



WORKING TO DISMANTLE WHITE SUPREMACY IN THE LEGAL PROFESSION

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2020 was a year of reckoning.

...

This has happened before.

...

If those program weren't enough, then ...

...

WHAT IS?

CALLS TO ACTION

- Many law firms and law schools were quick to publish statements denouncing these inequities and reaffirmed their commitment to racial equality.
- In spring 2004, Sara Lee's General Counsel Roderick Palmore created "A Call to Action: Diversity in the Legal Profession."
- Palmore wrote the Call to Action to build on a previous manifesto: former BellSouth General Counsel Charles Morgan's "Diversity in the Workplace: A Statement of Principle," written in 1999.
- This history of prior calls to action in the legal field leads us to ask: "Where do our actions fail, and what is our current call to better action?"

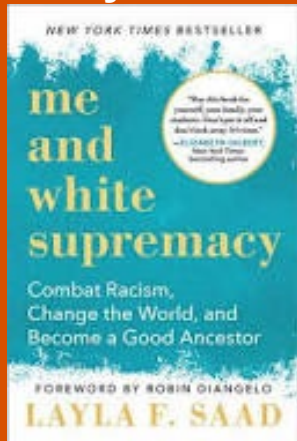
What will we cover today?

A. Doing our Part to Dismantle Racism and White Supremacy in the Legal Profession

B. The Costs of Failing to Dismantle Racism and White Supremacy in the Legal Profession

C. The Work Underway and a Call to Action (Again)

**Me & White
Supremacy:
Combat Racism,
Change the
World, and
Become a Good
Ancestor, by
Layla F. Saad**



“it is important to understand that this is deep, raw, challenging, personal, heartbreaking, and heart-expanding work...[but] if we are all committed to doing the work that is ours to do, we have a chance of creating a world and way of living that are closer to what we all desire for ourselves and one another.”

First, some definitions:

White Supremacy: defined by Layla Saad as an ideology based upon the belief that white people are superior to people of other races. It is not merely an attitude; white supremacy extends to how systems and institutions are structured to uphold white normality, and thus, dominance.

White fragility: a state in which even a minimum amount of racial stress becomes intolerable, triggering a range of defensive moves.

Systemic Racism: Discrimination plus power. So, while it may be redundant to say “systemic racism,” doing so is an important reminder that when we’re talking about racism, we’re referring to a large-scale, institutional-level problem.

I. Doing Our Part:

What does “doing the work” look like on an individual level?

“No one becomes ‘not racist,’ despite a tendency by Americans to identify themselves that way. We can only strive to be ‘antiracist’ on a daily basis, to continually rededicate ourselves to the lifelong task of overcoming our country’s racist heritage.”

-- Ibram X. Kendi

Doing the Work and Finding Your Lane

My Role in a Social Change Ecosystem



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Doing the Work and Finding Your Lane

Engage in self-reflection

- **Journaling/Mindfulness.** Learning more about the ways that racism hurts BIPOC individuals and deprives all of us of humanity can be painful.
- **Start an anti-racism book club**
- **Bring an article, podcast, or short video to staff meetings**
- **Conduct an entertainment audit.** Diversify your entertainment and social media lineup if it needs it.
- **If you're white, move out of your comfort zone...**

Engage in Action

- **Interrupt racist jokes.**
- **Identify and advocate** to change workplace policies that have a disparate impact on BIPOC communities
- **Talk, post, share** with those in your circle what you are learning about the history of racial injustice
- **Create art** that promotes social change.
- **March with protesters**
- **Support non-profits** doing racial justice work.
- **Educate yourself** about the laws and policies that negatively impact BIPOC communities and advocate against them.
- **Support elected officials and candidates** with agendas that support the voices of BIPOC communities.
- **Call or write to your elected officials** to urge them to back equitable and inclusive policies.
- **Get civically engaged** by voting in every election, but also supporting efforts to protect the right to vote

