
THE COLOR OF LAW REVIEW

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ABSTRACT

Of the approximately sixty-five Black law review Editors-in-Chief (“EICs”) throughout U.S. history, at least thirty-eight—more than half—were elected in the past ten years. What inspired the dramatic increase in the diversity of law review leadership in recent history, and why has it taken so long? This question—what this Article calls law review’s ongoing “diversity problem”—does not have an easy answer. While legal scholars have been talking about diversity, equity, and inclusion (“DEI”) on law review boards for far longer than the past decade, no law school has yet to solve it. Further, even as an increasing number of law schools promote DEI in the classroom, from creating antiracist curricula to appointing diversity-focused administrators, only a handful of law schools seem to be paying much attention to the diversity of their law review boards. The overwhelming silence of law schools amidst the persistent racial and ethnic homogeneity of their law reviews suggests that some law school administrators believe the problem lies with the merit of their non-White students. Or, perhaps some believe that law review’s diversity problem is merely symptomatic of ongoing challenges to admit more underrepresented students into J.D. programs nationwide.

This Article argues that law review’s diversity problem must be viewed in the broader context of sociopolitical efforts to eradicate racial injustice in the United States and reform legal education. Applying a critical racial lens toward efforts to promote DEI in law review, this Article clarifies three fundamental drivers of law review’s diversity problem, with implications not just for law review, but for legal education writ large. First, this Article claims that the purpose of DEI for law reviews is not solely to increase the number of racially and ethnically minoritized students on the law review roster to enhance the

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learning experience of student editors, but also to realign the distorted function of law review with its ideal purpose. Second, it argues that the role of law review's DEI is not merely to increase the equality of opportunities for underrepresented students or broad-based discussion of marginalized experiences and diverse perspectives of law, but also to challenge the fundamental structure of the sociolegal institutions that coordinate legal education in the United States. Finally, this Article contends that the value of DEI for law reviews is not simply the increased number of marginalized voices engaged in mainstream legal discourse, but, perhaps most importantly, the inclusion of voices into mainstream legal discourse that do not always have the perceived academic merit or societal prestige necessary to gain access.

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*I got power, poison, pain, and joy inside my DNA. I got hustle though,
ambition flow inside my DNA.*

—Kendrick Lamar¹

*[I]f our society truly values education as a means of preparing
citizens . . . we need to reexamine exactly how we define “merit.”*

—Lani Guinier²

INTRODUCTION

In the first seventy-three years of the *Virginia Law Review*’s existence, established on March 15, 1913, there were no Black members.³ In 1987, three Black students were welcomed as members of the *Virginia Law Review*, two of whom were invited because of a newly implemented affirmative action plan.⁴ Yet, it would take until 2021—approximately 108 years after the law journal’s establishment—for the *Virginia Law Review* to elect its first Black Editor-in-Chief (“EIC”), Tiffany Mickel.⁵ Some might argue that this narrative merely reflects the difficulty of joining, much less leading, one of the nation’s most prestigious law journals at one of its top-ranked law schools where the enrollment of Black students is routinely low. After all, Mickel is exceptional among Black law students nationwide as one of only a few Black women in the United States with a materials science and engineering degree from MIT.⁶ Her election is well-deserved, and her accomplishments deserve praise. Yet, the *Virginia Law Review*’s story appears to be more of an illuminating trend

¹ KENDRICK LAMAR, *DNA*, on DAMN. (Top Dawg Ent. 2017).

² LANI GUINIER, *THE TYRANNY OF MERITOCRACY: DEMOCRATIZING HIGHER EDUCATION IN AMERICA*, at x-xi (2015).

³ Frederick Ramos, *Affirmative Action on Law Reviews: An Empirical Study of Its Status and Effect*, 22 UNIV. MICH. J.L. REFORM 179, 179 (1988). Herein, we use the racial term “Black” to describe individuals of African American identification and members of other African diaspora cultures. We also often use the term “minoritized” rather than “minority” to more accurately describe how some cultural groups are pushed to the margins of society based upon racial, cultural, or other social categorizations, such as Hispanic/Latinx Americans, certain immigrants, and some religious groups. To be sure, race as a tool for human categorization is a social construction that too often essentializes and oversimplifies. Still, racial categorizations are employed with tangible effect in the United States to exploit, suppress, and dehumanize subordinated populations, therefore demanding our careful attention. See MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES* 13 (3d ed. 2014).

⁴ Ramos, *supra* note 3, at 179.

⁵ Mike Fox, *Virginia Law Review Names First Black Editor-in-Chief*, UNIV. VA. SCH. L. (Feb. 1, 2021), <https://www.law.virginia.edu/news/202102/virginia-law-review-names-first-black-editor-chief> [https://perma.cc/8F69-27TF] (noting that Tiffany Mickel was selected first Black EIC of *Virginia Law Review* in 2021, the journal’s 108th year).

⁶ *Id.*

concerning law review's diversity problem than a heroic triumph for Black law students.

For example, on January 15, 2022, *Texas Law Review* elected Jason Onyediri as its first Black EIC after nearly 100 years of the journal's existence.⁷ In February 2021, the *Tulane Law Review* elected Antonio Milton as its first Black EIC,⁸ and the *Fordham Law Review* elected Tatiana Hyman as its first Black EIC.⁹ Also in 2021, the Georgia State University College of Law, the University of Minnesota Law School, the Syracuse University College of Law, and the Benjamin N. Cardozo School of Law each elected their first Black EIC in their school's respective histories.¹⁰ In fact, of the approximately sixty-five Black EICs from the top 100 law schools across U.S. history, roughly thirty-eight—more than half—were elected in the past ten years.¹¹ What inspired the dramatic increase in the diversity of law review leadership in recent history, and why has it taken so long?¹²

This question—what this Article calls law review's "diversity problem"—does not have an easy answer. While legal scholars have been talking about diversity, equity, and inclusion ("DEI") on law review boards for far longer than the past decade, no American law school has yet to solve it. In 1988, then law student Frederick Ramos wrote a law review note exploring the impact of affirmative action policies on the diversity of law review boards.¹³ Of the eighty-four law reviews that responded to Ramos's survey, only six had affirmative

⁷ *Texas Law Review Elects First Black Editor-in-Chief, 2L Jason Onyediri*, UNIV. TEX. AUSTIN SCH. L. (Feb. 15, 2022), <https://law.utexas.edu/news/2022/02/15/texas-law-review-elects-first-black-editor-in-chief-2l-jason-onyediri/> [<https://perma.cc/JUU2-Y3RS>].

⁸ Alina Hernandez, *Tulane Law Review Names First Black Editor-in-Chief*, TUL. UNIV. (Feb. 4, 2021, 5:15 PM), <https://law.tulane.edu/news/tulane-law-review-names-first-black-editor-chief> [<https://perma.cc/FA9U-8AHF>].

⁹ Julia Brodsky, *Tatiana Hyman '22 Elected First Black Editor-in-Chief of Fordham Law Review*, FORDHAM L. NEWS (Feb. 16, 2021), <https://news.law.fordham.edu/blog/2021/02/16/tatiana-hyman-22-elected-first-black-editor-in-chief-of-fordham-law-review/#prettyPhoto> [<https://perma.cc/T5BE-LKBS>].

¹⁰ See *The First Black Editor-in-Chief of the Law Review at Georgia State University*, J. BLACKS HIGHER EDUC. (Mar. 30, 2021), <https://www.jbhe.com/2021/03/the-first-black-editor-in-chief-of-the-law-review-at-georgia-state-university/> [<https://perma.cc/8U4U-J4QV>]; *2L Student Jhaton White Makes History as Cardozo Law Review's First Black Editor in Chief*, CARDOZO L. (Mar. 30, 2021), <https://cardozo.yu.edu/news/2l-student-jhaton-white-makes-history-cardozo-law-reviews-first-black-editor-chief> [<https://perma.cc/8X6V-NYS4>].

¹¹ Karen Sloan, *Record Number of Black Students Take the Reins at Flagship Law Journals*, LAW.COM (Mar. 18, 2021, 10:18 AM), <https://www.law.com/2021/03/18/a-record-number-of-black-students-take-the-reins-at-top-law-journals/>.

¹² This Article defines law review as "[a] periodic publication of most law schools containing lead articles on topical subjects by law professors, judges or attorneys, and case summaries by law review member-students." See Michael L. Closen & Robert J. Dzielak, *The History and Influence of the Law Review Institution*, 30 AKRON L. REV. 15, 16 (1997) (quoting *Law Review*, BLACK'S LAW DICTIONARY (6th ed. 1990)).

¹³ Ramos, *supra* note 3, at 180.

action programs for editor selection, all of which had non-White members.¹⁴ All six of the law schools with affirmative action programs were so-called “elite” law schools: one in the South, three in the Midwest, and two in the West.¹⁵ Ramos discovered that law reviews with affirmative action programs averaged seventy-six members while those without such programs averaged forty-five members, suggesting that some law review DEI efforts at the time were not reducing the number of White student editors, but instead were increasing the number of editor positions to incorporate more racially and ethnically minoritized students.¹⁶

Ramos’s study further revealed that sixty percent of the law reviews in the survey pool with affirmative action programs had at least one Black student, eighty percent had at least one Hispanic student, and forty percent had at least one Asian American student.¹⁷ Conversely, of the seventy-eight law reviews that did *not* have an affirmative action program, thirty law reviews had no non-White members at all, comprising almost forty percent of the entire sample population.¹⁸ Even more, of the forty-eight law reviews that did *not* have an affirmative action program but *did* have non-White student representation, only seven had at least one Black student on the senior editorial board.¹⁹ For those law reviews in the study that implemented a mixed-method editor selection process (e.g., assessing first-year grades alongside performance on a writing competition), fifty-eight percent had at least one non-White member.²⁰ Based on his analysis of the impact of affirmative action programs on the diversity of law

¹⁴ *Id.* at 194, 202. We use the term “White” to describe non-Black individuals of European ancestry. Contrary to current trends, we choose to capitalize the term because it carries with it significant cultural connotations and sociopolitical implications that are inescapable and must be reckoned with, not neutralized. As LaToya Baldwin Clark eloquently declares, “[T]he proper noun usage of the word [White] forces an understanding of ‘White’ as a social and political construct.” See LaToya Baldwin Clark, *Stealing Education*, 68 UCLA L. REV. 566, 568 n.1 (2021); see also Eve L. Ewing, *I’m a Black Scholar Who Studies Race. Here’s Why I Capitalize ‘White.’* MEDIUM: ZORA (July 2, 2020), <https://zora.medium.com/im-a-black-scholar-who-studiesrace-here-s-why-i-capitalize-white-f94883aa2dd3> [https://perma.cc/7CET-6B83].

¹⁵ Ramos, *supra* note 3, at 195. Ramos defined “elite” law schools as “law schools Dr. Jack Gourman listed as ‘distinguished’ and ‘strong.’” See *id.* at 203 n.79 (citing JACK GOURMAN, *THE GOURMAN REPORT* 75-80 (3d ed. 1985)).

¹⁶ *Id.* at 195-96.

¹⁷ *Id.* at 198. Notwithstanding such progress, Ramos notes that no law reviews that provided information regarding their demographics had any Native American students. *Id.*

¹⁸ *Id.* Of this group, nineteen law reviews had at least one Black student, and one had eight; twenty-four law reviews had at least one Hispanic student, and one had six; two law reviews had at least one Native American student, and one had eight; and twelve law reviews had at least one Asian American student, and one had five. *Id.*

¹⁹ *Id.* Also, ten law reviews had at least one Hispanic student on the editorial board; one law review had at least one Native American student on the editorial board; and three law reviews had at least one Asian American student on the editorial board, including one Asian American EIC. *Id.* at 198-99.

²⁰ *Id.* at 199-200.

reviews, Ramos concluded that law reviews intent on increasing non-White student membership should consider an affirmative action program.²¹ At a minimum, he argued, such reforms should include structural changes to both the editor selection and scholarship publication process.²²

Unfortunately, few law reviews heeded Ramos's advice. Instead, ten years later, in 1998, *The Journal of Blacks in Higher Education* determined that not much had changed.²³ In their survey of the twelve highest-ranked U.S. law schools,²⁴ the journal found that only fifty of the students on their law reviews self-identified as Black.²⁵ Specifically, Black students made up only 4.8% of the 1,038 law review editors surveyed.²⁶ Even as law schools have been pushing for greater DEI in the classroom, few law schools seem to be concerned with the diversity of their law review boards.²⁷ The silence of law schools amidst the persistent homogeneity of their law reviews suggests that at least some law school administrators believe the problem lies with the merit of their non-White students. Perhaps law reviews have been selecting the best law students all along, such adherents presumably contend. Black law students, they no doubt add, alongside other non-White students, have simply fallen short of the mark.

