

Panel Discussion: It's All Write: Teaching Legal Writing as Resistance

Moderator

Jane E. Cross

Panelists

Shakira D. Pleasant – Presentation Title: *WAR Cry*

Vanita “Saleema” Snow – Presentation Title: *There Is No Lane*

Jane E. Cross – Presentation Title: *Writing Human Rights in the Academy*

Brenda Gibson – Presentation Title: *Writing As A Passionate Expression of Teaching*

Latisha Nixon-Jones – Presentation Title: *Writing at the Crossroads*

Teri McMurtry-Chubb – Presentation Title: *What Did I Do,
To Be So Black and Blue?*

Tiffany N. Jeffers – Presentation Title: *I Am The Stepping Stone*

It's All Write: Teaching Legal Writing As Resistance Introduction by Jane Cross

This panel discussion explored the nexus between legal writing teaching and legal scholarship as a means to examine social justice themes. In that regard, the panel addressed the overlapping topics of teaching and writing as a form of resistance in our pedagogy and scholarship.

The teaching as resistance component of this panel examined how teaching content, pedagogy, and other methodologies can introduce issues, concepts, and practices that educate future lawyers to empower marginalized individuals and groups. Using these means, legal writing professors endeavor to teach students how to use their voices and words to address, challenge, and reform legal norms and practices that exclude or disempower those who have been marginalized.

The writing as resistance component considered how to foster innovation in legal scholarship and other forms of legal writing. Accordingly, some panelists explained their personal perspectives on the role of resistance in writing as a legal scholar and practitioners. Complementing the teaching as resistance narrative, the writing as resistance portion assessed how legal writing professors can incorporate themes of empowerment into all forms of legal writing.

The panel also highlighted the creation of a Legal Writing Pipeline called WAR - Writing as Resistance. The purpose of the pipeline is to foster a conducive writing environment for professor of color interested in teaching Legal Writing and Skills courses.

Finally, the panel celebrated and honored the launch of the social media movement @blacknbluebook on Twitter. The social media movement will highlight and provide resources for all legal writing professors, clinical law professors, librarians, and other underrepresented legal scholars.

Jane E. Cross: Okay, so we are going to start on time because we have a lot to say. As you know, this is *It's All Write: Teaching Legal Writing as Resistance*, and we have a wonderful set of panelists today. I'm Jane Cross, and I am from Nova Southeastern University in Fort Lauderdale. Next, we have Brenda Gibson, who is from North Carolina Central University. Then, we have Tiffany Jeffers from Penn State Dickinson Law and Latisha Nixon-Jones, who is at Southern University and Stetson. She is visiting at Stetson, but she is actually from Southern University. We also have Teri McMurtry-Chubb from Mercer. Shakira Pleasant from the University of Miami. And Saleema Snow from the University of District Columbia.

So, for our agenda today, we are going to talk a little bit about the origins of W.A.R., Writing As Resistance, and we have Shakira Pleasant and Teri McMurtry-Chubb here to talk about that.

The Origins of WAR (Writing as Resistance)

Shakira D. Pleasant: To begin, W.A.R. is an acronym. Actually, it was aptly titled by Teri once we told her what the workshop was going to be. Writing As Resistance is about community and I will let Teri speak to why that is one of the foundations of W.A.R., for us.

Teri McMurtry-Chubb: In 2009, I published this article called *Writing at the Master's Table*, and the article discussed legal writing professors of color as a marginalized group within a marginalized group. Wanting to create a space for us—there were some of us who were on the tenure track who were aspiring beyond the tenure track—I started to develop a writing retreat at my house. I would invite people over, cook for them, and everybody got a room. We would outline and workshop our articles together. Shakira was one of those people we got the love of that space early on. And so out of that, the seeds for W.A.R. were planted.

Pleasant: And so, out of that, because of that opportunity and really just being supported in that space, I, along with my colleague, Nantiya Ruan, at the University of Denver, decided that we wanted to actually formalize the process. We looked to an already successful model in the Lutie A. Lytle Black Women Law Faculty Workshop, and we modeled W.A.R. after that, but instead for legal writing professors of color. So, as this title is aptly labeled, it is for us by us. We created our own. Teri mentioned that we are a marginalized

minority group within the legal writing community. And just to illustrate how marginalized people of color in legal writing are, let me give you some facts.

Number one, we have about 200 ABA-approved or provisionally approved law schools. Right now, you are looking at seven of the approximate 40 African-American legal writing professors in this country. Teri is one of approximately seven tenured legal writing professors of color employed at a majority schools (non-HBCU). She has unitary tenure, but as I said, there are approximately seven, and of the seven, only two are men. Our scholarship, contrary to what some people may perceive, is not just about rhetoric or pedagogy. We write about anything that interests us.

To that point, we have scholars that have been cited in a variety of journals, but also by the United States Supreme Court. Yesterday, if you were here at the presentation during the keynote address, Khizr Khan talked about being a candle bearer, and Jerry Kang talked about bias. We are the candle bearers for legal writing. But we also recognize there is bias in the Academy. And so, for that reason, I just want you [all] to consider this. Consider that categories produce judgments about the value, capacity, intellectual ability, and contributions that a professor in a particular status can make. And then consider what I just told you about our colleagues being cited by the U.S. Supreme Court, and specifically, Nantiya Ruan was cited by Justice Ginsberg in *Epic Systems Corp v. Lewis*, which was decided on May 21, 2018.

Since NPOC 2019, more legal writing professors of color have been granted tenure. In fact, the moderator and a panelist – Jane Cross and Brenda Gibson – are now tenured professors. Yet, even with these “wins,” most law schools in the Academy still do not offer legal writing professors the option to be granted tenure – either in the traditional sense or programmatically.¹

W.A.R. Cry Prologue 2024:

A lot has changed since I presented with my colleagues at NPOC 2019. Socially, the Black Lives Matter movement during the COVID-19 pandemic brought awareness to the issues that black people have endured for years, and it also revealed the deep racial divide that still exists in the United States. Legally, the U.S. Supreme Court overturned decades old precedent when it issued its decisions in *Dobbs v. Jackson’s Women’s Health Organization*;² *Students for Fair Admissions v. Harvard College and University of North Carolina*;³ and *Loper Bright Enterprises v. Raimondo*.⁴ Personally, I changed institutions and left a contract

1 The Legal Writing Institute (LWI) and the Association of Legal Writing Directors (ALWD) – the two national legal writing organizations – define programmatic tenure as “[t]enure that is achieved through a separate track/using different standards than traditional tenure awarded to doctrinal faculty.”

2 597 U.S. 215 (2022).

3 600 U.S. 181 (2023).

4 144 S. Ct. 2244 (2024).

legal writing position to return to a unitary tenure track position which included an administrative role. I also lost both of my parents during the 2020-2021 academic year (unrelated to COVID) and have been coping with grief ever since.

Still, with all that has changed, my words below still ring true. While I postponed writing about disability-related matters, I have remained engaged in the field by serving as a gubernatorial appointee to the Illinois State Rehabilitation Council and working closely with the University of Illinois Chicago's Disability Resource Center and Disability Cultural Center. What has sustained me in the Academy is remembering that my unique voice, experiences, and perspectives matter.

Pleasant: Now, as to my story, I had to find my unique voice in the legal writing community and, quite frankly, in academia at large. But how did I do that? So, for me, it really came down to what felt natural to me. I was a litigator here in Washington, D.C., and I have a lot of different experiences. So, for me, my first entrée into really finding my voice was through writing an amicus brief with my colleague at Savannah Law School, Vinay Harpalani. I also happen to be a member of the U.S. Supreme Court bar. So, it was a great fit. What I found was that I was extremely interested in the topic (of our amicus brief) because it talked about access, it talked about education, and where my unique voice comes in, is that I love data. And in *Fisher v. University of Texas (Fisher)*, the outcome was about using data in the future to determine whether race-conscious admissions could be used in this country. In *Fisher*, I looked at the admissions process as a whole and, with my certification in Lean Six Sigma, which is all about process improvement, I took a business model concept and applied it to the law. Hence, what you get is my unique voice. My forthcoming article merges data, process improvement, and constitutional law.

Now, I mentioned that I was a litigator, and for five years I worked at the Department on Disability Services right here in the District of Columbia. So, I also have a passion for individuals with disabilities. Teri brought something to my attention that she knew I was passionate about as a potential article topic. If you think about the most recent election in the state of Georgia, there was a lot of voter suppression. In particular, there was a county that used an anti-discrimination law, the Americans with Disabilities Act, to try and suppress minority voters' right to vote. That's my next piece. And so, before I pass the baton to my colleague, the reason why I believe writing as resistance is important is because I write using my voice to resist any preconceived notions, misperceptions, or just misunderstandings that anyone in the Academy has about my ability or any legal writing professor's ability to contribute to the Academy.

There is No Lane Prologue 2024:

As you can sense from the dialog excerpted below, in 2019 my research agenda was focused on the impact of anti-Black, anti-Muslim, and misogynistic hate

speech. Then in 2020, my concerns seemed to be legitimized as the world of social justice activism was turned on its head by the murder of George Floyd. My point in 2019 was that we cannot afford to stick to one particular lane for our scholarship and five years later, we see that little has changed.

