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Best Practices for Hiring and Retaining a Diverse Law Faculty

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Best Practices for Hiring and Retaining a Diverse Law Faculty

*Kellye Y. Testy**

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* Dean and James W. Mifflin University Professor, University of Washington School of Law. While my views on diversifying law faculties have been developed over many years and from many sources and experiences, I particularly thank the Association of American Law Schools and its Committee on the Recruitment and Retention of Faculty of Color on which I served for several years. During that time, we spent many hours focused on developing guidance for legal educators in this critical area. Moreover, the AALS has long played a key leadership role in diversity in legal education. I also thank the research librarians in Gallagher Law Library at the University of Washington, who provided their customary “service exceeding expectations.”

As with all institutions, the history, character, identity, and accomplishments of each law school are the direct result of its people and their acts. For that simple reason, diversity is critical; it goes to the very core of what the institution is and what it does. With legal institutions, in particular, diversity plays a critical role in shaping the perception of the institution held by persons outside of it. In order for our system of law to function as the bedrock of our democratic society that it aims to be, legal institutions must be perceived as fair and just. If the composition of our legal institutions does not mirror society that perception of fairness and justice will diminish, and our system of justice will be undermined.¹

Legal educators have gradually come to understand the critical role of diversity in the legal profession and the academy more specifically. While far from ideal, progress has nonetheless been significant.² For instance, the

1. There are well-grounded concerns that our system of justice is already severely compromised in the United States, especially with respect to criminal justice. Though beyond the scope of this Essay, there is a wealth of writing on these issues from diverse perspectives. For a start, see, for example, MICHELLE ALEXANDER, *THE NEW JIM CROW* (2009); DAVID COLE, *NO EQUAL JUSTICE: RACE AND CLASS IN THE AMERICAN CRIMINAL JUSTICE SYSTEM* (1999).

2. See RICHARD A. WHITE, ASS'N OF AM. LAW SCH., *STATISTICAL REPORT ON LAW SCHOOL FACULTY AND CANDIDATES FOR LAW FACULTY POSITIONS 2002-03*, at 5 (2003), available at <http://www.aals.org/statistics/2002-03/page2.html> ("The overall minority [faculty] percentage rose from 9.9 percent in 1990-91 to 14.8 percent in 2002-03."). AALS statistics also show that the percentage of minority faculty in the Directory of Law Teachers increased from 9.9% in 1990-91 to 16% in 2005-06. Compare RICHARD A. WHITE, ASS'N OF AM. LAW SCH., *STATISTICAL REPORT ON LAW SCHOOL FACULTY AND CANDIDATES FOR LAW FACULTY POSITIONS 2001-2002*, at 5 (2002), available at <http://www.aals.org/statistics/2002statspage2.htm>, with ASS'N OF AM. LAW SCH., *STATISTICAL REPORT ON LAW SCHOOL FACULTY AND CANDIDATES FOR LAW FACULTY POSITIONS 2005-2006*, tbl. 6B, available at http://www.aals.org/statistics/0506/0506_T6B_tit_4yr.html. Law schools have also seen progress in minority J.D. enrollment, although there are well-founded concerns that in very recent years this progress has leveled off or, in some cases, declined. See Cruz Reynoso & Cory Amron, *Diversity in Legal Education: A Broader View, a Deeper Commitment*, 52 J. LEGAL EDUC. 491, 491, 493 (2002) ("'Diversity' is prominent among the values law schools embrace today. . . . Historical data on enrollments show that through such efforts over the past twenty-five years law schools have made enormous strides toward realizing their goal. . . . In 1971, 12 percent of the entering law school class were women, and 7.4 percent were people of color. By 1995 those figures had jumped to 45 and 21 percent respectively." (citing Section of Legal Educ. & Admissions to the Bar, *First Year J.D. and Total J.D. Enrollment by Gender 1947-2008*, AM. BAR ASS'N, http://www.americanbar.org/content/dam/aba/migrated/legaled/statistics/charts/stats_6.authcheckdam.pdf (last visited May 9, 2011))); Section of Legal Educ. & Admissions to the Bar, *First Year J.D. and Total J.D. Minority Enrollment for 1971-2010*, AM. BAR ASS'N, http://www.americanbar.org/content/dam/aba/migrated/legaled/statistics/charts/stats_8.authcheckdam.pdf (last visited May 9, 2011); see also Section of Legal Educ. & Admissions to the Bar, *Total Minority J.D. Enrollment 1987-2009*, AM. BAR ASS'N, http://www.americanbar.org/content/dam/aba/migrated/legaled/statistics/charts/stats_10.authcheckdam.pdf (last visited May 9, 2011) (showing that total minority enrollment increased from 13,250 in 1987-88 to 32,505 in 2009-10). But see Phoebe A. Haddon & Deborah W. Post, *Misuse and Abuse of the LSAT: Making the Case for Alternative Evaluative Efforts and a Redefinition of Merit*, 80 ST. JOHN'S L. REV. 41, 46 n.8 (2006) ("The decline in minority enrollment is documented in MILES TO GO: PROGRESS OF MINORITIES IN THE