To be sure, while this Article focuses on the challenges facing racially and ethnically minoritized students on law reviews, law review's diversity problem transcends issues of race and ethnicity. For example, in 1981, Harvard Law School's student body was twenty-eight percent female and fourteen percent non-White, but out of the eighty-nine members of the *Harvard Law Review* ("HLR"), there were only eleven women (about twelve percent) and only one non-White student (about one percent).²⁸ More recently, a 2009 study showed

²¹ *Id.* at 201.

²² *Id.* at 201-02 (suggesting implementation of editor selection process that considers writing performance in addition to grades and publication and that "addresses minority concerns" to achieve diverse membership); see *infra* Part III.

²³ *Many of the Nation's Most Prestigious Law Reviews Have Lily-White Editorial Boards*, J. BLACKS HIGHER EDUC., Spring 1998, at 55, 55.

²⁴ See *id.* at 56.

²⁵ *Id.*

²⁶ *Id.*

²⁷ See, e.g., Daniel Sisgoreo, *Law School Aims for Faculty Diversity*, YALE DAILY NEWS (Mar. 1, 2012, 12:00 AM), <https://yaledailynews.com/blog/2012/03/01/law-school-aims-for-faculty-diversity/> [<https://perma.cc/BKB8-HY9G>] (noting first offer of tenure to Hispanic female faculty member at Yale Law School and discussing needs to further diversity faculty hiring at Yale Law School); Heather Gerken, *Message from the Dean*, YALE L. SCH.: DIVERSITY & INCLUSION, <https://law.yale.edu/student-life/diversity-inclusion> [<https://perma.cc/4776-9LC8>] (last updated Fall 2022) (emphasizing diversity and inclusion as one of Yale Law School's core values and highlighting diversity achievements such as class demographics).

²⁸ This was before *Harvard Law Review* ("HLR") implemented an affirmative action policy. See *Harvard Law Review's Ethnic Screening Criticized*, N.Y. TIMES (Feb. 24, 1981), <https://www.nytimes.com/1981/02/24/us/harvard-law-review-s-ethnic-screening-criticized.html>.

that “men and women enter law schools in roughly equal numbers,”²⁹ but women at Yale Law School and Harvard Law School were not joining law reviews in percentages that matched their representation in their J.D. classes.³⁰ From 1992 to 2000, Harvard Law School experienced a thirteen percent differential between the percentage of women on HLR and their representation in their respective J.D. class.³¹ From 1996 to 2003, women comprised only forty-two percent of *Yale Law Journal*, “which was lower than the percentage of women in the [relevant] J.D. class.”³² From 2001 to 2006, *Stanford Law Review* elected no women to serve as EIC.³³ Indeed, it would take until 2016 for HLR to reportedly induct a group of editors with demographics that matched those of the entire law school class, boasting the highest-ever percentages of women and non-White law students.³⁴ These challenges are not relegated to ivy league law schools. Numerous law schools across the country continue to struggle with not only racial and ethnic diversity, but also gender, sex, disability, and class diversity, too.³⁵

Critics of affirmative action and progressive DEI efforts argue that law school’s so-called diversity problem does not imply that law schools are failing their law students or their local communities. Rather, too few qualified racially and ethnically minoritized students are applying to law school.³⁶ For those few non-White applicants who do qualify for law school, but who are not “skilled”

²⁹ Megan S. Knize, *The Pen Is Mightier: Rethinking the “Gladiator” Ethos of Student-Edited Law Reviews*, 44 MCGEORGE L. REV. 309, 311 (2013) (citing Carolyn B. Lamm, *Diversity and Justice: Promoting Full and Equal Participation in the Legal Profession*, 48 JUDGES’ J. 1, 1 (2009)).

³⁰ *Id.* at 311 (citing Sari Bashi & Maryana Iskander, *Why Legal Education Is Failing Women*, 18 YALE J.L. & FEMINISM 389, 424 (2006)).

³¹ *Id.* at 324 (citing Tammy R. Pettinato & Hugo Torres, *Internal Law Review Report Leaked*, HARV. L. REV. REC. (Nov. 6, 2003), <https://hlrecord.org/internal-law-review-report-leaked/> [<https://perma.cc/G7M7-RTN2>]).

³² *Id.* at 324-25.

³³ *Id.* at 325.

³⁴ Claire E. Parker, *Law Review Inducts Most Diverse Class of Editors in History*, HARV. CRIMSON (Sept. 6, 2016), <https://www.thecrimson.com/article/2016/9/6/law-review-inducts-most-diverse-class/> [<https://perma.cc/VUG8-R5JB>].

³⁵ See, e.g., Christine Charnosky, *Ahead of the Curve: Exploring the Diverse Approaches of Recent Law School DEI Programs*, LAW.COM (Jan. 31, 2022, 9:08 PM), <https://www.law.com/2022/01/31/ahead-of-the-curve-exploring-the-diverse-approaches-of-recent-law-school-dei-programs/> (explaining that many law deans are grappling with DEI initiatives); Stephanie Villinski, *It’s Time To Remove Professional Barriers for Lawyers with Disabilities*, 2CIVILITY (Jan. 30, 2020), <https://www.2civility.org/its-time-to-remove-professional-barriers-for-lawyers-with-disabilities/> [<https://perma.cc/NPU4-X7NG>].

³⁶ See Ryan Fortson, Comment, *Affirmative Action, The Bell Curve, and Law School Admissions*, 24 SEATTLE UNIV. L. REV. 1087, 1119-20 (2001); see also Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367, 473-74 (2004) (arguing elimination of affirmative action would in fact increase number of Black lawyers where “race-blind system” would allow admission of Black students into schools where they can be “competitive with other students”).

enough to earn admission to the law review, such critics note, law schools offer specialty journals that law students can voluntarily join, alongside other academic-enrichment programs that provide opportunities for strengthening legal research, writing, and advocacy skills.³⁷ Law reviews are not biased, one concludes from this line of reasoning. Instead, the truth is that most law schools are predominantly composed of White students, which explains why law reviews look the same as most law school classrooms—predominantly White.³⁸ Further still, the typical law review selection process is widely perceived to be neutral and color-blind, selecting students based on their meritorious performance on first-year law school exams or a legal editing and writing exercise, and not for their popularity amongst peers.³⁹ Perhaps law review's diversity problem is merely a symptom of law schools' failure to admit more underrepresented students into their J.D. programs?

We disagree. Far more must be done than merely tweaking law school enrollment statistics. This Article argues that law review's diversity problem must be engaged in the broader context of two complementary lenses: (1) sociopolitical efforts to eradicate racial injustice in the United States; and (2) institutional efforts to reform legal education. On the one hand, the lens of sociopolitics suggests that DEI efforts in law reviews experience the push and pull of racial attitudes and perceptions across the nation.⁴⁰ For example, researchers have shown that although the election of President Barack Obama in 2008 improved the public's perception of Black people's work ethic and intelligence,⁴¹ racial attitudes became more polarized between 2009 and 2013, coinciding with an increased number of racially motivated killings of Black people nationwide.⁴² Such attitudes catalyzed Donald Trump's presidential campaign, notwithstanding his divisive rhetoric on the campaign trail.⁴³ Unrelenting police brutality under President Trump's Administration culminated in nationwide calls for racial reckoning in the summer of 2020 after

³⁷ See Ramos, *supra* note 3, at 192 (addressing argument against affirmative action that motivated nonmember students can nevertheless obtain legal writing skills by submitting notes to law review).

³⁸ See *Law School Enrollment by Race & Ethnicity (2019)*, ENJURIS, <https://www.enjuris.com/students/law-school-race-2019.html> [https://perma.cc/V37Y-FRNV] (last visited Jan. 18, 2023).

³⁹ See Ramos, *supra* note 3, at 186.

⁴⁰ See *infra* Section I.D.

⁴¹ David M. Marx, Sei Jin Ko & Ray A. Friedman, *The "Obama Effect": How a Salient Role Model Reduces Race-Based Performance Differences*, 45 J. EXPERIMENTAL SOC. PSYCH. 953, 956 (2009).

⁴² Jeffrey M. Jones, *In U.S., Obama Effect on Racial Matters Falls Short of Hopes*, GALLUP (Aug. 11, 2016), <https://news.gallup.com/poll/194495/obama-effect-racial-matters-falls-short-hopes.aspx> [https://perma.cc/CJF2-AA93].

⁴³ See *infra* Section I.D.

the police killings of Breonna Taylor and George Floyd, among others.⁴⁴ These events coincided with a dramatic uptick in Black EICs in 2021 and 2022.⁴⁵ Accordingly, at least one driver of the increased attention to DEI issues in law reviews during the past ten years may be attributed to the increased attention nationwide to racial injustice since President Obama's election.

On the other hand, the lens of the law school as an educational institution⁴⁶ suggests that DEI efforts in law reviews also experience the push and pull of racial attitudes and perceptions across their law school community, including the views and attitudes of their faculty. Consider the current project of "building an Antiracist law school," as Dean Danielle M. Conway of Penn State Dickinson Law puts it,⁴⁷ that has been decades in the making, initiated by the founders of Critical Race Theory ("CRT") in the late 1980s.⁴⁸ That effort has only been amplified since the acquittal of George Zimmerman in the shooting death of Trayvon Martin in 2012.⁴⁹ Martin's murder, followed by the murders of Michael Brown and Eric Garner, inspired protestors to declare "Black Lives Matter" in 2013, which inspired law faculty to increasingly prioritize racial justice in their

⁴⁴ Rachel Scott & Will Steakin, *Trump Again Stokes Racial Divides, a Reality at Odds with His Efforts To Court Black Voters*, ABC NEWS (May 30, 2020, 4:47 PM), <https://abcnews.go.com/Politics/trump-stokes-racial-divides-reality-odds-efforts-court/story?id=70957826> [<https://perma.cc/K6FK-CYNX>].

⁴⁵ See Sloan, *supra* note 11.

⁴⁶ For an introduction to institutional theories, see Henry Farrell, *The Shared Challenges of Institutional Theories: Rational Choice, Historical Institutionalism, and Sociological Institutionalism*, in KNOWLEDGE AND INSTITUTIONS (Johannes Glückler, Roy Suddaby & Regina Lenz eds., 2018).

⁴⁷ Danielle M. Conway, Bekah Saidman-Krauss & Rebecca Schreiber, *Inclusivity in Admissions and Retention of Diverse Students: Leadership Determines DEI Success*, 23 RUTGERS RACE & L. REV. 1, 10 (2021).

⁴⁸ Early CRT scholars sought to introduce a critical racial lens into the legal realist tradition and critical legal studies movement. See Etienne C. Toussaint, *The Purpose of Legal Education*, 111 CALIF. L. REV. (forthcoming 2023) (manuscript at 205-20) (on file with *Boston University Law Review*); Janel George, *A Lesson on Critical Race Theory*, ABA HUM. RTS. MAG. (Jan. 11, 2021), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/a-lesson-on-critical-race-theory/ [<https://perma.cc/VH6K-V9SQ>].

⁴⁹ See Danielle M. Conway, Danielle Holley-Walker, Kimberly Mutcherson, Angela Onwuachi-Willig & Carla D. Pratt, *Law Deans Antiracist Clearinghouse Project*, ASS'N OF AM. L. SCHS., <https://www.aals.org/about/publications/antiracist-clearinghouse/> [<https://perma.cc/7T4E-SMUZ>] (last visited Jan. 18, 2023); see also Keeshea Turner Roberts, *Law Schools Push To Require Anti-Racism Training and Courses*, ABA HUM. RTS. MAG. (Dec. 13, 2020), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/rbgs-impact-on-civil-rights/law-schools-push/ [<https://perma.cc/N6KJ-J6RH>] (discussing different measures taken by law schools to expose and oppose racism following killings of George Floyd, Breonna Taylor, and Ahmaud Arbery).

teaching and scholarship.⁵⁰ Thus, another driver of the increased attention to DEI issues in law reviews during the past ten years could be law professors' increased attention nationwide to racial injustice. By revisiting CRT's critique of racism in law (attending to the lens of sociopolitics) and the legal academy's critique of racism in legal pedagogy (attending to the institutional lens of the law school),⁵¹ this Article clarifies three fundamental drivers of law review's diversity problem, with implications not just for law reviews, but for legal education writ large.