In his 2021 inauguration speech, President Biden stated “We can right wrongs.”⁵ Yet, police violence targeted to Black communities remains an open secret.⁶ Poverty in the Black community is widespread, with Black households’ medium income being lower than all racial and ethnic groups.⁷ In 2022, the slow creep to overturn *Roe v. Wade* was finalized, leaving women little agency over their bodies⁸ and the public confidence in the Supreme Court was at its lowest since 1972 tracking.⁹

The 2024 Democratic National Convention (DNC) brought three days of optimism, including prayers from two African American Imams and the nomination of the first Black and South Asian woman for president. Despite the hope that the DNC instilled, our pluralistic values have been further eroded since the October 7, 2023, Hamas attack on Israel. In academia, students and professors have been censored and arrested for demanding an end to the deadliest war against the Palestinian people.¹⁰ Attacks on other Muslim-majority countries is expanding.¹¹ Thus, I reaffirm my statement from 2019 that as resistance writers there remain a lot of injustices to write about.

Vanita “Saleema” Snow: Thank you. I am Saleema Snow at the University of the District of Columbia. I want to first acknowledge my colleague from UDC, Kosiso Onyia, who is here with me as well.

So, embedded in those various legal competencies that we teach law students, we are consistently reminding students that every legal document

- 5 Joseph R. Biden, Jr., *Inaugural Address by President Joseph R. Biden, Jr.*, THE WHITE HOUSE, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/20/inaugural-address-by-president-joseph-r-biden-jr/>.
- 6 Curtis Bunn, *Black People Are still killed by police at a higher rate than other groups*, NBC NEWS (Mar. 3, 2022, 8:14 PM EST), <https://www.nbcnews.com/news/nbcblk/report-black-people-are-still-killed-police-higher-rate-groups-rcna17169>.
- 7 Khadijah Edwards, *Black Americans’ Views on Success in the U.S.*, PEW RESEARCH CENTER (Feb. 8, 2024), <https://www.pewresearch.org/race-and-ethnicity/2024/02/08/black-americans-views-on-success-in-the-u-s/>.
- 8 *Dobbs v. Jackson’s Women’s Health Organization*, 597 U.S. 215, 231 (2022) (holding the United States Constitution does not protect the right to an abortion).
- 9 Megan Brenan, *Views of Supreme Court Remain Near Record Lows*, GALLUP (Sept. 29, 2023), <https://news.gallup.com/poll/511820/views-supreme-court-remain-near-record-lows.aspx>.
- 10 Isabelle Taft, Alex Lemonides, Lazaro Gamio & Anna Betts, *Campus Protests Led to More Than 3,100 Arrests, but Many Charges Have Been Dropped*, N.Y. TIMES (July 21, 2024), <https://www.nytimes.com/2024/07/21/us/campus-protests-arrests>.
- 11 Adam Rasgon, *Israel strikes the Houthis, an Iranian ally, in Yemen*, N.Y. TIMES (Sept. 29, 2024), <https://www.nytimes.com/live/2024/09/29/world/israel-hezbollah-lebanon-nasrallah>.

has a purpose and an audience. I hear myself saying to students, “You are writing this brief for a judge, which is going to be very different than the letter that you wrote to a client.” So, in my scholarship, I ask myself, to whom do I write, and what is the purpose of my writing? I actually think it becomes somewhat of a complicated question. Am I writing for others in a particular discipline in the Academy? Am I writing for practitioners? Am I writing for my tenure committee, who may have a very specific type of scholarship that they are looking at to determine whether I deserve tenure?

I actually believe that I write for my various diverse and intersectional communities. As an African-American, Muslim, cis-woman who grew up in poverty, those communities are important to me. Those are the communities that I want to really write an ode for. And the purpose of my writing is to scream to the world that the law has forgotten us, the law does not care about us, the law has betrayed us and rejected us, but in the midst of that betrayal and rejection, to tell the law that we are going to hold you accountable and that we see you. We see you when you deny entry or ban refugees, you ban doctors, you ban engineers, you ban artists from entering into this country simply because they come from a Muslim-majority country. And we see you when you determine that black communities need to be over-policed, and then you steal our property under the guise of civil asset forfeiture. And we also see you when you deny women health options because of gender bias insurance plans.

So, my purpose is really to uplift my intersectional communities and to hold the law accountable. For those of us who are in situations where we are trying to get tenure, we often feel the confines of what that may look like when it comes to writing scholarship. We feel the tightening of writing what some of our colleagues may say needs to be a little bit more doctrinal. We also are often mentored, if you will, into saying that our scholarship needs to stick to one particular genre, one particular area of law. Stay in one lane. And I profess that there is no lane.

There is no lane when it comes to the type of scholarship that I will write because injustice has no lane. It consistently invades the lives of black and brown communities. It consistently invades the lives of white poor people living in rural Georgia, which is an area where I practiced for a number of years. It consistently invades the lives of Harvard professors. So, because the law changes lanes all the time, so will I. Because injustice changes all the time, so will I. I do think often about how we can begin to change the injustices that we see, so it is not just me screaming on a piece of paper? Well, I do think that taking our scholarship and finding ways that we share it in non-traditional forms makes a difference.

For example, I am writing an article on transportation inequities. I am hoping that article will become the foundation for the Consortium of Legal Services Providers to develop a policy statement that it can take to the D.C. Council to identify funding to address some of the transportation gaps we see. Do I think my true audience, meaning my intersectional communities, are

reading my articles? Absolutely not. I hope someone is reading them, but I do not think they are reading them. But there are other ways that scholarship makes a difference in our communities. I entered into academia to work with certain students and to write these kinds of pieces—to expose inequities and change some of the injustices that I see in my specific community.

As a legal writing professor, it is also important to me that I find a way to make my sentences particularly graceful. I used to dance about thirty years ago, and I often say that grace is such a relative term. What is graceful if you dance for Alvin Ailey is very different than being graceful if you dance for Dance Theatre of Harlem. Ailey's grace has a lot of grit. It is memorializing the black experience through *Cry*, the woman's struggle. It is sharing the joyous experience of being black through *Revelations*. So, our grit as resistance writers, and our grace, is very different than what we may frequently read. Yes, we have a subject-verb-object format. We have a short declarative sentence. Kosiso and I say to our students all the time that the period is your friend. But those graceful phrases are Norrinda Hayat, *Section 8, The New N-Word*. Graceful sentences are my hero, Teri, "Burn this bitch down." If that is not graceful, I mean that is just as graceful as it comes to me.

Our role is, as resistance writers, to continue to think about what the injustices are that we see. If you have ever walked into my office, I have sticky notes on my cabinets of all the things I want to write about. Because, in this time in particular, there are so many things to write about that we all have to keep writing. And how do we develop those graceful sentences? We write, we write, we write, we write. And sure enough, right now there is a lot for us to write about. And with that, passing the baton.

Writing Human Rights in the Academy

Prologue 2024:

As I reflect on my comments from 2019, I am amazed and honored that I am still in the academy and have not just survived but thrived. After nearly twenty years in the legal academy, I received full tenure, just as the COVID-19 pandemic changed all our lives.

Teaching remotely during COVID required me to revisit my work-life balance concerns even with my newly acquired status. Like many, I dealt with COVID by working every day and trying to keep my mind off the pandemic lurking all around me. When the threat eased, and we returned to in-person teaching, I found that my own work expectations remained in their accelerated state. Unable to slow down and stop working all the time, I was regularly teaching two in-person classes and three to four online classes during the regular academic year and over the summer.

As I write this prologue in Fall 2024, I am just now easing away from several of those online courses to focus on my administrative position as Associate Dean for Diversity, Inclusion, & Public Impact, which I assumed in Fall 2021. These responsibilities are critical in Florida, where Governor Ron DeSantis has

assailed diversity, equity, and inclusion with his Stop W.O.K.E.,¹² “Don’t Say Gay,”¹³ and other legislation restricting diversity, equity, and inclusion (DEI) in public education.¹⁴ Fortunately, despite this legislation, both my university, a private institution, and my law school are working to make DEI visibility and education a priority. I have also worked statewide with the Florida Law Schools’ Consortium for Racial and Social Justice (FLSCRJ). Thus, these new developments in my home state have brought the human rights battle to my very doorstep.

So, while new challenges arise, I find some comfort in achieving tenured status. Unfortunately, this status is not yet available to all legal writing professors. In August 2024, the Council of Legal Education American Bar Association is considering revisions to Standard 405 that include a “safe harbor” provision for contract faculty. The new Interpretation 405-4 states that “[s]ecurity of position “reasonably similar to tenure” is generally satisfied by five-year presumptively renewable contracts.”¹⁵ Any law school that fails to provide this security to “full-time faculty members bears the burden of demonstrating that those contracts provide the security of position necessary to comply with this standard.”¹⁶ While these changes will increase security, they still will not ensure full equality in status with tenured and tenure-track professors.

Cross: I am going to talk about writing as Human Rights in the Academy. This is really about an internal process that I have gone through teaching in legal writing.

Basically, one of the things we are here to do is to promote @blacknbluebook. Teri’s going to tell us more about that in a moment. But all of us are wearing shirts in solidarity, and it is about the fact that we can write. The Black and Blue Book Project is going to be about decolonizing the legal Academy one article at a time. My dilemma was I can teach writing, but can I write? And there is a lot of interference with what we do in terms of judging students, reading students, and getting our own act in gear. It is a very labor-intensive process.

I have been in legal research and writing for about 20 years, and when I first went to AALS, at the very first legal writing gathering, which was at the same time as a minority luncheon, I was one of the few people of color there, definitely the only African-American person in the room. I was kind of the

12 H.B. 7, 2022 Leg., Reg. Sess. (Fla. 2022) (codified at Fla. Stat. §§ 760.10(8)(a)-(b), 1000.05 (2)-(7), 1003.42(1)-(4), 1006.31 (2)(d), 1012.98(4)(b), 1002.20(3)(d), 1006.40(4)(b) (2024)).