legal academy's scholarly organization, the Association of American Law Schools ("AALS"), insists upon a commitment to diversity as part of its membership criteria.³ In its *Statement on Diversity, Equal Opportunity and Affirmative Action*, AALS describes the objective of diversity as creating

an educational community—and ultimately a profession—that incorporates the different perspectives necessary to a more comprehensive understanding of the law and its impact on society; and to assure vigorous intellectual interchanges essential for professional development. It also implies changing the culture of educational institutions—making learning, the curriculum, and pedagogy more responsive to the needs of a changing student population and a changing world.⁴

In addition to the work of AALS, there are many other organizations and individuals who work tirelessly to improve diversity in legal education, including the Society of American Law Teachers ("SALT")⁵ and the Law School Admission Council ("LSAC").⁶ Many schools have made significant strides in diversity and serve as beacons of hope and change for others,⁷ and

LEGAL PROFESSION, Commission on Racial and Ethnic Diversity in the Profession, American Bar Association (2005) (third edition of volume publishing nationwide data on minorities in the legal profession which reported that number of minorities in law school declined two years in a row and the number of African American applicants declined 6% and 8% respectively in the two years.); Artika Tyner, *Robust Exchange of Ideas and the Presence of the African American Voice in the Law School Environment: A Review of Literature*, 5 MOD. AM. 37, 37 (2009) ("Although admission to law school is no longer limited by the 'separate but equal' doctrine, these historical barriers have had a lingering effect. Presently, there are still a relatively low number of African-Americans admitted into law school and practicing law. In recent years there has been a decline in the rate of enrollment of African-American law school applicants, down 8.6% since 1992. The American Bar Association ("ABA") Commission on Racial and Ethnic Diversity has found that advances for people of color in the legal profession have stalled. The 2000 ABA-sponsored Miles to Go report illustrates that there is still progress to be made. The report notes: 'The legal profession—already one of the least integrated professions in the country—threatens to become even less representative of the citizens and society it serves.'" (footnotes omitted)); *A Disturbing Trend in Law School Diversity*, SOC'Y AM. L. TEACHERS, <http://www.saltlaw.org/contents/view/adisturbingtrend> (last visited May 9, 2011) ("Despite the rise in the number of available seats in American law schools, up nearly 4,000 seats in the last fifteen years, African American and Mexican American enrollment has decreased at an alarming rate. Overall these applicants are showing better conventional stats—LSAT scores and college grade point averages—yet they are vanishing from law schools. That translates into fewer attorneys of color in America's future. This means a less diverse bench and bar.").

3. See *AALS Handbook: Bylaws*, ASS'N OF AM. LAW SCH., http://www.aals.org/about_handbook_bylaws.php (art. 6, § 6-3) (last visited June 7, 2011).