First, this Article claims that the *purpose* of DEI for law reviews is not solely to increase diversity on the law review roster to enhance the learning experience of students on the journal. A deeper purpose of DEI, we argue, is to realign the distorted function of the law review with its ideal purpose. Alongside its familiar educational and professional purposes for law students, one of law review's fundamental purposes is to promote scholarly discourse on law and law reform to promote the public's interest. However, in practice, many law reviews are purposed toward political, social, and economic ends that undermine its lofty ideals. To avoid advancing a limited political vision of legal discourse, law reviews must consider a diverse spectrum of legal issues in their periodicals, not merely those that accord with the lived experiences and academic interests of their prototypical editor, who in most instances is an upper-class person racialized as White. Further, to avoid reproducing social hierarchy and serving as a gatekeeper for elite law practice and prestigious clerkships, law reviews must engage the contributions, needs, interests, and values of historically marginalized groups, including law students. In so doing, law reviews challenge the status quo operation of the law review as a [W]hite space,⁵² whereby a historically [W]hite vision of academic discourse dominates both the production and reception of legal scholarship. For example, many law reviews have recently emphasized nontraditional scholarship on movement lawyering,⁵³ police

⁵⁰ See, e.g., *Rutgers Law School Faculty Resolution on Black Lives Matter and Commitment to Anti-Racist Principles and Action*, RUTGERS, <https://law.rutgers.edu/rutgers-law-school-faculty-resolution-black-lives-matter-and-commitment-anti-racist-principles-action> [https://perma.cc/KN2V-L5XT] (last visited Jan. 18, 2023).

⁵¹ See *infra* Part II.

⁵² Bennett Capers, Essay, *The Law School as a White Space*, 106 MINN. L. REV. 7, 21-22 (2021).

⁵³ See generally, e.g., Ellen Yaroshefsky, *Symposium Introduction*, 47 HOFSTRA L. REV. 1 (2018).

abolition,⁵⁴ and climate change,⁵⁵ alongside more traditional doctrinal articles on leading Supreme Court constitutional cases.⁵⁶

Second, this Article argues that the *role* of DEI for law reviews is not merely to increase the equality of opportunities for underrepresented students, nor simply to increase the discussion of marginalized experiences and diverse perspectives of law in public forums. We argue the role of DEI is to articulate a more ambitious conception of “equity” in law, political economy, and legal education.⁵⁷ The equity imperative for law reviews, as it were, presents a challenge to the fundamental structure of the sociolegal institutions that coordinate legal education in the United States. This refers both to the meaning of law in the context of political processes, as well as to the constitution of the law review itself as an instrument of democratic cultural discourse that often shapes the evolution of law in legislatures and courts. Equity, as a political concept, must confront the so-called meritocratic mechanisms in law school, and by extension, in the law review.⁵⁸ Indeed, as Lani Guinier argued, the very conception of meritocracy that governs how racially and ethnically minoritized students pursue equitable outcomes on the pathway toward legal practice must be challenged as a historically limited vision of legal education.⁵⁹ Such views too often ignore the multicultural experiences of low-income Americans and non-White men and women in American society.⁶⁰

Finally, this Article contends that the *value* of DEI for law reviews is not simply the increased number of marginalized voices it introduces to mainstream legal discourse. DEI efforts also challenge the culture of mainstream legal discourse with voices that do not have the perceived academic merit or societal prestige necessary to gain access to such forums. This framing not only embraces a view of the lawyer as a public citizen with a special responsibility

⁵⁴ See, e.g., *UCLA Law Review Symposium: Toward an Abolitionist Future*, UCLA L., <https://law.ucla.edu/events/ucla-law-review-symposium-toward-abolitionist-future> [https://perma.cc/ZM2F-3FEY].

⁵⁵ See generally, e.g., Ali A. Zaidi, Essay, *Mandates for Action: Corporate Governance Meets Climate Change*, 72 STAN. L. REV. ONLINE 122 (2020).

⁵⁶ See generally, e.g., James M. McGoldrick, Jr., *The Commerce Clause, the Preposition, and the Rational Basis Test*, 14 U. MASS. L. REV. 182 (2019).

⁵⁷ See Lisa Holder, *A Paradigm Shift in Race Consciousness Drives the Growing Demand for Diversity, Equity, and Inclusion Consultation*, 34 CAL. LAB. & EMP. L. REV. 8, 8 (2020) (defining equity as “targeted operations that appreciate and support the disparate needs of diverse personnel with different lived experiences”).

⁵⁸ See *infra* Section II.B.

⁵⁹ See GUINIER, *supra* note 2, at x-xiii.

⁶⁰ See *id.*; Ayanna Alexander, *Racial Gaps in Bar Passage Force Reckoning with Legal Education*, BLOOMBERG L. (June 23, 2021, 2:29 PM), <https://news.bloomberglaw.com/social-justice/racial-gaps-in-bar-passage-force-reckoning-with-legal-education> [https://perma.cc/CR9Y-9TVF]; see also Francesco Arreaga, *Law Schools Have a Moral and Social Responsibility To End Systemic Racism*, CALIF. L. REV. ONLINE: BLOG (July 2020), <https://www.californialawreview.org/law-schools-systemic-racism/> [https://perma.cc/ZQB7-FX37].

for justice,⁶¹ but also resists the elitism that pervades the legal profession and often renders law school (and the law review) complicit in the production of social hierarchy.⁶² Challenging elitism in the legal profession, we argue, requires a bold critique of the toxic ideologies that color societal views on meritocracy and leadership, which can influence the very color of law review itself.⁶³ Research has shown that in-group models have the potential to dramatically reduce or even eliminate stereotype threats that inhibit diverse law review applicants.⁶⁴ Accordingly, law review DEI efforts must take seriously the call to increase diversity among EICs, which ultimately demands redefining their leadership structures altogether. To be sure, the recent wave of Black law review EICs is a bold step in the right direction. However, as we conclude in this Article, more work remains to dismantle the gatekeeping function of law reviews and transform it into an educational space open to all law students and all members of the broader community.

This Article pursues descriptive, normative, and prescriptive ambitions. Part I provides a descriptive analysis of the history of the law review, including a discussion of its purpose, function, and editor selection process. Further, building upon the work of Elijah Anderson and Bennett Capers, this Part explores the way law reviews often function as a so-called White space, which can hinder broader DEI goals in legal education. It also highlights ongoing efforts to combat this challenge by outlining the history of Black law review leadership in U.S. law schools. Appendix A to this Article provides a more comprehensive compendium of the Black law review EICs across U.S. history to call attention to their notable achievements and amplify the call for continued DEI efforts in law reviews nationwide.

Part II follows with a normative assessment of the fundamental drivers of law review's diversity problem. Applying a critical racial lens to modern DEI efforts across law reviews nationwide, this Part urges scholars to reconsider the meaning of DEI and leadership in the context of modern legal education. Further, it explains why the DEI challenges facing law reviews must be situated

⁶¹ See MODEL RULES OF PRO. CONDUCT Preamble, Scope § 1 (AM. BAR ASS'N 1983); Etienne C. Toussaint, *The Miseducation of Public Citizens*, 29 GEO. J. ON POVERTY L. & POL'Y 287, 287 (2022).

⁶² Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy*, 32 J. LEGAL EDUC. 591, 603 (1982) ("Law teachers enlist on the side of hierarchy all the vulnerabilities students feel as they begin to understand what lies ahead of them. In law school, students have to come to grips with implications of their social class, sex, and race in a way that is different from (but not necessarily less important than) the experience of college.").

⁶³ See, e.g., Vitor M. Dias, *Black Lawyers Matter: Enduring Racism in American Law Firms*, 55 U. MICH. J.L. REFORM 99, 131-32 (2021); Hassan Kanu, 'Exclusionary and Classist': Why the Legal Profession Is Getting Whiter, REUTERS (Aug. 10, 2021, 7:49 PM), <https://www.reuters.com/legal/legalindustry/exclusionary-classist-why-legal-profession-is-getting-whiter-2021-08-10/>.

⁶⁴ See Bettina J. Casad & William J. Bryant, *Addressing Stereotype Threat Is Critical to Diversity and Inclusion in Organizational Psychology*, FRONTIERS PSYCH., Jan. 2016, at 1, 7.

within broader societal efforts to reckon with racial injustice in the United States and difference-based hierarchies in higher education.

Finally, Part III offers a path forward by prescribing several strategies that law schools can implement to reimagine the law review experience. By resisting the standard theory of meritocracy governing the editor-election process, thereby calling into question its supposed neutrality and colorblindness, this Part urges law reviews to embrace a more progressive vision of legal education and academic discourse.

I. A BRIEF HISTORY OF THE LAW REVIEW

Although the study of legal treatises and legal periodicals in the United States boasts a long history that predates the emergence of U.S. law as it is known today,⁶⁵ the first contemporary legal periodicals arose during the mid-nineteenth century. At that time, scholarly publications served to both clarify the meaning of law and debate its interpretation by courts.⁶⁶ The *University of Pennsylvania Law Review*, which stands today as the oldest surviving law review in the United States, began as the *American Law Register* in 1852.⁶⁷ HLR was founded soon thereafter in 1887, followed by the *Yale Law Journal* in 1891, the *University of Pennsylvania Law Review* in 1896 (first student-edited edition), and the *Columbia Law Review* in 1901.⁶⁸ Since that time, the law review has pursued at least three primary objectives toward achieving an ideal vision of scholarly legal discourse.

First, the law review has pursued an *educational* purpose. This not only includes training future lawyers, law professors, and judges how to conduct legal research, writing, and analysis, but also providing a public forum for lawyers to clarify misrepresentations and incorrect interpretations of the law.⁶⁹ Second, the law review has pursued a societal, or *public* purpose. Beyond the walls of the law school, law reviews seek to foster democratic debate amongst academicians, lawyers, and citizens about law and public policy in relation to society's evolving and diverse cultural and political views.⁷⁰ Finally, law review has pursued a *political* purpose. Here, it aims to inspire law reform in the courts, legal innovation in the economic marketplace, and contextual legal analysis in legislatures to steer lawmaking toward just ends.

⁶⁵ See *Legal History: The Year Books*, B.U. SCH. OF L., <https://www.bu.edu/law/faculty-scholarship/legal-history-the-year-books/> [<https://perma.cc/WL3C-PJLU>] (last visited Jan. 18, 2023).

⁶⁶ See *infra* notes 67-68, 112-20.

⁶⁷ *About the Law Review*, U. OF PA. L. REV., <https://www.pennlawreview.com/about-the-law-review/> [<https://perma.cc/DX3L-XJLS>] (last visited Jan. 18, 2023).

⁶⁸ ROBERT STEVENS, *LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S*, at 127 n.34 (1983).

⁶⁹ See *infra* notes 72, 92.

⁷⁰ See Closen & Dzielak, *supra* note 12, at 18.

Yet, despite their noble mission and idealistic pursuits, law reviews have historically functioned in three discrete ways that diverge from this idealistic purpose. First, law reviews have furthered social hierarchy. By employing a selection process for law journal editors that typically ranks law students based on their perceived intellectual merit and professional promise as future attorneys, they further a myth of meritocracy that perpetuates structural discrimination. Second, law reviews have served as gatekeepers to elite opportunities in the legal profession. The legal academy and professional bar widely embrace participation in the law review as a signal of one's intellectual merit, conferring prestige upon student editors that can shape future career opportunities and maintain social class distinctions. Third, the law review constructs and confers sociopolitical power. Generally, the law review's leadership team manages the social and political purposes of the law review. Such power can silence minority viewpoints and reify dominant cultural ideas about law and law reform.⁷¹ For example, if progressive students opt out of a law review due to a distaste for its right political leaning, the law review can devolve into a factory for backdoor conservatism to dominate the legal profession.⁷² When these three distortions of law review's functionality are viewed in concert against the backdrop of U.S. history, they tend to perpetuate the U.S. law review as a White space—an institution predominantly shaped by White supremacist cultural expressions of law, politics, and political economy. This outcome threatens harm not only to marginalized law students whose cultural experiences and political views can be silenced, but also to the citizens of our multicultural society, more generally.