13 H.B. 1557, 2022 Leg., Reg. Sess. (Fla. 2022) (codified at Fla. Stat. § 1001.42(8)(c) 3 (2024)).

14 *See, e.g.*, Fla. Admin. Code Ann. r. 6A-14.0718 (2024) (adopted on February 20, 2024, to prohibit public colleges from using state and federal funds for diversity, equity, and inclusion programs, activities, and policies).

15 ABA Standards Comm., Memorandum to the Council: Recommended Revisions for Notice and Comment: Standard 206 and 405 (July 29, 2024) (revised Aug. 15, 2024).

16 *Id.*

black unicorn in the room, right? So, it was very unusual at that time to have persons of color in legal research and writing. When I talked to my colleagues of color, they were like, “Well, you can get out of there,” and, you know, “It is a stepping stone to other tenure track positions.” Now that has changed a bit amongst ourselves, but we are still getting that message from other folks that, you know, you can get out of there.

But it does take a tremendous physical toll. About 10 years ago, I had a massive pulmonary embolism. There are a lot of circumstances that went around that, but it is like a heart attack. I mean, basically, it can knock you out. I had a wonderful resident doctor who said, “We discover 50% of all pulmonary embolisms in autopsies.” I was grateful, but I still did not stop. Part of what we do in legal research and writing is service. We do not just work for ourselves; we naturally have an affinity to bring people together, having them speak, creating a space. Whether it is a writing space or a spoken space. At that point, I had already committed to chair the Southeast/ Southwest People of Color Scholarship Conference, but we did something special that year, we chaired with the Midwest People of Color Scholarship Conference. And this almost did not happen because the same reason why I got a pulmonary embolism was lack of support from my administration.

About a month before the conference, my Dean was threatening to cancel it because he did not think anyone was going to attend. I still persisted and got through it, but of course that takes a toll. When you are creating a space for your students, for your colleagues, it is a fight and it is a human rights fight. But of course, I did not stop.

I am also Director of the Caribbean Law Programs which is part of the American and Caribbean Initiative; a consortium of law schools in the United States and the Caribbean. I was also writing on the mandatory death penalty in the Caribbean. So, that fall I was hosting students from the Caribbean at the law school, I just kept going. I mean, this was just over a year out from this. And then, it did not work out so well. I kind of fell down again.

I had something called adrenal fatigue, and this is really real. It is caused by stress. Your body just basically gives out. So, I would do well, then go down, do well, then go down. And if you see this line [indicating at presentation slide], when it hits that gray area, you are about to be in bed the whole time. I was just above the gray area when I said I needed a break. I asked for a break, actually, from teaching legal research and writing, but unfortunately, the administration at that time told me I was hired to teach legal research and writing, so I could not have a break. Either I had to take a leave, but I was not getting a different teaching assignment. So, I took a leave.

That was what I decided to do because I had to preserve myself. But I did produce an article, it is on the mandatory death penalty in the Caribbean. This is the same quote as you will notice that Shakira referenced; this is a really important thing. “There’s no greater agony than bearing an untold story inside of you.” As legal writing professors, we are about making sure the

various stories and dialogues get told. We are teaching students how to tell those stories to others.

However, in the midst of me doing that, because of all the personal things I was going through, I could not use my writing voice. I was literally stopped in my tracks. So, where do you go? You have to reinvent yourself, reinvent your life, reinvent why you are doing what you are doing within the Academy, or as a person. Rethink who you are, rethink what is important to you, and recommit ultimately. And that is really what I had to do during that process, is figure all of that out. The important thing is that I survived, and at the end of this, I do believe I am a better person. But it is always a difficult process, being marginalized in the Academy. But at the same time, you can find support amongst your colleagues, at your institutions, and outside of your institutions. And, of course, I did not stop, all right?

So, the next thing I am doing, I am hosting the Caribbean Law Clinic again at my school. I did not stop there; I became president of the American and Caribbean Law Initiative. So, I am still struggling and doing all these things, and writing was taking a back seat. And that is still not good for me necessarily, professionally, but it is what I had to do to accomplish everything that I wanted to do. And then I realized something. That it was not just about the responsibilities; I had major anxiety disorders. I literally would sit down, get a headache, and get numb. It was a terrible experience. It was not just writer's block. It was a lot more than that; it was a panic attack. And part of it was because of the job and the position and everything that was going on, so there was resistance that came up inside of me, and I had to deal with it.

And that is when my support system came into place. I had to find balance. Some of the things I do for balance include a lot of self-care; I have my chiropractor, my acupuncturist, my therapist, all of these people who help me stay in the groove, in the lane. On top of that, I have a support system, which is really important. When I was having problems writing, Shakira said, "Hey, every Sunday afternoon, we are going to write," and she got me out of my funk. And as a result of that, I am happy to report, I was working on a book chapter on the *Vestiges of Colonialism in Caribbean Constitutions*¹⁷, in case you all want to read that, and I got it done with the help of my sister girls. The other person that really helped me, from the Lutie Lytle Writing Retreat was Angeliqve Davis. She does online writing retreats and I want to give her credit for helping me out as well. So, that is pretty much my story about how I got through it.

17 JANE E. CROSS, *The Vestiges of Colonial Constitutionalism*, in OXFORD HANDBOOK ON CARIBBEAN CONSTITUTIONS 631 (Richard Albert, Derek O'Brien & Se-shauna Wheatle eds., 2020).

So here is my saying, I love this part of Maya Angelou's poem, which is:

Centered on the world's stage, she sings to her loves and her beloveds, to her foes and detractors: However I am perceived and deceived, however my ignorance and conceits, lay aside your fears that I will be undone, for I shall not be moved.¹⁸

Writing as a Passionate Expression of Teaching Prologue 2024:

Though much has changed in the world, generally, and my world, specifically, since 2019 when I made these remarks, I remember them well. We all have navigated a global pandemic, seismic waves in the social justice movement with police violence against Black men and women, which gave seed to the Black Lives Matter movement, as well as the political unrest caused by former President Trump's (and others like in our states who are like him) dog whistle politics, and not to mention the antics of the U.S. Supreme Courts in striking down *Roe v. Wade* in *Dobbs v. Jackson Women's Health Organization*,¹⁹ affirmative action protections in *Students for Fair Admissions Inc. v. President & Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. University of North Carolina*,²⁰ and well-seated administrative law dictates of *Chevron*²¹ in *Loper Bright Enterprises v. Raimondo* and *Relentless, Inc. v. Department of Commerce*.²² Additionally, I have navigated the loss of my mother and a move to another institution. After four years of hard work and with the support of an entire community of friends, I was granted tenure last year. Our lives have changed dramatically, with some being good and others being quite challenging.

My scholarship is still student-centered in some respects, but I have now turned my sights to improving things beyond my classroom. My scholarship agenda, which I have affectionately named the "Do Better Chronicles," encompasses works about linguistic profiling in the legal profession,²³ heirs property issues in Low Country South Carolina,²⁴ a blueprint to diversity and equity in the legal profession after the SFFA decision,²⁵ how to better address

18 MAYA ANGELOU, *Our Grandmothers*, in *I SHALL NOT BE MOVED* 37 (1991).

19 597 U.S. 215 (2022).

20 600 U.S. 181 (2023).

21 *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984).

22 144 S. Ct. 2244 (2024). *Together with Relentless, Inc., et al. v. Department of Commerce, et al.*, on certiorari to the United States Court of Appeals for the First Circuit.

23 Brenda D. Gibson, *We Speak the Queen's English: Linguistic Profiling in the Legal Profession*, 88 BROOK. L. REV. 601 (2023).

24 Brenda D. Gibson, *The Heirs' Property Problem: Racial Caste Origins and Systemic Effects in the Black Community*, 26 CUNY L. REV. 172 (2023).

25 Brenda D. Gibson, *Affirmative Reaction: The Blueprint for Diversity and Inclusion in the Legal Profession After SFFA*, 104 B.U. L. REV. 123 (2024).

trauma in the legal profession,²⁶ etc. My concern now is that after my students leave my classroom, they find a society (a profession) that is diverse, whole, and just. And if not, they know how to work to make it so.

Brenda Gibson: Good morning, and thank you all for coming. My part in today's panel presentation is writing as a passionate expression of teaching. Writing is so very personal to each of us. My students made me aware of that. I had lost awareness of that concept as a previous law clerk and writing professor, but writing is indeed very personal to each individual who writes. And writing is also powerful. It is a powerful vehicle for change, so why not use it? But what we forget so often in writing instruction is that nothing is static. It is very nimble and should be, and our teaching should be as well.

As I entered the Academy and began to develop my scholarship agenda, what I knew was that I wanted to move towards addressing my students' needs, not just my own needs. Though writing is so personal, I felt like I had to acknowledge my students' need to be taught how to learn better and how to be better. In that endeavor, it led me to look around, and, as Shakira said, we seven are sitting here, and there are probably only 20 of us in the almost 200 ABA-accredited law schools. As we talk about diversity and inclusion, it starts in the classrooms. If we are not making sure our students understand what it is that we do, what is expected of us, then we have failed.

I decided to join together my love for writing with a cognition aspect and the social science aspect, to discover how best to teach our students. What (maybe) I did not factor in initially was that because I worked at an HBCU, my existence is a little different. I will not say that that is good or bad, but it is different.

Scholarship is the coin of the realm, correct? I mean, it makes us marketable, and as legal writing people, we write, and we love to write. As Jane said, for a bit, her voice, her writing voice, was silenced, and that was painful for her, and so we must do this scholarship.