4. *Id.*

5. See SOC'Y AM. LAW TEACHERS, <http://www.saltlaw.org/> (last visited May 9, 2011).

6. LAW SCH. ADMISSION COUNCIL, <http://www.lsac.org/> (last visited May 9, 2011).

7. There are many examples. UCLA comes to mind for its excellent program on critical race theory and its outstanding faculty of color. My prior institution, Seattle University, also made enormous strides in diversifying its faculty, and now around half of its tenure-stream faculty (and its dean) are faculty of color.

many individual faculty members weathered extraordinarily trying circumstances to be the early movers in the quest for equality and diversity in law schools.⁸

This progress makes it possible to step back and evaluate the conditions and steps that have made hiring and retaining a diverse faculty more likely to be successful. The goal of this Essay is to draw upon those experiences in order to create a succinct set of best practices in hiring and retaining a diverse faculty that may then be used in continuing efforts to achieve excellence in legal education.

I. COMMITMENT

In one sense, hiring a diverse faculty is no different than any other goal an institution might set. No goal can be achieved without first clearly identifying it and making a commitment to its achievement.⁹ The same is true with hiring and retaining a diverse faculty. The first critical step is for the institution to identify the goal and make a commitment to reaching it. As with other goals, there should be specific benchmarks set, including realistic timetables and reliable assessment methods. Additionally, a designated person should be charged with accountability for achieving the goal and for making sure that the community remains focused upon it until it is achieved. This person should be someone who has power in the institution, so that the goal is not marginalized or ignored. Ideally, the dean assumes this responsibility or (at most) delegates it to a key associate dean. It will usually be ineffective to delegate this responsibility to a staff member, even one who is charged with other responsibilities related to diversity. While a staff member charged with leading diversity efforts can play a key role in catalyzing and organizing those efforts, it is unlikely that the staff member would have enough formal or informal power in the institution to hold the faculty and administration accountable for progress on diversity matters.

Although in many respects the goal of hiring and retaining a diverse faculty is like other institutional goals, it is different in one important respect and thus will require a different approach. What is most difficult about making progress in diversity is that the institution must work against the structural and systemic inequality that plagues every area of our society.¹⁰ As a result, the institution must apply even more sustained and

8. PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* (1991).

9. See, e.g., CHUCK WILLIAMS, *EFFECTIVE MANAGEMENT* 90–92 (2008); T.L. Stanley, *If You Don't Know Where You Are Going, You Can't Get There*, *SUPERVISION*, Dec. 2008, at 11–13.

10. See, e.g., HEATHER M. DALMAGE & BARBARA K. ROTHMAN, *RACE IN AN ERA OF CHANGE: A READER* (2010); THOMAS J. DAVIS, *RACE RELATIONS IN AMERICA: A REFERENCE GUIDE WITH PRIMARY DOCUMENTS* (2006); JOSEPH F. HEALEY, *RACE, ETHNICITY, GENDER, AND CLASS: THE SOCIOLOGY OF GROUP CONFLICT AND CHANGE* (2011); MATTHEW O. HUNT & GEORGE WILSON,

aggressive pressure in order to overcome the significant and ubiquitous barriers to diversity and equality.

For example, contrast the goal of creating a new center with the goal of enhanced diversity. When an institution sets a goal of creating a new center in some area of law, there may be many obstacles to doing so successfully. For instance, faculty may not agree on the scope or topic of the center, and the institution will need to find funding and to hire competent personnel. To be sure, those are key areas of concern for the leadership of the institution. But at the same time, that goal does not encounter the huge historic, social, ideological, economic, and emotional barriers that a goal of equality and diversity encounters. As a result, in making the commitment to hire and retain a diverse faculty, the institution must make clear at the outset that this is a goal that will require constant vigilance and aggressive intentionality for success. A commitment to faculty diversity cannot be short-term or squishy; the pursuit must be relentless and resolute.