This Part explores the disjuncture between the idealistic purpose and the distorted function of U.S. law reviews. Specifically, Section I.A discusses the traditional purpose and function of law reviews. Section I.B assesses several scholarly critiques of the law review through a critical racial lens. Section I.C discusses the mechanics of the editor selection process. Finally, Section I.D explores law review leadership. Specifically, this final Section briefly outlines the history of Black student representation in law review leadership roles to illuminate law review's historic DEI problem.

A. *The Purpose and Function of Law Reviews*

The law review pursues several goals that benefit the legal community, from enabling lawyers to advocate for law reforms that protect citizens' rights and entitlements, to providing a forum for the critique of judicial opinions that

⁷¹ See Mark A. Godsey, *Educational Inequalities, the Myth of Meritocracy, and the Silencing of Minority Voices: The Need for Diversity on America's Law Reviews*, 12 HARV. BLACKLETTER L.J. 59, 70 (1995).

⁷² See E. Joshua Rosenkranz, *Law Review's Empire*, 39 HASTINGS L.J. 859, 921 (1988) (asserting law review "is more politically repressive than the institution of which it is a part"); see also Paul Willison, Comment, *Rethinking the Writing Competition: Developing Diversity Policies on Law Journals After FASORP I and II*, 71 CASE W. RES. L. REV. 351, 375 (2020).

produce seemingly unjust legal outcomes. Beyond serving as a public forum to publish the scholarly opinions and insights of legal academics, the law review also enables law schools to enhance the acumen of their highest-achieving students.⁷³ Perhaps as a result, student editor positions on law reviews have traditionally been filled by the top-ranked law students.⁷⁴ This aura—the notion that law reviews comprise the “best of the best” law students publishing the “best of the best” legal ideas from the “best of the best” legal minds—has transformed law review membership into a much-sought-after résumé booster, often serving as a necessary stepping stone to prestigious judicial clerkships and coveted associate positions at renowned law firms.⁷⁵

As Mark A. Godsey puts it, the law review has become one of, if not *the* most important “marketplace of ideas” for innovative insights about law, public policy, and law reform.⁷⁶ In this way, the law review boasts tangible benefits to law students seeking employment. As the author of a popular pre-law school guide described its influence in the hiring process, “[D]oors *are* opened. And if it is through one of those that you wish to pass to gain entrance to the profession, whether it’s a Wall Street firm, a choice public service spot, or a prestigious clerkship, you’ll have to do your damndest to make the law review.”⁷⁷ Law firms and nonlegal employers alike recognize that law student editors engage in the substantive and technical editing of complex law articles (i.e., verifying the accuracy of footnotes, ensuring the logical flow of doctrinal analysis, identifying ways to strengthen legal reasoning, etc.).⁷⁸ In so doing, students gain important insights for future law practice.⁷⁹ In some cases, law review editors write their own student note or case comment on recent court decisions, further sharpening their legal skills.⁸⁰

According to E. Joshua Rosenkranz, alongside honing important lawyering skills, the law review can also counterbalance the abstract and theoretical aspects of the law school experience. This benefit is especially important for students who crave greater engagement with social movements.⁸¹ Whereas doctrinal discourse in the traditional law classroom has been sometimes described as uninspiring due to its neutral and apolitical posture,⁸² the law review publishing

⁷³ See Closen & Dzielak, *supra* note 12, at 24.

⁷⁴ See Knize, *supra* note 29, at 326.

⁷⁵ *Id.* at 190; see also Rosenkranz, *supra* note 72, at 907.

⁷⁶ Godsey, *supra* note 71, at 59-60 (highlighting influence of law reviews, claiming they play “unparalleled role in nurturing jurisprudential thought and sculpting America’s ever-changing legal climate”).

⁷⁷ JEFF DEAVER, *THE COMPLETE LAW SCHOOL COMPANION* 201 (2d ed. 1992).

⁷⁸ See Rosenkranz, *supra* note 72, at 907.

⁷⁹ Knize, *supra* note 29, at 322.

⁸⁰ See Closen & Dzielak, *supra* note 12, at 17.

⁸¹ See Rosenkranz, *supra* note 72, at 862.

⁸² See, e.g., Nicole P. Dyszlewski, *Inspiration and Resources for Integrating Doctrine and Diversity in Law School Classrooms*, JURIST (Oct. 21, 2021, 2:49 PM),

process provides student editors with an opportunity to become engaged advocates through legal scholarship.⁸³ As Rosenkranz elaborates, “Law reviews purport to complement substantive study by affording the student an opportunity to ‘perfect knowledge . . . acquired in coursework.’ But law review is not just a job, it’s an adventure.”⁸⁴ Throughout this journey, law students build bonds of friendship that impart the lessons of teamwork and camaraderie.⁸⁵

Many law professors, judges, politicians, and legal practitioners read law reviews to gain access to novel ideas about judicial opinions, law reform, legislation, and even social movements.⁸⁶ According to Chief Justice Charles E. Hughes, law reviews boast the power to “shap[e] the law itself as announced by the courts,” rendering law review publications as perhaps one of the biggest influencers for judges, practicing attorneys, law professors, and legislators seeking to address the social and economic inequities that plague marginalized communities.⁸⁷ In this way, the law review enables political protest and dissent, both necessary features of a well-functioning liberal democratic government.⁸⁸

Further still, beyond its public purpose, the law review serves an important function for law schools on an organizational level. The law review “improves a school’s reputation by attracting articles written by distinguished faculty,” which can lead to the hiring of new faculty members and the recruitment of high-achieving prospective students.⁸⁹ Moreover, the law review provides law professors with a creative outlet. As Stephen Bainbridge explains, “I enjoy the process of finding a puzzle, doing the research, and then . . . writing it up[,] [t]hinking about how best to express an idea.”⁹⁰ To be sure, some scholars argue that academic writing caters to the academic’s “sheer egoism,

<https://www.jurist.org/commentary/2021/10/nicole-dyszlewski-resources-diversity-inclusion-law-school/> [https://perma.cc/9SHE-5XKU]; see also Rosa Castello, *Incorporating Social Justice into the Law School Curriculum with a Hybrid Doctrinal/Writing Course*, 50 J. MARSHALL L. REV. 221, 222-23 (2017).

⁸³ See Rosenkranz, *supra* note 72, at 883-85.

⁸⁴ *Id.* at 885-86 (quoting 1985-86 BOSTON COLLEGE LAW BULLETIN 18 (1986)).

⁸⁵ Knize, *supra* note 29, at 322.

⁸⁶ See, e.g., Mark Cooney, *What Judges Cite: A Study of Three Appellate Courts*, 50 STETSON L. REV. 1, 9 (2020).

⁸⁷ Godsey, *supra* note 71, at 60 (quoting Charles E. Hughes, *Foreword*, 50 YALE L.J. 737, 737 (1941)).

⁸⁸ See Simon Cottle, *Reporting Demonstrations: The Changing Media Politics of Dissent*, 30 MEDIA CULTURE & SOC’Y 853, 853-54 (2008).

⁸⁹ Knize, *supra* note 29, at 322.

⁹⁰ Lawprofblawg & Darren Bush, *Law Reviews, Citation Counts, and Twitter (Oh My!): Behind the Curtains of the Law Professor’s Search for Meaning*, 50 LOY. U. CHI. L.J. 327, 329, 331 (2018) (quoting Stephen Bainbridge, “Why Do Law Professors Write Law Review Articles?” *Is the Wrong Question*, PROFESSORBAINBRIDGE.COM (May 11, 2017, 2:29 PM), <https://www.professorbainbridge.com/professorbainbridgecom/2017/05/why-do-law-professors-write-law-review-articles-is-the-wrong-question.html> [https://perma.cc/BX67-MXWL]).

aesthetic enthusiasm, historical impulse, and political purpose.”⁹¹ Either way, the law review provides for a more robust and engaging educational environment, which ultimately serves the law school’s bottom line.

These benefits both point toward the ideal purposes of the law review. Scholars and practitioners have identified at least three: (1) an *educational* purpose, providing intense training on legal research and writing for law students;⁹² (2) a *political* purpose, influencing the legislative process and judicial decision-making;⁹³ and (3) a *public* purpose, offering a public forum for scholarly debate on diverse interpretations of law, public policy, and political economy.⁹⁴ Accordingly, the law review can be viewed as both an academic extracurricular activity and a professional organization operating inside of the law school institution. Godsey notes the importance of the third aim, quoting an editorial that contended, “[A] law review does not exist to honor its members’ prior academic achievements, or to serve as a gold star on a student’s resume. It has a role to play in sparking scholarly debate in the law and in training future lawyers, professors and judges.”⁹⁵

Unfortunately, the lofty aims that justify the existence of law reviews do not reflect their distorted function in practice. As Part II argues below, the law review tends to further the social, economic, and political interests of its membership (wherein upper-class White male law students often comprise a majority), thereby reproducing social hierarchy based on the privileges that flow from such membership. Specifically, law review membership provides a competitive advantage for students applying to elite law firms, prestigious clerkships, and other elite institutions. Thus, the lack of diversity and inclusion in law reviews ensures that such opportunities will be more accessible to upper-class law students.

Even more, for law faculty, publishing legal articles in highly ranked law journals provides a competitive advantage for prestigious law teaching jobs and academic fellowships.⁹⁶ In this way, the law review serves as a gatekeeper for both law students and law faculty alike to access legal positions and legal forums that can influence the trajectory of law reform. In other words, the law review confers social and economic power. Further, it can politically disempower certain groups by excluding them from participation. When the student editors of law reviews share similar political views, and when those views shape the

⁹¹ *Id.* at 331.

⁹² See Talibah-mawusi Smith, *The Law and Educational Inequities: In Other Words, the Dilemma of Writing While Black*, 4 CRIT 73, 83-84 (2011) (“[L]aw review has been noted to be a worthy achievement not just because it esteems some students higher than others as the most capable, competent, smartest future attorneys, but also because it is an exceptional teaching tool.”).

⁹³ See Godsey, *supra* note 71, at 60, 72-74.

⁹⁴ See *id.* at 60, 67-71.

⁹⁵ *Id.* at 89 (quoting Robert J. Lack, Letter to the Editor, *Challenge to the White, Male Legal Establishment*, N.Y. TIMES, Mar. 9, 1981, at A22).

⁹⁶ See Lawproflawg & Bush, *supra* note 90, at 334.

tenor of the articles selected for publication, then the law review can become an engine for political empowerment (and disempowerment).⁹⁷ As a result, the stakes of law review membership are much bigger than mere entry into high-paying jobs. Law review membership can determine the trajectory of law reform and public policy writ large.

Perhaps it is for these reasons that Godsey and other legal scholars conclude that DEI of law review membership is paramount. When a law review “persistently excludes large segments of society,” it will fail to “provide the diversity of perspective necessary to ensure the law’s continuing vitality and responsiveness to social concerns.”⁹⁸ The importance of publishing diverse perspectives becomes even clearer when one considers the origins of the law review in the United States.⁹⁹

B. *Law Review as a White Space*

Scholars such as Wendy Leo Moore and Bennett Capers argue that law schools—from the portraits of White men that frequently adorn lecture halls, to the European names that commonly grace library entryways, to the White judges that typically author the case law itself—often function as a White spaces.¹⁰⁰ According to the Law School Survey of Student Engagement (“LSSSE”) conducted in 2019, sixty percent of American law students were White, while Black, Latinx, Asian American, or multiracial students represented under ten percent each, and Native American students represented fewer than one percent.¹⁰¹ The views of Moore and Capers reflect the broader insights of Elijah Anderson, who notes the legacy of racial segregation in the United States: “The wider society is still replete with overwhelmingly [W]hite neighborhoods, restaurants, schools, universities, workplaces, churches and other associations, courthouses, and cemeteries, a situation that reinforces a normative sensibility in settings in which [B]lack people are typically absent, not expected, or marginalized when present.”¹⁰²

Non-White people in the United States must quickly learn how to navigate the cultural nuances of such domains to ensure their success and well-being,

⁹⁷ Godsey, *supra* note 71, at 70.

⁹⁸ *Id.* at 89 (quoting Lack, *supra* note 95, at A22).

⁹⁹ See Willison, *supra* note 72, at 368-72.