At an HBCU, while scholarship is still the coin of the realm, because of the lack of resources, teaching is very important. It probably is a little bit higher on the totem pole (compared to scholarship). I have 10 hours of office hours every week. I do not think a lot of people can say that. Ten hours a week. Additionally, resources are very scarce in terms of research assistant(s). There may not be a stipend for your writing for summer research and scholarship. You may be doing that for free or for yourself, or you may need to find another funding source. Furthermore, as you get all geeked up about writing, you may also have other obligations that you have to make sure you are handling. And I am not sure, but I think that a lot of people of color think that if you are at an HBCU, your life is just gravy because you are not having to fight for your survival. But *au contraire mon frère*. The fight is a little different, but the fight goes on, nonetheless.

26 Brenda D. Gibson, *Lawyers, Trauma, and Professional Well-Being: How the Legal Community Takes Back Its Mental Health* (forthcoming 2025).

Perhaps my choice about my scholarship agenda was born of necessity because I was able to wed the passion for making sure my students got the best of me to my scholarship requirement. To that end, my scholarship was focused on the teaching angle, so I kind of killed two birds with one stone. My passion is meeting our students where they are. The reality is we are teaching in a space that did not exist when we were in law school. Our students are changing; the environment is changing. Reason is the soul of the law and if the reasoning changes, then so too must the law. If our students are changing, the way we teach them needs to change. Hence, our colleagues who say, "I haven't changed my way of teaching for the last 20 years," and who say that proudly, perhaps they need to rethink that. By necessity, my classroom has informed my scholarship to reach the needs of my students.

At first my scholarly agenda seemed terribly disjointed, but then I realized that my work was very complimentary as it was all about how best to instruct our students. I wrote my first article about grading rubrics because I saw that our students responded to transparency. How better to be transparent than a grading rubric? Initially, a rubric starts out as a checklist, right? So, you are telling the students at the outset what the expectations are. And I wrote on that. I wrote on that for my students. I also wrote on that because I had an adjunct-based program and that is like murder on wheels. It was like "herding cats" to get legal professionals to fall in line and to follow a rubric so that we can maintain some type of objectivity and transparency for our students.

My second article is about plagiarism. I wrote it because I just was not understanding why I was sitting in Honor Court hearings for law students. I mean, did they wake up every morning and say, "Hey, I am a law school student, and I want to go to the Honor Court. I am just going to copy this whole paragraph and pluck it down here, and I just want to waste everyone's time in Honor Court." I don't think so. It really disturbed me because oftentimes, these Honor Court hearings involved some very good students, but they were making some very unwise choices. For that reason, I immersed myself in this topic and learned a whole lot about the students, about why they do what they do. That article is forthcoming in the *Arkansas Little Rock Law Review* this year.

Next is the implicit bias article. I read the *Nextions Yellow Paper*, "Written in Black and White," which showed that, yes, there is implicit bias in the legal profession and our students of color's writing is judged harshly and inequitably. So, I knew I needed to write about how best to instruct our students to, for lack of a better word, whitewash their writing so that it is not immediately noticeable who they are. That is what I am writing on currently. Whatever the work is, I think it must be in keeping with resisting the targets and resisting the biases that our students encounter daily and that we encounter daily as people of color in the Academy.

Writing at the Crossroads Prologue 2024:

Since the recording of this manuscript, our world has shifted in profound ways. We have faced a pandemic that unmasked the deep-seated politics of the academy, exposing the fragile lines that define who is protected and who is left vulnerable. Harvard appointed its first Black female dean, an unprecedented achievement, but her tenure lasted less than a year—a stark reminder of the challenges Black women continue to face in leadership.²⁷ Meanwhile, the teaching of Black history has come under attack, with many states passing laws to restrict how race and racism are discussed in classrooms.²⁸ Yet, amid these changes, social media has emerged as a powerful tool of resistance, providing a platform for Black voices, particularly Black women, to express advocacy in ways that were once unimaginable. Despite all this, so much remains unchanged.

On March 18, 2022, over 200 Black women law professors²⁹ signed a letter in support of Ketanji Brown Jackson, the first Black woman to be nominated for the U.S. Supreme Court. That morning, I received a call from my uncle. “Are you okay?” he asked. Confused, I responded, “What do you mean?” He reminded me, “Ever since you were little, you said you wanted to be the first Black female Supreme Court Justice.” I laughed, dismissing the gravity of his words. But the truth was, I wasn’t okay. I wasn’t okay because the next four days would bring nothing but pain and frustration. As a Black woman, I sat glued to my screen, watching Justice Jackson endure a barrage of dehumanizing attacks during her confirmation hearings. She was belittled, berated, and browbeaten, forced to maintain a stoic demeanor as she navigated this public spectacle. It was as if her qualifications—her brilliance—meant nothing. The hearings were not just a personal assault on her, but a reflection of what so many of us have lived through.

For days, we watched her forced to prove her worth to a room that never truly wanted her there. We’ve heard it all our lives: “You have to be twice as good to go half the distance.” And there it was, laid bare for the world to see, once again reinforcing that painful truth. I found myself at a new crossroads. Was this the path I was meant to walk? Was this battle mine to fight?

The initial crossroads that I had once pondered during a symposium was whether to remain a clinical professor or to push for tenure track. But that

27 Janice Gassam Asare, *Claudine Gay Resigns From Harvard: Why Black Excellence Is Never Enough*, FORBES (Jan. 2, 2024), <https://www.forbes.com/sites/janicegassam/2024/01/02/claudine-gay-resigns-from-harvard-why-black-excellence-is-never-enough/>.

28 Matt Papaycik & Forrest Saunders, *Florida’s Governor Signs Controversial Bill Banning Critical Race Theory in Schools*, WPTV.COM (Apr. 22, 2022), <https://www.wptv.com/news/education/floridas-governor-to-sign-critical-race-theory-education-bill-into-law>.

29 Black Women Law Professors, *Letter in Support of Judge Ketanji Brown Jackson to Serve as Associate Justice of the United States Supreme Court* (Feb. 25, 2022), <https://www.judiciary.senate.gov/imo/media/doc/2.25.22%20-%202020+%20Black%20Women%20Law%20Professors%20Support%20for%20Jackson.pdf>.

decision, in hindsight feels hollow and was merely about career progression. The crossroads I now face feels deeper, questioning my very identity and cultural relevance within this space. Watching Justice Jackson's confirmation hearings, it became glaringly clear that no matter how high we rise, no matter how educated or accomplished we become, we will always be subject to intense scrutiny.

This time, the stakes feel higher. Do I stay and endure the silent violence of existing in a system that, by design, wasn't made for us?³⁰ Or do I leave to seek solace and survival? This duality is exhausting—between being visible yet invisible, between thriving and merely surviving. What is the reward in staying within a system that continues to affirm the norms of whiteness, heterosexuality, cisgender maleness? The spaces we navigate aren't built for Black women to fit in. They are spaces where Black women are constantly “the only” or “one of the few,” shrinking ourselves in hopes of some semblance of acceptance.

Why should I stay? I stay for the students—for the ones who have never seen a Black professor, for the students of color who need representation and modeling to know that they, too, belong in this space. I stay because my presence, my being, is an act of resistance. To remain, but on my terms, to exist authentically, is an act of defiance in itself. But is that enough? Is there truly a path to success for us in these spaces, or are we doomed to wander the metaphorical desert—our dreams deferred?

History has taught us that Black women often suffer in silence, internalizing trauma, and carrying the burdens of the world on our shoulders.³¹ But a new generation of Black professors is breaking that mold, choosing to use our voices instead of retreating into silence. We wield words as protection, as weapons, and as healing.

Society labels us with words like “aggressive,” “unapproachable,” and “ghetto,” using them as tools to silence and contain us.³² In environments where we are often “the only” or “the first,” these labels are meant to strip us of our power. But through our writing, through storytelling, we reclaim that power. We use our narratives as shields, and in doing so, we create spaces for ourselves in a system that seeks to exclude us.

30 Joy Hughes, *The Challenges Facing Black Women Law Professors in Selecting Teaching Methods*, RACE, RACISM AND THE LAW BLOG (Dec. 12, 2019), <https://racism.org/articles/basic-needs/education/47-education-legal-education/2819-facing-black-women>.

31 Dawn Godbolt et al., *Strong Black Women: Linking Stereotypes, Stress, and Overeating Among a Sample of Black Female College Students*, 53 J. BLACK STUD. 609 (2022).

32 Daphna Motro et al., *The “Angry Black Woman” Stereotype at Work*, HARV. BUS. REV. (Jan. 31, 2022) <https://hbr.org/2022/01/the-angry-black-woman-stereotype-at-work> (“The angry Black woman stereotype has penetrated many parts of American culture, including the workplace. This pervasive stereotype not only characterizes Black women as more hostile, aggressive, overbearing, illogical, ill-tempered and bitter, but it may also be holding them back from realizing their full potential in the workplace—and shaping their work experiences overall.”).

When I first stood at this crossroads, I was cloaked in a certain privilege. I had attended and worked at a Historically Black College and University (HBCU), where I was surrounded by Black female role models. Moving into the world of predominantly white institutions (PWIs), I felt the isolation more acutely. Some of my students had never even seen a Black professor, let alone been taught by one. A single grammatical slip or misspoken word would strip me of credibility. I had to be perfect, or I would lose it all.

Since the initial symposium, I chose the career path of tenure-track faculty, and I am in route to my first mid-tenure review period. My research focus continues to advocate for the rights of vulnerable populations before, during, and after natural and man-made disasters. However, my new scholarly works have an emphasis on using artificial intelligence for advancing social justice issues.