II. ACTION

As the Greek poet Homer said, “Words empty as the wind are best unsaid.”¹¹ A commitment to diversity must be put into action. Results matter. Moreover, the words “we care” or “we tried” are especially empty today given that many law schools have made significant progress in diversifying their faculties (including some in areas of the country where the demographics of the population have not made this progress easy). Moving from commitment to action has multiple components. First, leaders in the institution, including the dean, associate and assistant deans, and tenured faculty members, must set a tone that conveys the importance of diversity. This step should not be a difficult one—all of us in legal education are devoted to academic excellence and to providing our students the very best education possible for their futures. That future is undeniably one that will require cultural competency, as legal services cross the boundaries of nation-states at accelerating rates and the demographics of our citizenry change at exponential rates. Academic excellence and devotion to our students’ welfare requires a diverse faculty. Excellence and diversity are part and parcel of one another.

Setting the tone must go beyond words and into action. Action steps include appointing leaders in the school who are diverse. For instance, are the deans and staff directors in the school diverse? If that is not possible at present, are those leaders clearly committed to diversity? Are key committees diverse, including the committee chairs? In particular, is the faculty-

RACE, RACIAL ATTITUDES, AND STRATIFICATION BELIEFS: EVOLVING DIRECTIONS FOR RESEARCH AND POLICY (2011).

11. HOMER, *THE ODYSSEY OF HOMER: A NEW VERSE TRANSLATION* BY ALLEN MANDELBAUM 93 (Allen Mandelbaum trans., Univ. of Cal. Press 1990) (Book IV, Greek line: 821–47).

appointments committee diverse? Candidates will rightly question a school's commitment to diversity if the hiring committee does not include diverse faculty. Action steps must also include student diversity. Is the school admitting and enrolling a diverse class of students each year? Are there well-supported student groups for students of color who matriculate? Actions must also be directed to programs. Are there affinity groups for alumni of color? Are there courses and programs that engage issues of diversity? Do faculty members integrate issues of diversity into first-year and required courses?

III. THE FACULTY SEARCH AND HIRING PROCESS

Once the school has made the commitment to hiring and retaining a diverse faculty and has set an institutional tone that creates a foundation for success, the next key action step is reforming the faculty-hiring process itself. Here, too, there are several components that are important for a school's ability to make progress in diversifying its faculty. First, the dean should charge the committee broadly rather than with narrow curricular searches. Requiring that the committee fill a narrow curricular niche will certainly decrease the likelihood of making progress in diversifying the faculty. Of course, that would not be true if that niche were, for instance, critical race theory. However, in my experience in legal education, the identified hiring niche is much more likely to be a doctrinal area such as taxation. Thus, where possible, curricular searches should be broadened.

Even if the school has severe needs in particular areas, it will still help to define those needs broadly (e.g., commercial law rather than Article 9 of the Uniform Commercial Code) or to create a position with curricular flexibility. However, deans should be careful how they define a flexible position. I used to think that it would aid faculty diversity to call this a "star" or "best athlete" position. I soon learned, however, that structural racism worked against this strategy being successful. All too quickly, those terms became ones that applied narrowly to former U.S. Supreme Court clerks or to a handful of lateral candidates—very few of whom were persons of color. The lesson here is that it is far better to talk explicitly about the compelling academic need for a diverse faculty rather than try to proceed more indirectly. Not only is the direct approach likely to achieve better results, it is also part of the important process of institutional growth and education about structural inequality.

Second, the search process must cast a very wide net; it cannot be "business as usual" in order to succeed in making change. Because of systemic inequality, there are too few faculty candidates of color and many do not get appropriate mentoring toward an academic career. As a result, the usual hiring process that looks only to established and referred lateral candidates and/or to entry-level candidates who come from elite schools and federal-court clerkships will not suffice. Put simply, this process must be

a search process rather than just a hiring process. Schools must seek faculty candidates through nontraditional avenues in addition to the AALS Faculty Appointments Register (“FAR”).¹² Some examples of sensible additions to the search process include networking with national and state minority bar organizations to identify promising candidates; seeking faculty candidates through workshops devoted to diversity, such as the many Regional People of Color Legal Scholarship Conferences; advertising in publications that reach diverse lawyer audiences; recruiting candidates from teaching fellowship, LL.M., Visiting Assistant Professor (“VAP”), and Ph.D. programs; networking with organizations devoted to diversity, such as SALT, for candidate referrals; and networking with existing faculty of color in both one’s home and other institutions for candidate referrals.