¹⁰⁰ See WENDY LEO MOORE, REPRODUCING RACISM: WHITE SPACE, ELITE LAW SCHOOLS, AND RACIAL INEQUALITY 13-14 (2007) (“[Law] schools are uniquely located to reproduce notions of legal authority and sociolegal racial ideologies.”); Capers, *supra* note 52, at 12 (“I was certainly aware that what I was learning seemed more about justifying the status quo—including the racial status quo—than disrupting it. Still, I followed the rules. Learned the language. Learned how to think like a lawyer. Though perhaps in the recesses of my mind, the line from an Adrienne Rich poem would have resonated: ‘[T]his is the oppressor’s language, yet I need it to talk to you.’” (quoting Adrienne Rich, *The Burning of Paper Instead of Children*, in *THE FACT OF A DOOR FRAME* 116, 117 (1984))).

¹⁰¹ Meera E. Deo, *The End of Affirmative Action*, 100 N.C. L. REV. 237, 253 (2021).

¹⁰² See Elijah Anderson, “*The White Space*,” 1 SOCIO. RACE & ETHNICITY 10, 10 (2015).

even if they are unfamiliar with such cultures.¹⁰³ Conversely, for many White people, the inclusion of merely one or two non-White persons into “homogeneously [W]hite and relatively privileged” spaces renders such spaces “diverse” because it disrupts the status quo.¹⁰⁴ Indeed, some White people in such scenarios “immediately try to make sense of [the Black person]—to figure out ‘who that is,’ or to gain a sense of the nature of the person’s business and whether they need to be concerned.”¹⁰⁵

Much of the same can be said of the law review. In the early nineteenth century, newspapers were the primary medium through which daily news reached the American public.¹⁰⁶ However, these publications were usually written by journalists who had little to no knowledge of the law, leading to widely circulated misrepresentations and misinterpretations of the law.¹⁰⁷ To mitigate confusion, lawyers began developing their own periodicals where they could discuss major cases and opine on changes in the law or the need for law reform.¹⁰⁸ The first law journal in the United States, the *American Law Journal* and *Miscellaneous Repertory*, was founded in 1808 in Philadelphia.¹⁰⁹ Competing law journals were created soon thereafter, however, most were eventually discontinued.¹¹⁰ All of the law journals published during this era were authored by White lawyers, rendering mainstream legal discourse a historically White space.¹¹¹

Two law journals—the *American Law Review* and the *American Law Register*—stood the test of time and rose to prominence, even as others dwindled.¹¹² The oldest still existing law journal, the *University of Pennsylvania Law Review*, which emerged from the *American Law Register*, featured legal analysis of recent court decisions and discussed other important legal news of the time.¹¹³ The first student-managed law review was created at Albany Law School in 1875.¹¹⁴ Following Albany’s lead, Harvard Law School founded the Langdell Society “for the serious discussion of legal topics and for other serious

¹⁰³ See *id.* at 13.

¹⁰⁴ *Id.* at 11.

¹⁰⁵ *Id.* at 13.

¹⁰⁶ See Willison, *supra* note 72, at 366.

¹⁰⁷ See Michael I. Swygert & Jon W. Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 HASTINGS L.J. 739, 750 (1985); see also HAZEL DICKEN-GARCIA, JOURNALISTIC STANDARDS IN NINETEENTH-CENTURY AMERICA 205 (1989).

¹⁰⁸ See Willison, *supra* note 72, at 366.

¹⁰⁹ *Id.*

¹¹⁰ See Closen & Dzielak, *supra* note 12, at 30-31.

¹¹¹ See J. CLAY SMITH, JR., EMANCIPATION: THE MAKING OF THE BLACK LAWYER 1844-1944, at 2 (1993).

¹¹² See Willison, *supra* note 72, at 366.

¹¹³ See Knize, *supra* note 29, at 321; *About the Law Review*, *supra* note 67.

¹¹⁴ Willison, *supra* note 72, at 366.

work on law.”¹¹⁵ HLR published its first issue in 1887 and was managed entirely by White male students,¹¹⁶ despite invitations to law faculty to participate.¹¹⁷ HLR’s student editors intended for the publication to serve as a school newsletter that showcased the talents of Harvard Law School students while keeping alumni engaged.¹¹⁸ Following Harvard’s lead, other prestigious law schools, from Yale Law School (1891) to the University of Pennsylvania Law School (1896), Columbia Law School (1901), University of Michigan Law School (1902), and Northwestern Pritzker School of Law (1906) all formed student-led law reviews.¹¹⁹ In each instance, the law review publications were almost exclusively authored and edited by White men because women and non-White men were largely excluded from the legal profession well into the twentieth century.¹²⁰ Thus, the student-edited law review was also a historically White space.

Law review periodicals had an immediate impact on the legal profession.¹²¹ For example, Chief Justice Edward Douglass White cited a law review article in a dissenting opinion as early as 1897.¹²² Associate Justice Melville Fuller cited a law review article for the majority opinion for the first time two years later in 1899.¹²³ In the early twentieth century, Associate Justice Benjamin Cardozo recognized the impact and utility of law review publications, stating that “courts are turning more and more to the great scholars of the law schools to canalize the stream and redeem the inundated fields.”¹²⁴ Beyond the courts, law review articles had a noticeable impact on political discourse, as legislators began turning to the recommendations of law reviews in the early stages of drafting legislation.¹²⁵ Further, law review articles became an increasingly central aspect

¹¹⁵ *Id.* at 367 (quoting Swygert & Bruce, *supra* note 107, at 770).

¹¹⁶ See Swygert & Bruce, *supra* note 107, at 771; see also Liz Mineo, *Learning While Leading at Harvard Law Review*, HARV. GAZETTE (Nov. 26, 2018), <https://news.harvard.edu/gazette/story/2018/11/harvard-law-review-president-sees-leadership-as-a-learning-experience/> [<https://perma.cc/V33M-L7FY>].

¹¹⁷ See Swygert & Bruce, *supra* note 107, at 771.

¹¹⁸ *Id.* at 774.

¹¹⁹ *Id.* at 779-80.

¹²⁰ See Knize, *supra* note 29, at 315, 319.

¹²¹ See Willison, *supra* note 72, at 367-68.

¹²² See *United States v. Trans-Missouri Freight Ass’n*, 166 U.S. 290, 350 (1897) (White, J., dissenting) (citing Amasa M. Eaton, *On Contracts in Restraint of Trade*, 4 HARV. L. REV. 128, 129 (1890)).

¹²³ See *Chi., Milwaukee, & St. Paul Ry. Co. v. Clark*, 178 U.S. 353, 365 (1900) (citing James Barr Ames, *Two Theories of Consideration*, 12 HARV. L. REV. 515 (1899)).

¹²⁴ Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 50 (1992) (quoting Benjamin N. Cardozo, *Introduction to SELECTED READINGS ON THE LAW OF CONTRACTS FROM AMERICAN AND ENGLISH LEGAL PERIODICALS*, at ix (Ass’n Am. L. Schs. ed., 1931)).

¹²⁵ See Fred R. Shapiro & Michelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 MICH. L. REV. 1483, 1514 (2012) (“The impact of scholars’ works on government

of legal education, allowing law students who would become future lawmakers and judges to sharpen their understanding of current legal debates and recent developments in law reform.¹²⁶ Thus, the law review as an institution, and law review editors by extension, quickly garnered respect among lawyers as an integral part of a robust legal education and a symbol of lawyering excellence. As a result, legal acumen and lawyering excellence became in the eyes of many, a historically White space.

Since the early twentieth century, law students have viewed law review editing duties as a vehicle to enhance their awareness and understanding of the law.¹²⁷ Over the past century, law reviews have proliferated, growing from seventy-eight in the 1950s to over one thousand today,¹²⁸ including the emergence of specialty journals that provide a venue for the discussion of niche legal topics.¹²⁹ However, before the civil rights movement amplified the importance of DEI in the legal profession, very few Black lawyers (or other racially and ethnically minoritized lawyers) were featured as authors in the pages of the nation's elite law reviews, let alone elected to editorial boards as student editors.¹³⁰ The few Black law students who were elected to law review editorial boards in the early twentieth century faced extreme hostility from their White counterparts, which in many instances continued after the civil rights advances of the 1950s and 1960s.¹³¹ Cultural tropes of Black inferiority influenced the perception of Black legal thinkers at many law schools.¹³² Thus, legal scholarship by Black attorneys was frequently criticized by White students and law faculty as deficient, while the qualifications of Black law students were often called into question based on the existence of affirmative action policies.¹³³ Such challenges, in many ways, persist today. Even though Black enrollment in law schools nationwide has improved significantly over the past half-century, Black students' membership in law reviews is still alarmingly low.¹³⁴ Most law reviews are still predominantly White spaces in form and function.¹³⁵

or policy is also reflected through the citation of scholars' works in government documents and, more often, by the direct and active participation of individual scholars in the legislative process . . .").

¹²⁶ See Willison, *supra* note 72, at 370.

¹²⁷ See Knize, *supra* note 29, at 321.

¹²⁸ See *id.* at 322.

¹²⁹ For example, the *William & Mary Journal of Women and the Law* was founded in 1993. See *William & Mary Journal of Race, Gender, and Social Justice*, WM. & MARY L. SCH., <https://scholarship.law.wm.edu/wmjowl/> [<https://perma.cc/CNJ3-377Y>] (last visited Jan. 18, 2023).

¹³⁰ See Smith, *supra* note 92, at 82.

¹³¹ See *id.*

¹³² Jerome McCristal Culp, Jr., *Toward a Black Legal Scholarship: Race and Original Understandings*, 1991 DUKE L.J. 39, 46-47.

¹³³ See *id.* at 51; see also Sander, *supra* note 36, at 474.

¹³⁴ See Smith, *supra* note 92, at 82-83.

¹³⁵ Willison, *supra* note 72, at 352.

As discussed in Part III, many law reviews have taken valiant steps to diversify their ranks. The rise of affirmative action policies in law schools during the 1970s and 1980s led to increased attention on DEI as a general higher education goal.¹³⁶ Inevitably, such concepts filtered into conversations about law review membership.¹³⁷ Law reviews identified two primary reasons to take DEI efforts seriously: (1) they enabled a more diverse group of students to access the prestigious career opportunities that stem from law review membership; and (2) they integrated a more diverse range of sociocultural experiences and political views in the law review editing room. Such benefits further the societal and political purposes of the law review by promoting more diverse and inclusive views of the law and legal profession. Nevertheless, in many cases, this mission has remained a lofty goal and has not drastically transformed law review practices, policies, and procedures. Most U.S. law reviews employ superficial DEI “hacks”—ranging from limited affirmative action policies¹³⁸ (e.g., strict quotas, racial preferences, etc.) to diversity statements, diversity committees, or diversity editors.¹³⁹ These short-term fixes may change the appearance of law review rosters, but they do not always unsettle longstanding law review cultural norms.

Consider the well-known example of the University of California, Berkeley, School of Law, formerly known as Boalt Hall.¹⁴⁰ Boalt has historically struggled to racially integrate its law school, notwithstanding many laudable DEI efforts over the years.¹⁴¹ Like other premier law schools, Boalt’s law school is home to a highly respected law journal, the *California Law Review* (“CLR”).¹⁴² Throughout its history, CLR (and Boalt, more generally) has had difficulty maintaining a diverse student membership.¹⁴³ In 1969, CLR took its first notable measure to increase non-White representation on the law review by requiring the admission of a minimum of three to five racially and ethnically minoritized student editors per year.¹⁴⁴ However, the CLR executive board resisted and voted to dissolve the program three years later.¹⁴⁵ Underscoring the contentious

¹³⁶ See *id.* at 361-65.

¹³⁷ See *id.* at 365.

¹³⁸ See Ramos, *supra* note 3, at 180-85.

¹³⁹ See Amy DeVaudreuil, *Silence at the California Law Review*, 91 CALIF. L. REV. 1183, 1193, 1199-1200 (2003).

¹⁴⁰ In 2020, the “Boalt” name was removed from the University of California Berkeley’s law school because of Mr. Boalt’s racist legacy. See Jill Cowan, *Berkeley Law School Drops Boalt Name Over Racist Legacy*, N.Y. TIMES (Jan. 30, 2020), <https://www.nytimes.com/2020/01/30/us/berkeley-boalt-hall-name-change.html>.