Despite the challenges, Black women continue to fight for equity in the academy. We have become workplace warriors, litigating against discrimination and standing on the frontlines of advocacy. Unlike whistleblowers, we cannot hide. Our names, our faces, our very identities become public as soon as we file the complaint. There are no statutes to protect us from retaliation, yet we press forward.

Each day I step into a classroom, I make history. I am one of the less than 3% of Black female law professors in the country.³³ Two years after the swearing-in of Justice Ketanji Brown Jackson, we find ourselves watching another Black woman fight to make history. Like Justice Jackson, Kamala Harris is twice as good but faces twice the criticism. But she fights on, and I, too, find myself at another crossroads. I look back at those who came before me and forward to those who will come after me, to stay the course and continue to excel.

Latisha Nixon-Jones: Good morning. So, I am coming to you from a slightly different perspective. The question is what lane did I belong to? Honestly, I am at a crossroads. I really did not have a lane. I am a hybrid professor. I am both a clinical law professor and a legal writing professor. So, I did not initially have a lane, a community, a side street, a sidewalk. There was nothing, right?

I had to ask myself, where exactly did I want to belong? Today I am going to tell you about my journey and how I came to the Academy, and then show you the war that is presently raging itself between clinicians and the legal writing community. Then I will give you some tools, if you are having this same type of battle at your faculty, as to how you can bridge those two together.

So my journey. "To hold a pen is to be at war," which comes from Voltaire. I came into the Academy as an adjunct professor. I was actually a fellow with the Louisiana Bar Association, and I was creating a lane for solo practitioners that came into the practice, for them to be able to leverage high-earning capacity

33 National Center for Education Statistics, Race/Ethnicity of College Faculty, <https://nces.ed.gov/fastfacts/display.asp?id=61#:~:text=72%20percent%20of%20faculty%20were,1%20percent%20were%20Pacific%20Islander> (Last Visited 09/29/2024).

such as personal injury, corporate law, in order to facilitate low-income communities. So, you can make money in personal injury and then be able to offset that and offer your services at a discount or low-bono rate.

From there the chancellor of my alumni institution came to me and asked if I would be willing to be an adjunct legal writing professor. Well, I knew I wanted to be a professor, so I jumped at the chance and I said because this was something I had always wanted to do. I remember going into the community with two other individuals and we were just so passionate about this. We thought, all we would have to do was come in here, be prepared to teach, and then we would make our way. As Brenda told you, the fight out of HBCU is different, but it is still a fight. We quickly learned that we had to develop our own materials. We had to develop our own lane because those who had been there before us had been there for 15 to 20 years. We were so new on the scene.

Fast forward to 2016 in August, we wake up and roughly 83% of the parishes in Louisiana were taking on water from the Mississippi River and they had flooded. I wrote a grant and we were able to start a disaster legal clinic. Through that clinic, I became a full-time faculty member, myself and two other professors. At that point, we still had our legal writing duties, but we were also full-time clinicians. So, we stood at a very precarious position.

To us, we thought, yes, this is even better, we belong to two communities, right? But no, no such thing. It wasn't until going to LWI that, thankfully, Shakira saw me sitting alone, eating, and pulled me into the fold and said, "No, no, this won't work. You have to have a community." And so, in joining that community, I realized that I was a part of a marginalized group. Well, in going to a clinical conference, I also realized I was a part of another marginalized group. So, as of right now, I am pretty much a fraction, right?

In designing the clinic, we saw disaster law come on to the scene for the first time 10 years ago with Hurricane Katrina. But it is like hieroglyphics. Every time you have a new disaster, we respond to the disaster, then people write these articles, and then everything goes away. Every time there is a new disaster, it is reactionary law. So, what we want to do now is create something that is consistent so that there is a database for this law. We are going towards that by writing these grants and developing this clinic. And then our school wants to recognize all of these efforts from all of our clinics and our legal writing by creating unitary tenure. Yay. Right?

So, from coming to all of the legal writing conferences, we were of the position that this was a great thing. We were going to be recognized with our peers, we were going to get the equivalent pay, we were going to see our scholarship acknowledged, we were coming out of the pink ghetto. Hmm. Not so much, right?

The clinic, they said, "This is not what we want." So, we had to evaluate why clinicians would not want unitary tenure? It is because they are evaluated differently. So, the clinic has their own clinical tenure, they are evaluated through their clinical peers; their peers understand their scholarship and their

peers understand the demands of their jobs. So, the three of us stood at a crossroads, because we were the newest individuals that were hired, and we had to make a choice now. Do we go with the clinicians and go on the clinical track or do we follow and go with our legal writing peers? The truth is, it is still happening right now. So, we actually have to make a decision this semester and follow that track.

From there, my scholarship has actually developed into how to design these clinics and collaborate with the other faculty, doctrinal and legal writing, in order to sustain a course that you can have from semester to semester, because disasters are happening. In the last seven days I was in four different states between still dealing with hurricane Harvey, still dealing with hurricane Michael, dealing with the Carolinas and then in May I will be in Puerto Rico because they still do not have consistent power sources and their educational systems are still in ruins. And no one is doing anything, right?

But, at the legal writing front, we have disaster law clinics giving us a unique ability because first year law students are actually able to participate because they are a special exception on the ABA rule. We are able to use their skills to see how to craft a FEMA appeal or letters to landlord and tenant issues which are constantly rising. My latest article is actually on designing, sustaining, and funding clinics using partnerships.

To go back, what are some tools that you can use if you find yourself on either side or if you are standing at that crossroad? The first thing that we have to understand is what were each of the roles. You can go to the faculty at your school, but that is generally not best because they each have their own stake. Thankfully, I have a community. I was able to reach out to them and contact several people on the panel and ask, "What should I do? Which route should I take?" Because technically, with my legal writing route, I was just an adjunct, but with my clinical route, I am full-time. But legal writing gives you more opportunity to advance, it gives you a higher salary, so which one of those do you balance? The second is collaboration. So actually, bringing in the legal writing, bringing in the legal research professors, gave us a platform in order to meet on a common ground. In which case we were not battling. From that common ground, we could talk about all of those external issues and why they matter. And then the last is being able to walk away, right?

So, it is just like the used car salesman. The person that walks away from the table gets the best deal. So, that actually is happening in two cases. The clinical professors made the decision that they would stay and retain under their clinical tenure. The legal writing professors broke away and proceeded to do unitary tenure. In order to make the best decision, I also decided to walk away. I took a visiting professor position. I did this in order to be away from the situation and to be able to focus on scholarship. At that point I was able to make the best decision. Sometimes you have to walk away in order to get the best situation.

I will leave you with the quote, “The enemy of my enemy is my friend.” Sometimes we are looking at other faculty members as our enemy, when really we are all fighting that same fight and we just need to come to a common ground and realize how we can go forward to do the resistance.

What Did I Do, To Be So Black and Blue?

Prologue 2024:

The 2019 *It’s All Write* panel provided an opportunity for us to look back on what we had accomplished as minoritized professors in the minoritized discipline of legal writing, and to look ahead to the challenges and possibilities for us in the field. In keeping with this theme, I chose to focus on how rhetoric scholars are disregarded as knowledge producers in the legal academy, and how common pedagogical practices and curricular norms in our classrooms undermine, rather than serve the interests of justice. At that time, U.S. News and World Report had just announced its plans to create a scholarly impact ranking for law schools that would exclude clinical and legal writing faculty from the dataset.³⁴ We were also squarely in the midst of the global movement for Black lives, but one year away from what would begin anew America’s racial reckoning.

Although U.S. News and World Report abandoned its scholarly impact project in 2021,³⁵ two other projects emerged: The Sisk Ranking, an older ranking system that gained increased momentum and visibility in 2021, and the Forward-Looking Academic Impact Rankings (FLAIR), new in 2023.³⁶ Both the Sisk and FLAIR rankings include only tenured faculty, with FLAIR going further to exclude “faculty who are non-doctrinal, i.e., clinical professors, professors of practice, and legal writing faculty.”³⁷ As the author of FLAIR explains, the justification for this exclusion is that “the production of legal scholarship is not typically considered a core job requirement of clinical faculty, library professors, professors of practice, or legal writing faculty.”³⁸ Neither ranking system takes into account that 18.2% of law professors who teach legal writing are tenured or on a tenure-track with unitary tenure standards across all

34 Robert Morse, *U.S. News Considers Evaluating Law School Scholarly Impact* (Feb. 13, 2019), <https://www.usnews.com/education/blogs/college-rankings-blog/articles/2019-02-13/us-news-considers-evaluating-law-school-scholarly-impact>

35 Paul Caron, *U.S. News Abandons Plan to Issue Citations Ranking of Law Faculty*, TAXPROF BLOG (Aug. 23, 2021), https://taxprof.typepad.com/taxprof_blog/2021/08/us-news-abandons-plans-to-issue-citations-ranking-of-law-faculty.html

36 Matthew Sag, *Law School Academic Impact Rankings, with FLAIR (Updated)*, PRAWFSBLAWG (June 1, 2023), <https://prawfsblawg.blogs.com/prawfsblawg/2023/06/law-school-academic-impact-rankings-with-flair.html>.

37 Michael Sag, *Forward-Looking Academic Impact Rankings for U.S. Law Schools*, 51 FLA. ST. U. L. REV. 771, 787 (2024).

38 *Id.* at 787-788.

faculty at their institutions,³⁹ nor that faculty who earn programmatic tenure must also meet scholarship requirements. Thus, assumptions about legal writing professors as knowledge producers in the field persist, rendering us invisible, and the impact of our contributions not even worthy of measurement.