Third, in addition to broadening the search process, it is also important for the faculty to consider broadening its definition of excellence.¹³ Many candidates who may not fit the traditional model of faculty candidates have become and will continue to become very successful professors. Specifically, the faculty should consider candidates from a wide array of law schools, as well as candidates who have been in practice for extended periods, including candidates from the public-service sector. Faculties should be careful to entertain truly entry-level candidates rather than expecting every candidate to already have published significant legal scholarship. Diversity requires searching for excellence and for promise, not for replicas of oneself or the existing faculty.

Fourth, once the interview process begins, the appointments committee should be careful to be explicit with candidates about what is expected during the on-campus interview. Again, because of the lack of mentoring that many candidates of color experience, the committee should not assume that everyone knows what is expected. For example, it would be helpful to create a document that can be included with the promotional literature already sent to candidates that describes the on-campus interview process, including the format, goals, and objectives of the job talk. Moreover, if the candidate is a beginning scholar, the faculty should educate itself in how to be both supportive and evaluative at the job talk. It is often the case that faculties get very used to the robust give and take of more experienced scholars and do not then calibrate their approach in interviewing entry-level candidates. An explicit faculty discussion about the job-talk process will assist in this regard.

Fifth, the faculty must take care in the evaluation and voting process in order to make progress in diversifying the faculty. Many strong recruitment efforts have come to naught after a poorly managed faculty meeting to

12. See *Faculty Appointments Register*, ASS’N AM. LAW SCH., <http://www.aals.org/frs/far.php> (last visited May 9, 2011).

13. See generally Mari J. Matsuda, *Who Is Excellent?*, 1 SEATTLE J. FOR SOC. JUST. 29 (2002).

consider the candidates. This step is a difficult one because it requires that each faculty member educate him or herself about racism and be an active, good-faith participant in the diversity goal. Some basic steps can help. The dean should discourage strategic voting, and the faculty should resist engaging in it. The faculty should discuss each candidate openly rather than just voting him or her up or down. It may help to have a faculty member from the committee pre-assigned to be watchful for common patterns of institutional racism and to openly and honestly discuss it with the faculty.¹⁴ For instance, evaluators may hold faculty of color to a higher standard than white candidates and may also magnify small mistakes in evaluations.

Sixth, once the interview process moves from interview to recruitment, the appointments committee needs to make sure that its work continues. Successful recruitment efforts should include an opportunity for the faculty candidate to get to know the area where the school is located and its racial demographics. This step is going to be especially important if the region is not known for having a diverse population. If that is so, the candidate is going to want to get a good sense of the various neighborhoods and the kinds of services available in them. For instance, I have heard from many faculty candidates that they are promised a very diverse city, but then there are no food markets or hair stylists within one hundred miles that serve their ethnic group. As with all recruiting efforts, honesty is the best policy, but special attention should be paid to these issues in helping the candidate acquire a full sense of the opportunity presented.

IV. RETAINING FACULTY OF COLOR

Hiring success is not sufficient to diversify the legal academy. The institution must retain faculty of color and create an environment in which they thrive. This point is akin to the difference in student diversity between admission and attainment. It is not enough to just admit students of color; the systems must be in place so that they also succeed academically and professionally. Only then can those students have the impact that diversity efforts seek. Likewise, the impact we seek through faculty diversity cannot be achieved without success in retention. Importantly, retention success will also aid hiring success because new faculty members of color will be more likely to join an institution that has already demonstrated success in hiring and retaining a diverse faculty.