¹⁴¹ Devon W. Carbado & Mitu Gulati, *What Exactly Is Racial Diversity?*, 91 CALIF. L. REV. 1149, 1151 (2003).

¹⁴² See DeVaudreuil, *supra* note 139, at 1185 (reviewing ANDREA GUERRERO, *SILENCE AT BOALT HALL: THE DISMANTLING OF AFFIRMATIVE ACTION* (2002)).

¹⁴³ See *id.* at 1192-93.

¹⁴⁴ *Id.* at 1191.

¹⁴⁵ *Id.*

nature of such policies, the decision to dissolve the program “was reversed by the entire CLR membership two days later.”¹⁴⁶ During the 1970s and 1980s, CLR continued to make strides towards improving its DEI metrics. For example, CLR increased its non-White student representation program to a minimum of nine non-White students per year and created numerical goals for each racial subgroup to ensure that all underrepresented racial and ethnic groups were included.¹⁴⁷ However, after 1988, CLR moved away from its proportional representation program and began using racial and ethnic identity purely as a tiebreaker in the student editor selection process.¹⁴⁸

As might be expected, CLR’s policy change led to a decrease in student editor diversity.¹⁴⁹ While Boalt boasted an overall student population of forty percent non-White students, the percentage of non-White students on CLR waned to just over twenty percent.¹⁵⁰ After facing criticism over their lack of diversity, CLR became one of the first law reviews to create a Diversity Committee, which was tasked with investigating DEI issues and uncovering potential solutions.¹⁵¹ The Committee proposed various strategies to increase DEI on CLR, such as allocating racial preferences to non-White students in the student editor selection process.¹⁵² Ultimately, CLR chose to restructure the entry exam for potential law review editors to include a technical edit and a personal statement, alongside a case note exercise.¹⁵³

In 1997, in response to California’s Proposition 209, which outlawed the consideration of race, sex, or ethnicity in public education, employment, and contracting in the state of California,¹⁵⁴ CLR ended its decades-old affirmative action policy. Even though CLR was a 501(c)(3) nonprofit organization that existed independently from the law school, and therefore was not likely to be subject to the proposition, the law review elected to disband the program anyway to avoid controversy.¹⁵⁵ Instead, it moved toward “race-blind” admissions.¹⁵⁶ Perhaps as a result, CLR saw an even further decrease in non-White student representation in the ensuing years. In 2001 and 2002, a mere two percent of underrepresented non-White students at Boalt were admitted to CLR, compared to their representation of thirteen percent and ten percent of the entire student

¹⁴⁶ *See id.*

¹⁴⁷ *Id.* at 1191-92.

¹⁴⁸ *Id.* at 1192.

¹⁴⁹ *Id.* at 1192-93.

¹⁵⁰ *Id.* at 1193.

¹⁵¹ *Id.*

¹⁵² *Id.* at 1195.

¹⁵³ *Id.*

¹⁵⁴ *See Proposition 209: Prohibition Against Discrimination or Preferential Treatment by State and Other Public Entities*, LEGIS. ANALYST’S OFF. (Nov. 1996), https://lao.ca.gov/ballot/1996/prop209_11_1996.html [<https://perma.cc/BT7R-LVHC>] (proposing elimination of affirmative action in public education in California).

¹⁵⁵ *See DeVaudreuil*, *supra* note 139, at 1196-97.

¹⁵⁶ *See id.* at 1196.

body in each respective year.¹⁵⁷ The statistics were only marginally better in 2003 and 2004, measuring at four percent in both years.¹⁵⁸

To be sure, Boalt stands out today as a leader in terms of its consistent efforts over the years to prioritize DEI in its law review.¹⁵⁹ In 2003, CLR published an article exploring institutional racism within its own ranks, *Silence at the California Law Review*.¹⁶⁰ In recent years, Boalt has taken additional steps to promote DEI, such as publishing a diversity statement on its website:

California Law Review has undertaken numerous diversity initiatives. These include: Creating a Diversity Department that is represented on the CLR Executive Committee . . . [;] Collecting and maintaining demographic information for Write-On participants and *California Law Review* members; Establishing a Diversity Committee to plan events and assess . . . diversity-related policies and programs; Integrating diversity workshops into *California Law Review*'s orientation . . . ; [and] Partnering with other [Boalt] student organizations to co-sponsor events that promote diversity in the legal academy.¹⁶¹

CLR also includes a land acknowledgment statement on its website that "recognizes that Berkeley sits on the territory of Xučyun, the ancestral and unceded land of the Chochenyo Ohlone, the successors of the historic and sovereign Verona Band of Alameda County."¹⁶²

Nevertheless, the diversity of the student editors of Boalt's prestigious law review, much like most law reviews around the country, remains a topic of concern.¹⁶³ Despite noteworthy efforts to integrate law reviews and increase diversity nationwide, the results have been disappointing. Law review editorial staffs remain overwhelmingly dominated by White males, preserving generations of racial and class-based privilege.¹⁶⁴

C. Law Review Editor Selection

For many law students, the pinnacle of legal education is joining their school's law review, which is generally deemed the most exclusive extracurricular activity in law school.¹⁶⁵ Law reviews offer their members a

¹⁵⁷ *Id.* at 1197-99.

¹⁵⁸ *Id.* at 1188-89.

¹⁵⁹ See Willison, *supra* note 72, at 383.

¹⁶⁰ DeVaudreuil, *supra* note 139, at 1183-86.

¹⁶¹ *Diversity*, CALIF. L. REV., <https://www.californialawreview.org/about/diversity/> [<https://perma.cc/ZXW6-LGVQ>] (last visited Jan. 18, 2023).

¹⁶² *Land Acknowledgment Statement*, CALIF. L. REV., <https://www.californialawreview.org/land-acknowledgement-statement/> [<https://perma.cc/B844-W72L>] (last visited Jan. 18, 2023).

¹⁶³ See Willison, *supra* note 72, at 352.

¹⁶⁴ *Id.*

¹⁶⁵ See Knize, *supra* note 29, at 310 (citing ROBERT H. MILLER, LAW SCHOOL CONFIDENTIAL 202-04 (2000)).

plethora of benefits, from “an intense research and writing course”¹⁶⁶ to “a pathway to judicial clerkships and employment at large law firms.”¹⁶⁷ Furthermore, a highly regarded law review can improve a law school’s reputation by attracting articles and essays written by prominent scholars.¹⁶⁸ This boost in reputation can attract the best faculty candidates to seek employment at the school.¹⁶⁹ Such benefits, however, are exclusive and zero-sum: some students win, and other students lose. While those students who are deemed worthy of law review membership witness their careers blossom, law students who are not chosen must seek other ways to distinguish themselves from their peers.¹⁷⁰ In addition, prestigious clerkships and positions at top law firms establish a pipeline to future positions in government and business that confer wealth and power.¹⁷¹ With so much at stake, the mechanisms that law reviews use to pick each new class of law student editors are worth examining. At many law schools, law reviews rely upon three primary methods of choosing editors, often employing some combination of the three. The first pathway to gain membership onto a law review is called “grading on,” whereby student editors are selected solely based on their first-year grades.¹⁷² The second common method of editor selection is called “writing on,” which consists of a canned writing competition that can last from one to six weeks.¹⁷³ These two methods, either used alone or in conjunction, encompass the majority of law review selection processes.¹⁷⁴ The third method, used less frequently, is called “publishing on,” which assesses potential student editors based on the quality of a publishable note.¹⁷⁵ Based on a study conducted in the late 1980s, eleven percent of the eighty-four law reviews surveyed solely used a write-on method to assess applicants, while two percent used grades as the only factor.¹⁷⁶ The rest of the law reviews in the study used a combination of grades and writing competition scores.¹⁷⁷ Not much has changed.

Consider, for example, HLR. A 2020 study revealed that HLR selects its editors based on the following criteria (with numbers varying from year to year): twenty editors are chosen based on a writing competition score alone; seven are chosen from an assessment of writing competition scores and first-year grades based on class section (each valued at half of the overall score); three are chosen

¹⁶⁶ See Godsey, *supra* note 71, at 62.

¹⁶⁷ Smith, *supra* note 92, at 83.

¹⁶⁸ See Knize, *supra* note 29, at 322.

¹⁶⁹ See *id.*

¹⁷⁰ See Rosenkranz, *supra* note 72, at 890.

¹⁷¹ See Godsey, *supra* note 71, at 61.

¹⁷² Rosenkranz, *supra* note 72, at 892-94.

¹⁷³ *Id.* at 859, 894.

¹⁷⁴ *Id.* at 898.

¹⁷⁵ *Id.* at 897-98.

¹⁷⁶ Ramos, *supra* note 3, at 199.

¹⁷⁷ *Id.* at 179, 199.

from an assessment of writing competition scores and first-year grades with no regard to class section; and eighteen are selected by a holistic anonymous review of all the information available.¹⁷⁸

Each editor selection method is not without its share of critiques. For example, out of the three primary selection methods, the grading-on method is often viewed as the most “objective” selection criteria because it centers on academic performance.¹⁷⁹ As of 2012, around eighty-eight percent of law reviews used “grades or class rank as factors in selecting students for law review membership.”¹⁸⁰ However, critics lament that first-year law school grades often have a limited correlation with a student’s skill in scholarly writing or their aptitude for editing legal texts.¹⁸¹ Relying on first-year grades tends to underemphasize an applicant’s reading and writing ability and overemphasize their ability to excel at law school exams, which may not adequately capture their legal editing skills or ability to think critically about legal scholarship.¹⁸² Indeed, some aspects of law exam writing—e.g., the familiar temptation to write as much information on the page in the time allotted at the expense of the logical flow of ideas or even grammar—are incompatible with strong legal writing.¹⁸³ Thus, many upper-level courses where grades are based on a legal research paper may be better indicators of one’s legal writing ability than first-year doctrinal classes. Would the same students grade-on to the law review if the first year of law school was comprised of seminars in critical legal theory and public law? Perhaps as a result, many potentially excellent law review members “fall through the cracks because the methods utilized are not designed to detect the necessary attributes.”¹⁸⁴

The write-on selection method, which most law reviews use, is deemed less objective than first-year grades but most reflective of one’s legal editing skills.¹⁸⁵ In this canned competition, “[s]tudents write a piece of academic legal research but avoid sifting through the tomes of legal knowledge surrounding the subject to find the relevant law and policy considerations that could undergird an author’s proposed solution. The ‘closed universe’ limits their sources.”¹⁸⁶ By limiting the pool of legal insights, this competition, in theory, assesses a student’s raw “research, analysis, and writing skills” and eliminates the risk that some students will benefit from luck in the legal research process.¹⁸⁷ However, critics of the writing competition point toward its canned nature, limited

¹⁷⁸ Willison, *supra* note 72, 384-85.

¹⁷⁹ See Ramos, *supra* note 3, at 185-86.

¹⁸⁰ Willison, *supra* note 72, at 377.

¹⁸¹ See Rosenkranz, *supra* note 72, at 892-93.

¹⁸² See *id.* at 893.

¹⁸³ See *id.*

¹⁸⁴ Godsey, *supra* note 71, at 80.

¹⁸⁵ See Rosenkranz, *supra* note 72, at 894-95, 897.

¹⁸⁶ Willison, *supra* note 72, at 381.

¹⁸⁷ See Rosenkranz, *supra* note 72, at 894.

timeframe, emphasis on “formalistic conformity,” and limited resource pool as shortcomings.¹⁸⁸ These factors not only hinder creativity, but also stymie opportunities to critique dominant views with nontraditional legal opinions, insights, and resources.

The publish-on selection method, which involves writing a publishable student note, has been called the approach “that most closely approximates the ideal.”¹⁸⁹ By assessing students based on a long-term project, the process provides a reasonable “basis on which to assess research skills, analytical ability, style, and originality.”¹⁹⁰ Unlike the grading-on process (which caters to those students who are adept at traditional first-year law school exams) or the time-pressured canned writing competition (which caters to those students who are familiar with the language of dominant legal discourse or have the time and resources to prepare), the “publishable student note is exhaustively researched and meticulously documented, providing a reliable indication of the student’s research skills.”¹⁹¹ Despite these clear benefits, the publish-on method is infrequently used by law reviews, even when used in conjunction with the “write-on” or “grade-on” process.¹⁹² One reason might be the time constraints that law reviews must navigate as they select new editors each year.