As minoritized legal writing professors were pondering our place in the academy, adjusting our courses and classrooms while surviving a global pandemic, Derik Chauvin knelt on the neck of George Floyd, not in prayer, but in service to White supremacy, cutting off his life's breath until he died. Law schools were forced to listen to the enduring, fundamental truth that Black Lives Matter, and to respond with concrete actions that would reaffirm that truth to be so. They issued statements in support and promised programming and curricular changes – most of which have been halted, eroded, or silenced by state and university policies and procedures, administrators, and colleagues calling to Make America Great Again by keeping law schools White, again. In the summer of 2024, the ABA released for notice and comment its revised Standard 206, “Diversity and Inclusion.”⁴⁰ The proposed revisions would rename the Standard “Access to Legal Education and the Profession” and eliminate the requirements that law schools “[demonstrate] by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity.”⁴¹ These developments underscore the need to critically examine who writes & teaches, how we teach & write, and, ultimately, the kind of world we hope to create by educating lawyers pummeled black and blue by our equivocations on the nature of justice and our obligation to serve its interests.

McMurtry-Chubb: Good morning, everyone. I am going to talk about law professors of legal writing as knowledge producers in the Academy, because I think oftentimes, we are not looked at as knowledge producers in the Academy.

I want to talk about how writing fits into the legal Academy and the Academy as a whole. Legal writing is a discipline. It is under the banner of rhetoric and communication in the larger Academy, and we [lawyers] do a particular brand of legal rhetoric and communication. Scholars of color are a small percentage of rhetoric scholars in the Academy as a whole. So, if you are looking at us as those who are teaching literacy in our particular disciplines, that number is very small and, as Shakira said when we started our panel, those numbers are mimicked in the legal Academy as well. Those of us who

39 ASSOCIATION OF LEGAL WRITING DIRECTORS (ALWD) & THE LEGAL WRITING INSTITUTE (LWI), ALWD/LWI LEGAL WRITING SURVEY, 2023-2024, REPORT OF THE INDIVIDUAL SURVEY (2024), <https://www.alwd.org/images/resources/2023-2024-ALWD-and-LWI-Individual-Survey-report-FINAL.pdf>.

40 David A. Brennan & Jennifer Rosato Perea, *Memorandum - Matters for Notice and Comment: Standard 206*, American Bar Association Legal Education and Admissions to the Bar (Aug. 28, 2024), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/aug24/24-aug-notice-comment-standard-206.pdf.

41 *Id.*

specialize in legal rhetoric and communication are a small percentage of people, and then scholars of color within that group are an even smaller group. We are challenged in this space because of perceptions about who can teach literacy. We get push back from our students, particularly in both majority and minority institutions, because they do not see us as knowledge producers or people who can teach them how to be literate in the law. This is a problem. We have unique challenges that our colleagues do not necessarily face because of this. Not all law professors who teach legal writing are rhetoric scholars, or exclusively rhetoric scholars, but it is important as we build our discipline in legal writing that there is a percentage of us that do hold that line as to rhetoric and communication scholarship.

I am an inter-disciplinarian, and I focus on rhetoric and communication scholarship. I am a critical rhetoric scholar, and I will discuss that a little bit. But I am also a legal historian. For example, I have a legal writing textbook that the wonderful Linda Lacey and the people at Carolina Academic Press published. But I also am currently writing a historical monograph that is under contract with a trade press. Most of us do multiple things, it is a reflection of our practice and how we have to get up to speed and be experts on things. When we create case files, we create them in different universes, so our scholarship reflects that as well.

As we mentioned when we began the panel, there are a small number of people of color who teach legal writing, and our goals are twofold. One is to critically challenge pedagogical practices or the teaching methods in the Academy. So, we problematize law students' relationship to their analytical and reasoning processes. What do I mean by this? We challenge them to think about how these processes replicate inequities. Without our presence in the Academy, that conversation is not happening. I cannot impress upon you all enough that that conversation is not happening. Our colleagues are not necessarily having these conversations in their classrooms. But we are having these conversations in our classrooms to the extent that we can because our survival in the Academy depends on it. We do not want our students to keep replicating the same things that result in inequities in society. To the extent that we study and write about legal rhetoric and communication, ours is a critical inquiry.

As I mentioned, I am a critical rhetoric scholar, which is the marriage of critical legal studies, critical race theory, and critical race feminism and rhetoric. I talk about those things and my colleague Sherry Keene is a narrative scholar and does wonderful work about racial narratives in criminal trials. There is a lot of rich scholarship coming out of that. Some of my forthcoming and recent scholarly work details a six-year empirical research study that I did to look at how students' unexamined assumptions led to them making flawed legal arguments when they construct the argument portions of their briefs. It is looking at how do these inequities get replicated in how students are actually arguing. So, again, an example of scholarship. All this is to say that our work matters. Student mastery of reasoning and analytical skills is directly tied to

performance in law practice. And so, we have all been firing our shots here on the battlefield of WAR and I offer the grenade that I toss to advance us across the battlefield and that is @blacknbluebook on Twitter [now "X"].

@blacknbluebook is a social media movement to amplify the voices of law professors of legal writing, clinicians, librarians and all legal scholars outside of the T-14. I sent out a survey to the Legal Writing Listserv and to the Minority Law Prof Listservs. Thank you to those of you who have filled that out. Essentially, our goal is to create a database of scholarship. When there is a matter that is on social media or that is in the news that we have expertise in, we can use @blacknbluebook as a platform to elevate your scholarship, to the effect that people know about you and come to recognize you as a knowledge producer in the Academy and as someone who is a credible producer of knowledge who can add a depth to what is being discussed in the public. We provide an opportunity to engage with each other as scholars and also an opportunity to engage with the public.

Our movement takes on a new significance in light of the U.S. News and World Report announcement that they will use publications and look at the citation impact of various professors. We have learned that the rules for looking at scholarly impact actually exclude the scholarship of clinicians and legal writing scholars; yes, Deans are asked to categorize faculty in particular ways. Thus, the current deal on the table is that it does not matter if you are a tenure track person who teaches legal writing with unitary tenure, or clinician with unitary tenure - your scholarship would be wholesale excluded. This platform will help with combatting that, at least by recognizing you in the sense that the more hits that you get and the more views that you get, it makes it kind of hard to discount you as a knowledge producer in the Academy.

We are hoping that those of us who are part of this legal writing community will support us and sign on to @blacknbluebook and add your scholarship to the database, so that we can amplify your voice. But also, those of us who are not members of the legal writing community will stand with us as allies and recognize that if not all of us move forward then none of us moves forward.

I Am the Stepping Stone

Tiffany N. Jeffers: Good morning everyone, thank you so much for being here. I feel incredibly privileged to sit on this panel. I am new to the Academy and I am finishing my second year. I transitioned from being a criminal prosecutor in 2017 to join the faculty at Penn State Dickinson and teach in the Legal Writing Program. I was voted by my faculty to serve as the representative to AALS for our law school.

The narrative in my head when I joined the Academy was that I was joining a society of legal scholars who wanted to expand and improve legal education. They were innovators. And, we were all going to change the legal profession together. That was before actually arriving to the AALS conference.

I arrived at the conference and got my badge. My badge showed I was a first-time attendee. Everyone was so welcoming and friendly. I received many greetings and well-wishes for success. People wanted to know my story. They would ask where I was from and what I teach. I consistently replied, "legal writing at Penn State Dickinson." The first few responses I received were: "Oh, we have to get you out of legal writing." "Use it as a VAP, write as much as you can, and then get out." "You have to choose, you are either with the legal writing people, or you are with us."

I felt completely demoralized. I mean, what was I supposed to do with that advice? I had no experience in the Academy, although I did know about the "pink ghetto." I was unaware of the dichotomy that existed between particular persons within the Academy, and so I shrunk. I went into myself to try and determine what my plan would be. I did not want to sit around and be degraded. I did not want to be part of a community that was not treated fairly or respected by colleagues. But, the problem was that I happened to love teaching legal writing, and I am good at it. I have a special relationship with my students, and that is important to me. I do not want to give that up. I did not know how to square all of this internally, and honestly, I still do not have the answers, but I am working through it.

My experience at AALS caused me to engage in some self-discovery. I now recognize that I have to create my own value. I cannot allow the Academy to do it for me. I began thinking about my desire to remain a member of the legal writing community, while also being treated equally as a contributing member of the legal Academy. I thought about my teaching, and how I explain to my students that legal analysis is an important part of legal education. I began questioning how legal writing faculty as a community are devalued in the Academy. But, in reality, if you cannot write well, it will be difficult to succeed as a lawyer. And, the faculty members who teach legal writing deserve to be equal with our casebook colleagues.

The practical analysis skills that we teach are the backbone and the foundation of the profession. In objective writing, we teach our students how to analyze the law, how to provide an overview to clients using precedent to make a prediction of a likely outcome of their client's current circumstances. We transition to persuasive writing and teach our students how to advocate for their clients by using logical, well-reasoned analysis to persuade the fact finder that the law should be applied favorably to their client. I begin to internalize these concepts, how they relate to my role as a professor, and how it relates to me as a person. I began familiarizing myself with the ABA standards for faculty, particularly ABA standard 405(d) which reads:

A law school shall afford legal writing teachers such security of position and other rights and privileges of faculty membership as may be necessary to (1) attract and retain a faculty that is

well qualified to provide legal writing instruction as required by Standard 303(a)(2), and (2) safeguard academic freedom.⁴²

During my research, I began thinking about the disparate standards for different types of faculty groups. These different groups of faculty are separate, but supposedly equal. And, we all know the ineffectiveness of that framework.