As with hiring, there are many key components to successful retention efforts. First and foremost, it is critical to understand the unique demands and obstacles that are placed on faculty of color—some subtle and some overt. One of the most important of these is that faculty of color are often

14. The person assigned this role should be a respected member of the faculty. Generally, however, it should not be a faculty member of color. Too often colleagues of color are asked to carry too much of the burden for advancing the institution's equality and diversity goals.

subject to a presumption of incompetence by both students and colleagues.¹⁵ Rather than their expertise and authority being assumed, it is questioned. The burden of proof is always on the faculty member. This is a heavy burden, and like all burdens, takes its toll on energy and morale. An additional burden is that of being the “only” or a minority. This means that the faculty member bears a disproportionate responsibility for student advising and mentoring and is often stretched thin due to the school’s otherwise worthy goal of having diverse faculty well represented on committees and other important institutional assignments.¹⁶

The institution must take these burdens into account when reviewing scholarly and teaching-support structures, using assessment instruments such as student-teaching evaluations,¹⁷ assigning teaching loads, and assigning service responsibilities. Delicate calibration is vital. A lesser teaching load may be essential to account for these enhanced burdens, particularly in the early years of teaching for entry-level faculty. The dean and senior faculty may also need to “run interference” to assist the faculty member in not being drawn into too many committees and other service assignments. Special care should be taken by faculty colleagues to not side with early student criticism of a new teacher; this plays right into the presumption of incompetence that faculty of color experience and can solidify negative opinion in a way that is very hard to counter.

Deans should also make sure that faculty of color have the funding and encouragement to attend regional faculty-of-color conferences¹⁸ and key

15. Albert T. Quick & Kent D. Lollis, *Retention of Minority Professors: Dealing with the Failure To Presume Competence*, 10 ST. LOUIS U. PUB. L. REV. 361, 363–64 (1991); Leland Ware, *People of Color in the Academy: Patterns of Discrimination in Faculty Hiring and Retention*, 20 B.C. THIRD WORLD L.J. 55, 68–71 (2000).

16. Roy L. Brooks, *Life After Tenure: Can Minority Law Professors Avoid the Clyde Ferguson Syndrome?*, 20 U.S.F. L. REV. 419, 420–24 (1986); Rachel F. Moran, *Commentary: The Implications of Being a Society of One*, 20 U.S.F. L. REV. 503, 508 (1986); Rupa Shenoy, *Minority Faculty Finish Last on Tenure Track*, CHI. REP. (Sept. 24, 2007), http://www.chicagoreporter.com/index.php/c/Inside_Stories/d/Minority_Faculty_Finish_Last_on_Tenure_Track.

17. Kathleen Bean, *The Gender Gap in the Law School Classroom—Beyond Survival*, 14 VT. L. REV. 23, 29 (1989); Therese A. Huston, *Race and Gender Bias in Higher Education: Could Faculty Course Evaluations Impede Further Progress Toward Parity?*, 4 SEATTLE J. FOR SOC. JUST. 591, 602–05 (2006); Deborah J. Merritt, *Bias, the Brain, and Student Evaluations of Teaching*, 82 ST. JOHN’S L. REV. 235, 235–40 (2008). There is a strong body of research that can assist in minimizing racial bias in teaching evaluations if this is incorporated into the form and use of student and peer evaluations. See Robert S. Chang & Adrienne D. Davis, *Making Up Is Hard To Do: Race/Gender/Sexual Orientation in the Law School Classroom*, 33 HARV. J.L. & GENDER 1, 39–40 (2010).