For law reviews that manage to overcome these individual shortcomings by engaging all three methods of selection, there remains the ongoing challenge of law review membership homogeneity. Although some law reviews have adopted affirmative action plans, many others choose to explicitly ignore race, ethnicity, and sex during the selection process.¹⁹³ Such neutrality or “colorblindness” appears to provide the fairest selection process for all students by eschewing categorizations that often carry with them hidden biases, stereotypes, and prejudices. However, as critical race theory founder Derrick Bell argued, “the selection process favors [B]lack who reject or minimize their [B]lackness, exhibit little empathy for or interest in [B]lack students, and express views on racial issues that are far removed from positions held by most [B]lacks.”¹⁹⁴ In other words, law students that tend to perform well on law school exams or on writing competitions are often those who have mastered the language of so-called *traditional* legal analysis. However, such legal discourse, as noted above, has not historically catered to countercultural views or framed legal analysis through the lens of race, gender, or sexuality in explicit ways.¹⁹⁵ Rather, traditional legal analysis tends to normalize the cultural views of the upper-class

¹⁸⁸ See *id.* at 894-97.

¹⁸⁹ *Id.* at 897.

¹⁹⁰ *Id.* at 897-98.

¹⁹¹ *Id.* at 898.

¹⁹² *Id.* at 898-99. According to recent surveys, less than one-eighth of all law reviews chose their membership by this method alone. *Id.*

¹⁹³ *Id.* at 892 n.100.

¹⁹⁴ Derrick Bell, *The Final Report: Harvard's Affirmative Action Allegory*, 87 MICH. L. REV. 2382, 2388 (1989).

¹⁹⁵ See Smith, *supra* note 92, at 86 & n.83.

White men who are its predominant authors.¹⁹⁶ Put another way, legal analysis has historically served as a White space, underscoring the goal of critical race theorists to expose the embeddedness of racial ideology in many laws and public policies.

Some law schools have adopted policies that allow students to write letters explaining how they would diversify the law review. These so-called diversity statements aim to “increase the likelihood that students of color will become law review members,” as well as students from other underrepresented groups.¹⁹⁷ Yet, often missing from such efforts is an acknowledgement of the unfair burden that diversity statements place on racially and ethnically minoritized students by asking them to prove that they have been marginalized by retelling traumas stories, or to justify why they deserve special consideration based on their marginalized sociocultural experience. In each instance, the hidden implication is that non-White students must convince their White counterparts that their marginalized experience qualifies for diversity and is worthy of inclusion in law reviews to render legal discourse more equitable.

Aside from the various methods of choosing the general membership of law reviews, there remains the hidden process by which editors-in-chief are selected from the already elite group of editors. Much in the way law review has historically struggled with diversity among its general ranks, the diversity of the sub-class of EICs on the law review executive board is no different. In fact, it’s worse. According to the 2011 to 2013 Law Review Diversity Report’s analysis of gender diversity in law review leadership, “[i]n 2011-2012, women held 42% of law review leadership positions in the Top 50 Sample, and only 29% of EIC positions.”¹⁹⁸ Further, according to the same report, “[i]n 2012-2013, women continued to lag behind their male counterparts in the Top 50 Sample, as women held 46% of leadership positions, and only 38% of EIC positions.”¹⁹⁹

Adriane Kayoko Peralta’s recounting of a selection meeting for an editor-in-chief position, during which the group spent time contrasting two candidates and their potential contributions to the law review, is revealing as much as it is disconcerting. Peralta writes, “At first glance, the two candidates seemed well qualified and notably similar. Both candidates’ résumés reflected similar years of previous work experience, and they were approximately the same age. Based on their résumés, both appeared interested in pursuing public interest legal careers.”²⁰⁰

¹⁹⁶ *Id.*

¹⁹⁷ Sharon E. Rush, *Beyond Admissions: Racial Equality in Law Schools*, 48 FLA. L. REV. 373, 381 (1996).

¹⁹⁸ N.Y.L. SCH. L. REV., 2012-2013 LAW REVIEW DIVERSITY REPORT 3 (2013), <http://www.nylslawreview.com/wp-content/uploads/sites/16/2013/12/Law-Review-Diversity-Report-2013.pdf>.

¹⁹⁹ *Id.*

²⁰⁰ Adriane Kayoko Peralta, *The Underrepresentation of Women of Color in Law Review Leadership Positions*, 25 BERKELEY LA RAZA L.J. 68, 70 (2015).

However, as Peralta explains, the students quickly homed in on the fact that the non-White woman stated an interest in increasing diversity on the law review, whereas the White woman had not identified diversity as one of her stated goals.²⁰¹ Furthermore, the non-White woman scored several points higher on the objective and anonymously graded editing exercise than the White woman.²⁰² After this discussion, Peralta recounts, the “selection committee admitted that the woman of color was qualified, more approachable, and would likely increase the diversity of the *Law Review*.”²⁰³ Nevertheless, despite the non-White candidate’s impressive qualifications, editing skills, and interpersonal capabilities, “the committee selected the ‘neutral’ [W]hite candidate—likely because she was less polarizing.”²⁰⁴

Peralta’s experience is an isolated incident and may very well be an anomaly. Nevertheless, it suggests that at least some law reviews may avoid preferencing non-White candidates out of a desire to appear neutral and colorblind in the selection of law review EICs.²⁰⁵ Perhaps as a result, EICs have historically been predominantly White men.²⁰⁶ Indeed, only in the past ten years has there been a notable uptick in Black EICs at law schools nationwide. The next Section documents some of that monumental shift, while Part II of this Article explores why this shift has only recently taken hold.

D. *Law Review Leadership and Black Editors-in-Chief*

The process for electing law review members into leadership positions, especially the position of EIC, is less visible and structured. Typically, law reviews conduct an internal voting process and evaluate candidates based upon uniform selection criteria. However, scholars have noted that both race and gender identity can influence the selection process for organizational leaders. For example, studies have shown that voters tend to vote for individuals who reaffirm their pre-existing beliefs (confirmation bias); who appear to be better leaders by nature (gender bias); or have more experience in a particular domain (e.g., legal writing), even if such skills comprise only one aspect of leadership (concision bias).²⁰⁷ Further, White voters sometimes support non-White candidates in public, but vote against them privately due to racial biases (the

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.* at 70-71.

²⁰⁷ Kirsten Weir, *Politics Is Personal*, AM. PSYCH. ASS’N: MONITOR ON PSYCH. (Nov. 1, 2019), <https://www.apa.org/monitor/2019/11/cover-politics> [<https://perma.cc/LV5S-QJ7F>].

Bradley effect).²⁰⁸ As a result, law review leadership has historically struggled with DEI issues, as demonstrated by the lack of non-White and nonmale EICs.²⁰⁹

The history of Black EICs in U.S. law schools is illustrative. Clara Burrill Bruce of the Boston University School of Law was the first Black student and woman elected EIC of a law review in 1925.²¹⁰ Bruce published four articles and held many leadership positions during her tenure, and went on to lead a successful career as an attorney after becoming the third Black woman admitted into the Massachusetts Bar.²¹¹ Other Black students participating in law reviews for the first time during this era include Jasper Alston Atkins (Yale), Charles Hamilton Houston (Harvard), and William Edwin Taylor (Iowa).²¹² Mary Johnson Lowe became the second Black EIC in U.S. history in 1952, leading the *Brooklyn Law Review* in 1952, and serving as president of her class.²¹³ Lowe would become a judge in the New York court system.²¹⁴ Wiley W. Manuel became the third Black EIC, leading the *Hastings Law Journal* at Hastings Law School in 1953, graduating at the top of his class.²¹⁵ Manuel would eventually become the first Black justice of the California Supreme Court.²¹⁶

Gender issues intersected with race when it came to electing new law review members. For example, controversy surrounded the appointment of Sadie Tanner Mossell Alexander to the *University of Pennsylvania Law Review* in 1926 due to her Black female identity.²¹⁷ Dean Edward Mikell initially “refused to break precedent” and allow a woman on the board, but after a law review editor, Philip Werner Amram, threatened to resign, the decision was overturned.²¹⁸ Other Black women would eventually follow suit at other schools, including H. Elsie Austin (University of Colorado Law School, 1928), Juanita Mitchell (University of Maryland School of Law, 1948), Harriet W. Batipps (Howard University School of Law, 1955), Patricia Harris (George Washington

²⁰⁸ J. Gregory Payne, *The Bradley Effect: Mediated Reality of Race and Politics in the 2008 U.S. Presidential Election*, 54 AM. BEHAV. SCIENTIST 417, 418 (2010).

²⁰⁹ See Peralta, *supra* note 200, at 72.

²¹⁰ Corinne Steinbrenner, *Barriers That Bend but Don't Break*, B.U. SCH. OF L. (Nov. 27, 2020), <http://www.bu.edu/law/record/articles/2020/clara-burrill-bruce-barriers-that-bend-but-dont-break/> [<https://perma.cc/8GP2-SV74>].

²¹¹ *Id.*

²¹² SMITH, *supra* note 111, at 39.

²¹³ *Trailblazing Judge Mary Johnson Lowe '54 Honored with Named Scholarship To Promote Student Diversity and Inclusion*, BROOK. L. SCH. (Feb. 15, 2022), <https://www.brooklaw.edu/News-and-Events/News/2022/02/Trailblazing-Judge-Mary-Johnson-Lowe-54-Honored> [<https://perma.cc/76UK-5U5M>].

²¹⁴ *Id.*

²¹⁵ Raymond L. Sullivan, *In Memoriam Wiley W. Manuel*, 32 HASTINGS L.J. 734, 734 (1981).

²¹⁶ *Id.*

²¹⁷ SMITH, *supra* note 111, at 39.

²¹⁸ *Id.*

University Law School, 1959), and Joyce Anne Hughes (University of Minnesota Law School, 1964).²¹⁹

Following the civil rights era, law reviews became more diverse. Still, the election of Black EICs was slow. It would take until 1990 for HLR to elect its first Black EIC, Barack Obama, who was only the ninth Black EIC in U.S. history.²²⁰ *Stanford Law Review* elected its first Black female EIC, Shauna Jackson, that same year, while the *Yale Law Journal* elected Adrienne Davis.²²¹ By 2000, there had only been sixteen Black EICs in U.S. history. After the election of President Barack Obama as the first Black president of the United States in 2008, the tide began to turn. Although scholars, journalists, and news pundits declared that White Americans' attitudes towards Black Americans had generally improved, the so-called "Obama Effect" was not as significant as the social and political impact of President Donald Trump's election.²²²

Researchers note that President Obama's election exposed in-group members (i.e., upper-class White Americans) to a positive and successful member of a stereotyped out-group (i.e., Black Americans), reducing negative stereotypes.²²³ However, that trend was not long-lasting. By the end of Obama's presidency, Americans who believed race relations would improve had declined to twenty-nine percent. Further, they had become outnumbered by the forty-six percent of Americans who now believed racial issues had worsened during Obama's presidency.²²⁴ These Americans had witnessed racial progress, followed by racial retrenchment.²²⁵ Such tensions inspired acts of racial terror nationwide

²¹⁹ *Id.* (discussing H. Elsie Austin); Nathaniel R. Jones, *In Memoriam: Juanita Jackson Mitchell*, 52 MD. L. REV. 503, 504 (1993); J. Clay Smith, Jr., *Tribute: United States Foreign Policy and Goler Teal Butcher*, 37 HOW. L.J. 139, 147 & n.38 (1994) (discussing Harriet W. Batipps); J. Clay Smith, Jr., *Article: Patricia Roberts Harris: A Champion in Pursuit of Excellence*, 29 HOW. L.J. 437, 452 (1986); Nina Burleigh, *Black Women Lawyers Coping with Dual Discrimination*, 74 A.B.A. J. 64, 67 (1988) (discussing Joyce Anne Hughes).

²²⁰ Fox Butterfield, *First Black Elected To Head Harvard's Law Review*, N.Y. TIMES, Feb. 6, 1990, at A20.

²²¹ *Volume 43 Editorial Board*, STAN. L. REV., <https://www.stanfordlawreview.org/mastheads/volume-43-1990-1991/> [<https://perma.cc/8LCE-TTJ5>] (last visited Jan. 18, 2023) (listing Shauna Jackson as President on masthead); *CAMPUS LIFE: Stanford; New President Sets a Precedent at Law Review*, N.Y. TIMES (Mar. 18, 1990), <https://www.nytimes.com/1990/03/18/nyregion/campus-life-stanford-new-president-sets-a-precedent-at-law-review.html> (describing Jackson's election and year-long goals as EIC); *Volume 100 Masthead*, YALE L.J. (Dec. 1990), <https://www.yalelawjournal.org/masthead/volume-100> [<https://perma.cc/S5AJ-8KKS>] (listing Adrienne Davis as member of Executive Committee on masthead).