My objective analysis of ABA Standard 405 is that the separate standards that govern the legal writing, clinical, and tenured faculty may seem equal, but the facts show that there is currently a disparity of pay, status, and job security between the groups. Based upon the precedent of separate, but equal standards across the world in varying contexts, this is a framework that is unlikely to be successful.

My persuasive argument is that separate but equal is an ineffective paradigm in any system. It does not work. It creates a subclass that maintains an inferior status. The separate but equal status of legal writing faculty, compared to tenured faculty in the legal Academy is not only detrimental to legal education, but it is detrimental to the profession holistically.

This disparity is untenable because students recognize it and begin to subconsciously create an inferior category for their legal writing and analysis courses in law school. Once the inferior status of the course is solidified in the minds of students, they will begin to pay less attention to their legal writing coursework and instruction. They consciously, or subconsciously, begin to rank their legal writing work at a lower priority than their casebook courses. At that point, students become disengaged and put remedial effort into their writing assignments. The quality of their written analysis and communication skills is diminished throughout law school and into practice. We risk sending law school graduates who have underdeveloped writing and analysis skills into the profession. Not only are they at risk for failing the bar exam, but they are at risk for being ineffective advocates for their clients, and ultimately failing to impact society positively.

So, what do we do with this information? I am not suggesting that legal writing faculty should automatically become tenured faculty with no change. The onus is on the legal writing community to produce competent scholarship that contributes to the Academy and profession. This is already happening. The legal writing community regularly contributes valuable scholarship in various formats, but that is not the narrative that the Academy has of our discipline.

My argument is that the ABA, and doctrinal faculty should (1) recognize and place equal weight on the pedagogical value of the doctrine of legal writing, analysis and rhetoric, (2) accept the scholarship that we produce as equally contributory to the Academy, and (3) value our teaching and service as invaluable components to legal education. Not only is it important for our tenured colleagues to appreciate the value of our scholarship, but it is also

42 ABA Standard and Rules of Procedure for Approval of Law Schools 29 (2018-2019).

imperative that our students recognize us as scholars who contribute ideas that impact and improve the profession. Our students need to see us using writing as resistance. They need to see us making a difference with the pen. They need to see us value the importance of legal analysis and writing through our own scholarship, because we have something valuable to say.

It did not occur to me until recently that I have not transitioned from being a practicing attorney to solely being a teacher. I have transitioned from being a practicing attorney to being a professional writer, a scholar. So, that is my new role, a professional scholarly writer. The revolution will not be televised, it will be written. Because teaching legal writing, in spite of the disparity and inequities, is resistance. I am still learning how to navigate this space and define a scholarly agenda for myself. I am so appreciative to Shakira because she pulled me aside at SEALS. We were in a discussion panel, and I was sharing my struggles with scholarly writing. My biggest struggle was not knowing where to begin. Shakira sat with me and simply said, "Write whatever you can. Write an essay. Write a blog. Write something. Write anything." So, I did. I am happy to share that my first short essay is forthcoming in the *Journal of Legal Writing*. It is entitled "The Choice to Stay in the Pink Ghetto."

My other scholarly interests include academic and professional success for marginalized law students who are statistically at risk to fail the bar exam. I am also interested in juvenile justice reform. Specifically, drawing on my experience as a criminal prosecutor in Baltimore County. How can the system be reframed to provide equity between children of different races and socioeconomic statuses? I think about whether there are potential benefits of incorporating an age-appropriate punitive prong to the juvenile justice system? Or if we should seek to improve the current exclusively rehabilitative system that is seemingly failing juvenile offenders? At their point of entrance into the juvenile system, these kids do not have the brain development to understand that transition from the juvenile to the adult system. I believe we need to think of ways to create age-appropriate consequences that exclude incarceration and focus on restorative consequences that help juveniles understand the potential negative implications of their behavior. So, that is a broad overview of some of my areas of interest. I thank you all for your time.

Cross: I just wanted to recognize that we have some fellow WARriors in the room, so here's some of the opening pictures from when *Writing as Resistance* first met, some folks will recognize themselves. Why don't we invite Sherri to say some comments?

Sherri Keene: I think that this was really well done and I have to say I have a special spot for our new person Tiffany because I like the fact that you still have the adversarial side to you and I think that that is what I have been seeking after doing this for 12 years, 11 years full time, and 13 years altogether. I still have the questions you have and they come to a more complex place where I am really done with the consequences of lost status, differences, and trying to get your point across, and wanting to say things that benefit the students and finding that the way people see you within your institution can impact

whether or not you can be heard. I am trying to recapture that adversarial side of what I did because I was a federal public defender. So, I admire that that is where you are when you are still in that space. I love that.

I definitely think that all of you brought such interesting things to the table and you came from different perspectives and I think it is great to hear about what the challenges are and how you are dealing with it. I think it is also terrific that you are talking about the scholarship that you do. I think a lot of people just do not know what we are doing in legal writing. I went to a luncheon a while back and someone said, basically, I know that a lot of us, we work really hard, particularly in legal writing, really working and interfacing with students, and I am at a point where I am realizing that sometimes it is a bigger job, that is why a lot of us came to this, because we love working with students.

And we know we can make a difference and boy do we make a difference with students, although I have been told otherwise and sometimes it has not been acknowledged. But at the same time, as individuals who are in a profession, I am coming to the realization that there is a value to going in and telling people what you do and letting them see you and know you, and that you have to make time for that. So, I appreciate that that is what you are doing today.

Cross: I also wanted to recognize the other sister warrior, Sha-Shana. Did you want to add anything to our conversation before we open up the floor?

Sha-Shana Critchton: First of all, you guys did an amazing job on the panel and you have been doing really wonderful work and if you [audience] have not checked out the scholarship of the folks on the panel, please do so because they have done really, really, really great work. I must say, continue to write, because writing informs your teaching. You are a better teacher for the writing that you do, and the research, you take it into your classrooms. However, as legal writing professors, it is also difficult to find the time to write. You know, Brenda talks about the 10 hours of office hours, this is real. We put in an immense number of hours just to support our students. And, again, as per ABA 301, we cannot produce competent attorneys if we do not take the proper time to care for our students as well. Because of the contact hours with the legal writing faculty, that is where the students come in and you get to hear everything and you see their writing and you see their growth and you see their development and this is where you get to triage a lot of things. With that also being said, it is up to us to support each other. That the first meeting was just incredibly recharging for me because I was super tired at the end of, you know, teaching legal writing. But just going to that, just that gathering, just sitting down with my friends, and just writing, and having them there to remind me that you have got to take the time and just the feeding of each other, that was amazing and thank you so very much.

Cross: So, now we are opening this up for dialogue. Does anyone have any questions or comments that they want to offer for our conversation?

[Audience Member, Professor Renee Nicole Allen]: So, I have a comment. I just want to say I appreciate the whole panel, I thought it was amazing. I particularly am interested in all of your scholarship and so I kind of have a challenge and maybe an inquiry. I know Teri's on Twitter [now "X"], I followed @blacknbluebook, I retweeted it and tweeted it, but I do not see many of you on Twitter. And I think self-promotion is important. So, it is something that my colleagues do not hesitate to do. I think that Twitter and social media is an avenue where you can share about your own scholarship and back yourself and give others the opportunity in those spaces to also promote you. So, I would just say a challenge to the panel and everyone in the room who is an ally, who wants to support, that is another avenue and a way that we can support each other. Set up a twitter page, I would love to follow, retweet and promote everything that everyone in this room and on the panel is doing. I think that is a great way that, in all our different spaces, we are able to do that. So, if you are not on Twitter, get on.

Cross: And who are you on Twitter?

[Audience Member, Professor Renee Nicole Allen] I am @ProfAllenTweets.

Cross: So, that is something that we have been talking about in the background. Some of us are getting more social media literate and trying to figure out how to do that, but that definitely is really important now. That is how people get recognized, that is how the media recognizes you. I have to admit I am behind the ball. I am on, but I am not active enough.

Snow: I think you raise a point that is so much deeper. This idea of self-promotion, that as women of color in particular, we just want to do the work. We just want to do the work and do it. I am actually leaving here to meet with two students right after because they are panicking about something. In the midst of doing the work we forget to celebrate our accomplishments. My colleagues never know. I am presenting at Harvard next week. I just presented at Yale. And they do not know that. We do so much. And it is interesting because I see my other colleagues all the time sending those emails out of where they are presenting, what they just published, where they just got an offer of acceptance, and we do not do it. I do think that it kind of goes back to what Jane said, or at least inferred, the imposter syndrome that you are so worried that it is not enough. We are probably doing more than anyone in our buildings. I just appreciate you raising that point.

Pleasant: I just want to add to that. I know, for me personally, this goes back to my talk. I am that type of person; I definitely do like being behind the scenes. Clearly, I also like connecting people and I feel that it is one of my strengths. In recognizing my value and my unique position in this Academy, I still may take that position. Yes, I probably do need to step outside my comfort zone a little bit more. I think having the platform of Black and Blue Book, and making sure that I communicate to my colleagues and serve on panels or committees helps me make sure that my work is getting out there. I can still passionately talk about it, and at this point, that is where I am comfortable.

But I do appreciate the challenge, right? I can be more vocal on social media, and even right now, we are live tweeting.

