sup>119</sup> Chew offers helpful social science research that can serve as guideposts for this discussion, as well as specific discussion questions.<sup>120</sup>

Director and Professor Allen delivers a day-one script to illustrate how one approach to defining a “tort” in a way is authentic and sets a classroom tone that

113 *Id.* at 321.

114 Anne Rajotte, *Selected Annotated Bibliography in Civil Procedure*, in INTEGRATING DOCTRINE AND DIVERSITY 323.

115 Carol M. Suzuki, *Issues of Diversity and Inclusion in Tort Cases*, in INTEGRATING DOCTRINE AND DIVERSITY 334-36.

116 *Id.* at 338.

117 Pat K. Chew, *Reasonableness and Realism*, in INTEGRATING DOCTRINE AND DIVERSITY 339.

118 *Id.* at 339-40.

119 *Id.* at 341.

120 *Id.* at 344-45.

welcomes the perspectives of all stakeholders.<sup>121</sup> In *Tort Norms In Context: Fostering Discussions about Gender and Racial Bias in Tort*, Allen emphasizes the fluidity of law and the possibility for future change, accompanied by a description of the ways in which equity and inclusion arise within specific intentional torts.<sup>122</sup> For example, Allen lists numerous negligence cases that give educators the opportunity to explore how courts have denied women the right to recover for substantial harm based on the concept of duty and the distinction between physical and emotional harm.<sup>123</sup>

For the last collection of supporting resources of the book, Associate Director Butler provides a *Selected Bibliography on Torts*.<sup>124</sup> The curated books, articles, movies, and websites were selected “because they represent the experiences and analysis of those who teach torts inclusively, raising questions of equality and equity in the application of the law.”<sup>125</sup>

### Conclusion

Although decades of scholarship have urged schools to better incorporate diversity values into the curriculum, “schools have still not fulfilled this responsibility, particularly in the first year curriculum.”<sup>126</sup> This book should be required reading for any educator who is dedicated to remedying this long-overdue need—using this guide, faculty can better lead students into the profession “in a way that helps them see not just the mere possibilities of law but also its tendencies to further inequality.”<sup>127</sup> For any individual, student or professor, the ability to discuss these issues will vary. However, this book provides a range of options that enable educators in all stages of furthering diversity to better embrace diversity in the first-year curriculum.

How these strategies play out within classrooms (and within self) will depend on myriad individual and contextual factors. It will likely be helpful for faculty to bookmark Chapter 1 and return to the concept of being “okay with being uncomfortable.”<sup>128</sup> The book itself was “born of a series of difficult conversations” that faculty around the country are having with increasing urgency and frequency.<sup>129</sup> But engaging in these issues, even in the face of

121 Alena Allen, *Tort Norms in Context: Fostering Discussions about Gender and Racial Bias in Tort*, in INTEGRATING DOCTRINE AND DIVERSITY 347.

122 *Id.* at 349.

123 *Id.* at 351-53.

124 Margaret (Meg) Butler, *Selected Bibliography on Torts*, in INTEGRATING DOCTRINE AND DIVERSITY 355.

125 *Id.*

126 Holland, *supra* note 61, at 158.

127 Ho, *supra* note 50, at 128.

128 Dyszlewski, *supra* note 5, at 13.

129 Dyszlewski, *supra* note 1, at xv.



anxiety or fear, is what is required to foster a commitment “to integrating doctrine, diversity, equity, inclusion, and transformation in the law.”<sup>130</sup>

130 Onwuachi-Willig, *supra* note 2, at x.