18. See, e.g., 2009 Mid-Atlantic People of Color Legal Scholarship Conference, BEST PRACTICES FOR LEGAL EDUC., <http://bestpracticeslegaled.albanylawblogs.org/2008/12/24/2009-mid-atlantic-people-of-color-legal-scholarship-conference/> (last visited May 9, 2011); 2010 Conference of Asian Pacific American Law Faculty (CAPALF)/Western Law Teachers of Color (WLTC), UNIV. OF ARIZ. JAMES E. ROGERS COLL. OF LAW, <http://www.law.arizona.edu/CAPALF/> (last visited May 9, 2011); 2011 Joint Southeast/Southwest and Mid-West People of Color Legal Scholarship Conference, SE./SW.

events in their fields in order to establish mentoring relationships. Because there may be too few faculty of color in the institution, this ability to network outside of the institution is vital to the healthy development of the faculty-member's career. Likewise, the school should invite faculty members of color to colloquia and other events that the school hosts; this invitation can then create the opportunity for faculty to connect with colleagues from around the nation and the world.

Within the institution, deans should make sure that each faculty member has good mentoring and that promotion and tenure standards are clear and disclosed. Like many diversity efforts, this one is a general best practice for all faculty members. Surprises are not good for anyone in the promotion and tenure process. The composition of personnel review committees should be monitored carefully to ensure that the people serving are fair minded, have a commitment to diversity, and have taken the time to educate themselves on the particular obstacles that faculty of color face in the academy. There are many helpful writings about the painful experiences of racial minorities in the academy.¹⁹ These works provide instruction on creating an environment where faculty thrive, as well as teaching what *not* to do.

Faculty mentoring should also incorporate opportunities for leadership, including service on committees, as directors of centers and institutes, and as associate deans. The institution should place a premium on developing the future leaders of the legal academy and making sure that those leaders are diverse.²⁰ Only in this way will the goal and reality of diversity be built into the very fabric of legal education.

V. ACCOUNTABILITY

As with any institutional goal, the school also needs to establish a regular process of assessment. As part of its regular planning, the institution should evaluate progress in diversifying the faculty. Where progress is lacking, the dean and the faculty should be held accountable. For instance, progress in diversity should be part of the decanal review process. The

PEOPLE OF COLOR LEGAL SCHOLARSHIP CONFERENCE, <http://www.seswpocc.org/index.html> (last visited May 9, 2011); *Northeast People of Color (NEPOC) 2009, America's New Class Warfare?*, UNIV. OF BUFFALO LAW SCH., <http://www.law.buffalo.edu/nepocog/> (last visited May 9, 2011); *Third National People of Color Conference*, SETON HALL LAW, http://law.shu.edu/About/News_Events/thirdnationalpoc/index.cfm (last visited May 9, 2011).

19. See generally DERRICK BELL, *CONFRONTING AUTHORITY: REFLECTIONS OF AN ARDENT PROTESTER* (1994); WILLIAMS, *supra* note 8; Jennifer M. Russell, *On Being a Gorilla in Your Midst, Or, the Life of One Blackwoman in the Legal Academy*, 28 HARV. C.R.-C.L. L. REV. 259 (1993).

20. Several years ago, I launched one such effort in collaboration with SALT by creating a workshop for encouraging women and racial minorities to become law-school deans. This workshop is held every two years in Seattle. The next one will be September 23-24, 2011, and will be co-sponsored by the University of Washington School of Law and Seattle University School of Law.

institution should also consider this when selecting members of the faculty-appointments committee; those members who have not done well on this score in the past should not be asked to serve repeatedly. Similarly, the institution should regularly evaluate tenure rates and retention and make changes to those processes if necessary for improvement.

Accountability must be individual as well as institutional. Each of us in the legal academy needs to take personal responsibility for educating ourselves about institutional racism and best practices for making progress against it. We cannot keep pointing to others to take that responsibility or to take blame for lack of progress. As Louis Nizer has noted,²¹ when you point a finger at someone else, remember that four fingers are pointing at you.

We must not expect our colleagues of color to carry the burden of educating the rest of us. The responsibility for education and progress on diversity, inclusion, and cross-cultural competence is the job of each and every one of us in the legal academy. We owe our students and the global society we all serve no less.

21. AN EDITOR'S TREASURY: A CONTINUING ANTHOLOGY OF PROSE, VERSE, AND LITERATURE CURIOSA 1395 (Herbert R. Mays ed., 1968).