[Audience Member, Tiffany Atkins] So, I'm Tiffany and I feel like we are kindred types. I have been teaching, coming into my third-year teaching legal writing. I started as a fellow visiting at Elon. I appreciated your comments about how legal writing is often downgraded in the minds of our students. My question is, I have seen this reflected on my personal course evaluations and I feel like there could be a separate panel on how course evaluations negatively impact black professors, especially when you are trying to go on the market and we get these comments about it being too much work for a two hour course. But that has nothing to do with me and it has everything to do with the university. For those of you who have been doing this for a couple years or longer, how did you navigate things like that? Course evaluations, student expectations, all of this and the great work you are doing, but how those can be very demoralizing when you do get these evaluations.

Pleasant: I am going to make mine very short and sweet, so let me just tell you this. My first semester at my current university was probably the most demoralizing space I have ever been in. My students in my evaluations said that I was incompetent, that I gave too much work, and that I was too hard. I had administrators tell me that the evaluations from my first semester were the worst they had ever seen and they have been in the Academy for 30 years. So, I will tell you that my self-esteem, my value of myself, was so low at that point. But I tapped into my community and I remembered myself. The only thing that I can control is me and so therefore I walked into that class, spring semester of my first year, being me. I used books and things that I was comfortable with and literally my evaluations did a complete 180. And I have stayed firm with that from this point forward. That is why my portion of this presentation was "war cry," because I have to own who I am and what strengths I bring, and trust that my students will value that and accept that.

Nixon-Jones: So, I have only been here four years, but I learned from a mentor not to immediately read the feedback, especially if you have a year-long course. I just read in a ListServ to have someone summarize those for you. You can have them organize it by category and that way you are not immediately receiving all of the negativity upon yourself at one time, because it can be a lot. Especially yourself, but also remember to be authentic, because students can feed off of when we are not, and they will attack if they smell blood in the water. I mean, we are human, and we do not want to take that animosity from, you know, that first semester in. Then I find that the spring semester is always better than the fall semester. Because they just have anxiety, and now they are used to you, and so I always like to show that trend of how it rebounds in the spring from the fall.

McMurtry-Chubb: One of the things I engage in is a critical race theory tenet, which is counter storytelling, so I create a counter narrative. What I do is I create my own evaluations for students that they do at the midpoint and at the end of the semester, which focuses on their development, what they have

done, and what they have gotten from the class. It is not about me or what they think about me, rather it is about them. In being self-reflective, they talk about what they struggled with, what they still need to work on, and where they have improved. So, they get out a lot of their vitriol in the mid-semester evaluations because they are feeling frustrated and we usually talk about that. Then at the end, in all of my tenure and promotion materials, I always submitted the final reflective essays that the students have. And they are usually very laudatory of the course and laudatory of their development, so it kind of off-sets and kind of makes them more thoughtful when they are doing their own evaluations.

Cross: I am kind of in mixed minds about this. I know that the evaluations are really important for institutions and I have heard historically, since I started, for legal writing professors, it was not as important because historically our institution was lower. Then we had a change in administration, a different legal writing director, and the university all of a sudden said teaching evaluations are really important. Mine had not changed, but all of a sudden I was getting critiqued about how low they were. They had not changed in a number of years. But I noticed that, I do not read them at the end of the semester, because I think that students who are first year students, at that point, I feel like they are not qualified to evaluate me. They will say things out of their own angst because we are an easy target. They know us. We grade them first so a lot of times we are giving them the evaluations after they have already been graded by us and so they think that they are brilliant, and they are mad that we are giving them a less than brilliant grade. So, there are a lot of things going on, just talking about the politics, and being a person of color does make a difference. Your students may not have ever been exposed to someone of your caliber as a person of color and they do not know how to handle it. And so, they are going through all this stuff, the trauma of being in law school, and they find a target. So, you cannot take it personally, that is what you have to say at the end of the day. Be authentic to yourself, do not take it personally, because it is not about you. It is about them struggling in law school.

Jeffers: With my teaching evaluations, I had no in-between, there was a huge gap. Either they were amazing, or they were terrible. And so, I did not really know how to assess that and I was hurt by the terrible ones because I also have a tendency to want people to like me. It was difficult to find out that students that I talked to, and had conferences with individually, did not like me or think I was a good teacher. The important part is that I was able to have some separation between my self-worth and my teaching evaluations. I am going to start doing what has been suggested on the panel by not reading them myself, and having someone that I trust categorize the feedback. After I took a second read, and stepped away from them, I re-read the evaluations a second time and was able to pull out some constructive feedback even from the really hurtful and mean comments, and ultimately improve my teaching. I did not know what I was doing my first year, I am not a trained teacher. I had to learn. I am still learning. I am learning the pedagogy teaching, and specifically within the doctrine of legal writing. Some of my students were frustrated with

getting the new professor, and some students were frustrated with getting the black professor. Sometimes, it was difficult to tell the difference.

There was some valuable feedback in my initial evaluations. Requesting more transparency, sharing learning objectives, and increasing my proficiency with teaching writing mechanics and grammar. This was helpful feedback that I implemented during my second semester. My reviews are consistently getting better, so that is helpful. I definitely agree that you should not read them yourself, you should have someone that you trust read them, but also have them provide you with the constructive criticism that you can then use to make yourself a better teacher.

Gibson: You are young, so you do not have teenagers. I have teenagers. So, listen.

[Audience Member, Tiffany Atkins] I have a 14-year-old.

Gibson: Does she like you?

[Audience Member, Tiffany Atkins] Not often.

Gibson: You can thank me later. By year three, those students who wrote evaluations are back in your office and they are telling you how you have made such a change and therefore I have grown callouses. And I do not read them anymore. It is not because I think they are awful, there are probably some great ones in there but, as one of my colleagues will say, who has been teaching for about 30 years, that is just not a good use of my time anymore.

[Audience Member] So, I am extremely new, as of a month ago I was a federal public defender and I did that for seven years, so I will be entering the Academy in August. I will be teaching at Detroit Mercy, so I am excited, but I am nervous. This conference has been a little overwhelming. It feels like I am entering a totally different world from that of being a practicing attorney, as you know. I guess my question is, this panel is blowing my mind right now because I did not know that there were these two separate tracks in the Academy, the legal writing Academy and, I guess, everybody else. The law school that I am joining is very small and the staff is very small, so I am getting the sense that they may be a little under-resourced throughout my interview and then even since I accepted the offer. I have been asked by multiple professors if I am also interested in teaching legal writing in addition to what I was hired to teach which is Evidence, Criminal Law, and Criminal Procedure.

I went to lunch with a professor a couple of weeks ago who was hired to teach civil procedure and she is also teaching legal writing and so I just thought that was how it was done everywhere. I did not realize that there were these two separate tracks and so, I guess what I am asking is for advice for somebody like myself. That, to me, feels overwhelming. I think legal writing is so important, it is so hard. It is like learning a different language for a law student. I mean, as a federal public defender, I did a lot of writing and we had interns that were 1Ls and their writing was awful. It took me hours and hours to just go through the motions they did and try to fix them and help them. So, as somebody who is going to be expected to not only teach Evidence, but also

Legal Writing and maybe Criminal Law, do you have any advice on how to survive and how to not burn out?

Cross: So, you're thinking about potentially doing both?

[Audience Member] Well, they have asked me if I am interested, but I get the feeling that I should just say no? I do not know if I have a choice. So far, I have said yes because I just thought that that was how it was done everywhere. I did not realize that this was special to this law school.

I think as long as it is hard for us to say no, but especially at the beginning, I know as soon as I came, people were very excited to ask me to do things, so I said things like yes to everyone. I am substituting Evidence courses next week and the following week.

McMurtry-Chubb: Our grading schedule is relentless because we give multiple assessments throughout the entire semester and so there is not a week when we are not grading. And my lovely colleague, Brenda, because we have the sister girl text messages, all of us are like a text away, like help. Brenda's always like, "I'm in the grading cave." And it's not just check, check plus, check minus, it is the deep edit.

[Audience Member] And that is my memory from law school. That it was a very intensive course. So I found it surprising that they were asking me if I was interested in doing this.

Cross: Okay we have a couple more minutes, are there any other questions of the panel?

[Audience Member] So, I came in five minutes late and this is fabulous, it is way more than I ever thought it was going to be so thank you so much for putting this together. Now the W.A.R., is that like a group of you all?

Pleasant: So, W.A.R., the acronym, stands for writing as resistance. And so, at the very introduction we said that we modeled our workshop for legal writing professors of color by legal writing professors of color, after Lutie. We wanted to create a space because within the Academy, we are also marginalized. So, while I have had the benefit and some of us have had the benefit of going to Lutie and being part of that community too, there still is another subset community which is legal writing.

McMurtry-Chubb: And so, we get together, I mean we are trying to formalize that, and we have plans to meet before or after the applied storytelling conference this year. Last year we were meeting a couple days before the legal writing conference, so we just commandeered a bed and breakfast and went for it. Had a lot of fun with each other. Usually we write, there are breaks, we go out, we come back, we talk, and we cry.

Cross: Areto, did you have a question?

Areto Imoukhuede: I was going to follow on Shakira's point about the numbers, I was really shocked to hear some of the stuff. So, you said that there are only 40 people of color in legal research and writing?

Pleasant: Approximately 40 African-Americans.

Imoukhuede: And then only one black man?

Pleasant: Out of the approximately seven tenured professors, two are men and five are women.

Imoukhuede: There are two, so I know half of them.

McMurtry-Chubb: These are people who were tenured by primarily teaching legal writing. So, we have colleagues who enter the Academy who teach other things who are tenured like this young woman here who, you know, had an add-on to her legal writing and become part of our community. But, you know, there are those of us who primarily teach legal writing and are tenured with unitary tenure standards. The numbers are very, very small.

Cross: Well thank you all very much for coming in here and sharing this experience with us.