II. Not Making Enough Noise: The Costs of Failing

Pre-Law

Law School

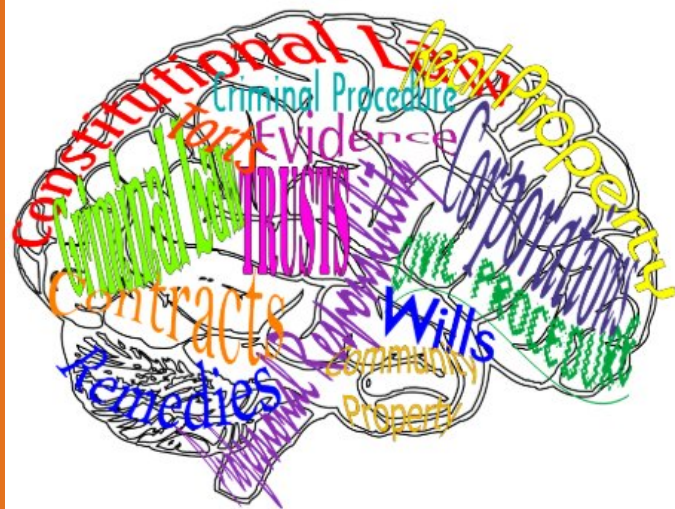
Legal Employment

Pre-Law



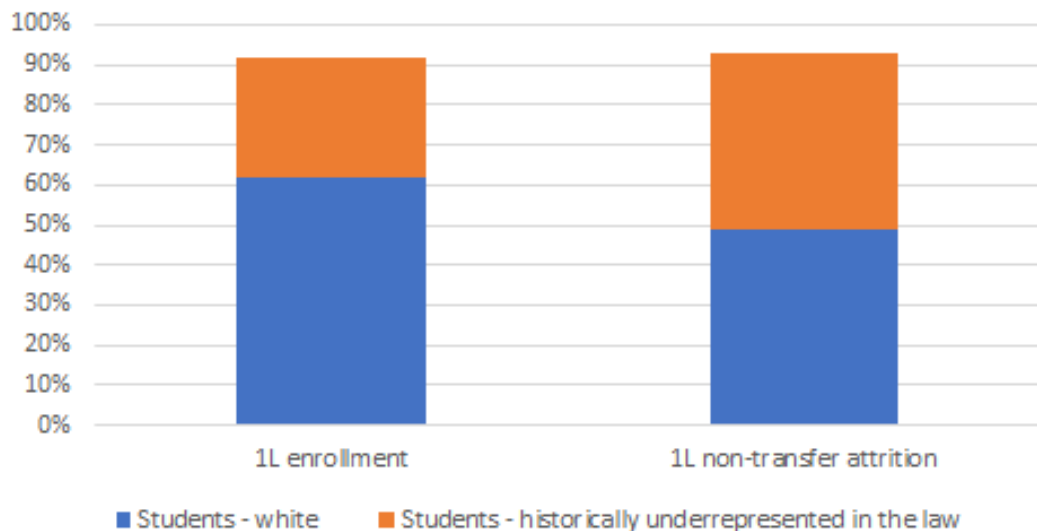
Image by Ken Whytock

This is My Brain...



...on Law School!

ABA Data from 2016



Law School Student Experiences

vary by

Sense of
Belonging
Self-
Reflection re:
Identities



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Legal Employment

- Law firms are slowly becoming more diverse, but continue to struggle with retention of diverse lawyers, particularly lawyers of color.
- Retention of Black/African American lawyers remains an ongoing issue, as they continue to leave their firms at a higher rate than other groups.
- More than 6% of associates who left their firms in 2018 were African American, the highest figure since 2011.

III. Call to Action

Pre-Law: Diversity “pathway” or pipeline” programs

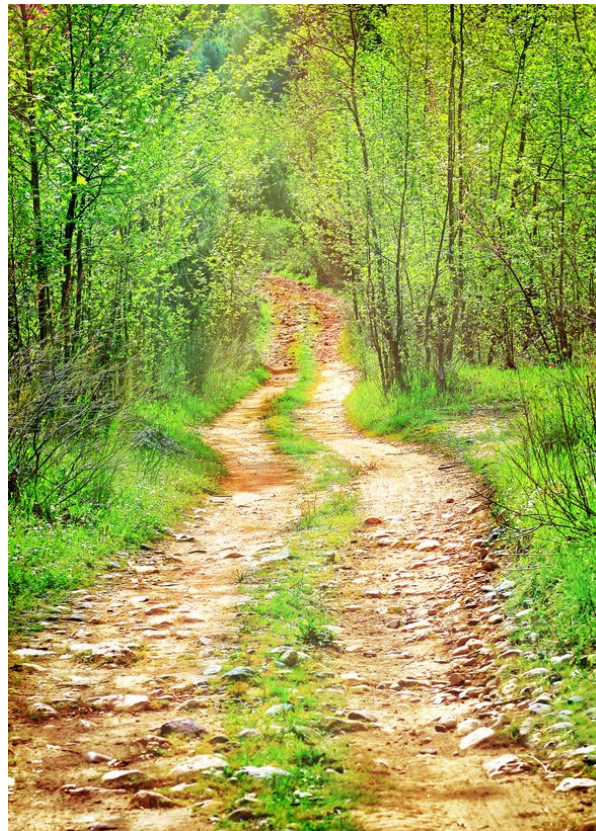
Law School: Diversity hiring and outreach programs

Legal Employment: Law firm and other legal employers’ initiatives focusing on retention

Pre-Law: Diversity “pathway” or pipeline” programs

“Although there is no magic formula that one can apply to increase diversity in the legal field, pipeline programs must definitely be part of the equation. Diverse students not only need the tools to navigate the application process, but also need to believe that they deserve to go to law school. These programs are crucial to developing confidence.”

- Miosotti H. Tenecora, Law Fellow, Immigration Program of East Palo Alto Community Legal Services



Law School

- **Affinity Bar Associations & Students Groups**
 - Key to sense of belonging
- **Legal Employers' Outreach Efforts**
 - Considerations:
 - Consolidate efforts
 - Add value to students
- **Private Sector Internship/Scholarship Programs**
 - 1L/2L Summer
- **Public Sector Internship Programs**
 - Need for funding

Legal Employment

- **Leadership Council on Legal Diversity (LCLD)**
- **Billable Credit Hours**
- **Legal Innovators**

A Call to Action (Again, and Again, and Again)

Coke GC Tired of 'Good Intentions'

- **The Coca-Cola Company has launched one of the legal industry's most rigorous outside counsel diversity programs yet.**
- **"We will no longer celebrate good intentions or highly unproductive efforts that haven't and aren't likely to produce better diverse staffing," General Counsel Bradley Gayton wrote. "It's the results that we are demanding and will measure going forward."**
- **Coca-Cola is requiring its outside counsel to staff at least 30% of new matters with diverse attorneys, with at least half of that billable time going to Black lawyers in particular. Gayton hopes to increase the overall diverse billable hour staffing requirement to 50% within the next two years.**

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