²²² See Susan Welch & Sigelman Lee, *The "Obama Effect" and White Racial Attitudes*, 634 ANNALS AM. ACAD. POL. & SOC. SCI. 207, 217 (2011).

²²³ See Marx et al., *supra* note 41, at 953-56.

²²⁴ Jeffrey M. Jones, *In U.S., Obama Effect on Racial Matters Falls Short of Hopes*, GALLUP (Aug. 11, 2016), <https://news.gallup.com/poll/194495/obama-effect-racial-matters-falls-short-hopes.aspx> [<https://perma.cc/2FBZ-HCB6>].

²²⁵ Monika L. McDermott & Cornell Belcher, *Barack Obama and Americans' Racial Attitudes: Rallying and Polarization*, 46 POLITY 449, 467 (2014).

that culminated in the birth of the Movement for Black Lives after the murders of Trayvon Martin, Michael Brown, and Eric Garner.²²⁶ The racial backlash to Obama's presidency also inspired student protests for racial justice in higher education, such as the "I, Too, Am Harvard" campaign.²²⁷ It likewise set the stage for the presidential campaign of Donald Trump. The chaos and unpredictability of Trump's presidency deployed partisan rhetoric to garner support from the far right.²²⁸ However, in so doing, President Trump amplified political polarization and racial divides, culminating in the murder of Breonna Taylor and George Floyd during the COVID-19 pandemic.²²⁹ The summer of 2020 witnessed the reemergence of Black Lives Matter protests around the globe, ushering calls for racial reckoning.²³⁰

Perhaps responding to the national racial angst, countless law reviews soon elected their first Black EICs, with seven elected in 2020 and ten elected in 2021.²³¹ These advancements are commendable. Still, time will tell whether the Trump effect introduced a new trend in law review leadership, or merely stoked a momentary spike in law review DEI efforts. As we argue next, short-term fixes will not resolve the deep-rooted DEI challenges facing law schools.

II. WHY DIVERSITY, EQUITY, AND INCLUSION FAILS

DEI efforts in law reviews across the United States often fall short of laudable goals because law schools, and by extension law reviews, are often unwilling to wrestle with their significant role in constructing and sustaining political, social, and economic stratifications in society. As this Part discusses in Section II.A, DEI goals are often viewed as a numbers game. Law reviews tend to focus on getting more non-White students and women into editor positions, but do not always challenge the status quo operation of the law review as a White space.²³² In so doing, law reviews tend to privilege traditional notions of merit while silencing nontraditional modes of legal analysis and countercultural views of

²²⁶ See *id.* at 460.

²²⁷ Jolie Lee, 'I, Too, Am Harvard' Photos Tell Black Students' Stories, USA TODAY (Mar. 5, 2014, 2:14 PM), <https://www.usatoday.com/story/news/nation-now/2014/03/05/black-students-harvard-tumblr/6013023/> [<https://perma.cc/2UTV-6E5U>].

²²⁸ See Mandi Bailey & Steven P. Nawara, *Racial Animosity, Homophobia, and Nativism in Predicting Trump's Support Among College Students in the 2016 Primaries*, 20 NAT'L POL. SCI. REV. 95, 107 (2019); Nicolas M. Anspach, *Trumping the Equality Norm? Presidential Tweets and Revealed Racial Attitudes*, 23 NEW MEDIA & SOC'Y 2691, 2704 (2020).

²²⁹ See Bailey & Nawara, *supra* note 228, at 101.

²³⁰ See Larry Buchanan, Quoc Trung Bui & Jugal K. Patel, *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

²³¹ See Sloan, *supra* note 11.

²³² See *infra* Section II.A (arguing truly diverse law reviews require more than using race as proxy for diversity, but also efforts towards highlighting lived experiences, ideological views, and cultural beliefs of marginalized groups).

scholarly discourse that might produce a more capacious vision of legal scholarship.²³³

Further, as Section II.B examines, equity goals are often framed as measures to facilitate the equality of opportunity for marginalized students, yet they rarely question whether the meritocratic systems that undergird the law review selection process are inherently fair on both procedural and substantive grounds. Conventional notions of equal educational opportunity stem from seminal Supreme Court cases, such as *Brown v. Board of Education*²³⁴ and *San Antonio Independent School District v. Rodriguez*,²³⁵ that have produced a narrow view of equity in the educational context. Finally, Section II.C argues that many law reviews promote a brand of professional lawyering identity and leadership that perpetuates elitism by relying upon traditional markers of legal acumen and academic success. Taken together, these hurdles have made it difficult for law reviews to achieve the ambitious goals of their DEI initiatives.

A. *Rethinking Diversity and Inclusion*

Diversity and inclusion as two discrete law review organizational goals are often framed as a numbers game. Law reviews tend to focus on strategies that will attract more non-White students to apply for membership, such as racial quotas, racial preferences, and diversity statements.²³⁶ While such efforts can yield positive results, they also oversimplify the problem by rendering skin color as a proxy for diversity and inclusion. The benefits of diversity and inclusion extend beyond the visible to the invisible. For example, underrepresented students bring cultural and ideological views and lived experiences that can transform the student editor experience and the nature of published legal scholarship.²³⁷ While most scholars agree that law review boards can benefit from an enhanced mixture of cultures, political perspectives, and lived experiences in the editing room, scholars differ on the proposals they recommend for achieving such ends, some more radical than others.²³⁸

For example, Frederick Ramos notes that some law reviews rely upon a strict quota model to enhance DEI.²³⁹ A strict quota system allocates a predetermined number of seats on the editorial board only to affirmative action candidates.²⁴⁰ Eligible students compete for such slots, either through a holistic application process or by achieving top scores in their first-year grades or on a writing competition, but only against other eligible applicants for the affirmative action

²³³ See Smith, *supra* note 92, at 85.

²³⁴ 347 U.S. 483, 493 (1954) (holding children cannot succeed while “denied the opportunity of an education”).

²³⁵ 411 U.S. 1, 38-39 (1973) (holding education is not fundamental right).

²³⁶ See Ramos, *supra* note 3, at 181.

²³⁷ See Peralta, *supra* note 200, at 81.

²³⁸ See *id.*

²³⁹ Ramos, *supra* note 3, at 181.

²⁴⁰ *Id.*

slots.²⁴¹ To guarantee minority representation on the board, a law review can eliminate the competition score requirement in the application process altogether for such affirmative action candidates.²⁴² However, even if the size of the law review board remains unchanged, modifying the application standards for racially and ethnically minoritized applicants will likely perpetuate the stereotype that non-White candidates are less qualified.²⁴³ In some instances, this can lead to imposter syndrome among prospective non-White candidates, and even reduce their interest in applying to the law review altogether.²⁴⁴

Scholars further suggest that law reviews could allow second-year students to apply, noting that underrepresented students often have trouble adjusting to law school curricula that cater to the educational and lived experiences of upper-class White students.²⁴⁵ According to Ramos, “this plan compensates minority students who got off to a ‘slow start’ during their first year because of the difficulties involved in adjusting culturally to law school.”²⁴⁶ By applying to law review during their second year, racially and ethnically minoritized students can “demonstrate either improved writing and research skills or better grades,” which might convince their peers that they have the skills necessary to succeed in law review.²⁴⁷ Yet, while the so-called Second-Year Model facilitates the inclusion of more diverse law review members, scholars forewarn that the law review could become “inefficient or unwieldy” with the second-year additions, principally because of the increased number of students on the board.²⁴⁸ Moreover, the Second-Year Model does little to address the overreliance on law school grades as a proxy for success on law review.²⁴⁹

Further still, scholars have offered a third model simply called “Goals,” in which “the publication determines the number of minorities to invite” based on the overall representation of racially and ethnically minoritized students in the law school student population.²⁵⁰ In this case, unlike a strict quota system, the law review board considers race or ethnicity only if the traditional selection process does not produce the desired number of student editors.²⁵¹ Here, “[t]he

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ Julia Omotade, Jamie King & Richard A. Kahn, Opinion, *Imposter Syndrome and Diversity Students*, ASBMB TODAY, Feb. 1 2017, at 22, 22 (“[S]tereotypes and misperceptions, which challenge the notion that [underrepresented minority students’] successes are due to merit alone, make these students particularly susceptible to . . . [i]mposter syndrome, [which] is a condition where one feels inadequate or unworthy of his or her success or accomplishments despite evidence suggesting otherwise.”).

²⁴⁴ *See id.*

²⁴⁵ Ramos, *supra* note 3, at 181.

²⁴⁶ *Id.* at 182.

²⁴⁷ *Id.*

²⁴⁸ *Id.*

²⁴⁹ *Id.*

²⁵⁰ *Id.* at 183.

²⁵¹ *Id.*

object is not to limit the number of minority members on the law review, but to ensure that a minimum number of affirmative action candidates become members,” such that “the number of minorities remains constant from year to year.”²⁵²

As another example, Sharon Rush describes the practice of some law reviews to “allow note authors to write letters explaining how they would bring diversity to the review” through factors such as their “race, sex, sexual orientation, religion, socio-economic background, personal disadvantages, culture, or even ideology.”²⁵³ Such personal letters are read alongside the notes during the application process and “membership decisions are based on a combination of a particular author’s writing and analytical ability as well as [their] ability to bring diversity to the review.”²⁵⁴ Rush contends that these diversity statement policies not only increase the odds of admittance on law review for racially and ethnically minoritized students, but they also improve admission odds for other underrepresented groups as well.²⁵⁵ Other scholars, such as Megan Knize, have advocated for the widespread usage of diversity statements, contending that they allow law reviews to combine the subjective experiences of students with the objective implications of their law school grades and writing competition scores.²⁵⁶

These various affirmative action approaches toward promoting diversity and inclusion, from strict quotas to diversity statements, have been exhaustively studied and critiqued. For example, Mary J. Fischer and Douglas S. Massey have investigated the claims of scholars like Shelby Steele, Stephen Thernstrom, and Abigail Thernstrom that affirmative action fuels a deeply rooted belief in American culture that non-White students—especially Black students—are intellectually inferior.²⁵⁷ While Fischer and Massey found limited support for stereotype threat in their study of an affirmative action program for college applicants, they concluded that it does not undermine the achievement of such students, and may be caused by a range of other competing factors.²⁵⁸ Further, Jesse Rothstein and Albert H. Yoon reviewed claims that affirmative action leads to a “mismatch,” providing beneficiaries with access to schools that are too difficult and competitive for them, thereby harming their overall educational experience and career prospects.²⁵⁹ Looking at affirmative action’s impact on

²⁵² *Id.*

²⁵³ Rush, *supra* note 197, at 381.

²⁵⁴ *Id.*

²⁵⁵ *Id.*

²⁵⁶ See Knize, *supra* note 29, at 332.

²⁵⁷ See Mary J. Fischer & Douglas S. Massey, *The Effects of Affirmative Action in Higher Education*, 36 SOC. SCI. RSCH. 531, 533 (2007); Stephan Thernstrom & Abigail Thernstrom, *Reflections on The Shape of the River*, 46 UCLA L. REV. 1583, 1608 (1999); see also SHELBY STEELE, *THE CONTENT OF OUR CHARACTER: A NEW VISION OF RACE IN AMERICA* 116 (1990).

²⁵⁸ See Fischer & Massey, *supra* note 257, at 540.

²⁵⁹ See Jesse Rothstein & Albert H. Yoon, *Affirmative Action in Law School Admissions: What Do Racial Preferences Do?*, 75 U. CHI. L. REV. 649, 650-51 (2008).

Black student access to top law schools, Rothstein and Yoon conclude that racial preferences are important for law school diversity.²⁶⁰ Specifically, they note that “the available evidence offers only weak support for the mismatch hypothesis. Half or more of the [B]lack-[W]hite gap in law school outcomes can be attributed to differences in entering academic credentials that have nothing to do with the selectivity of the schools that students attend.”²⁶¹ On the other hand, Meera Deo argues that the individuals who are admitted into academic programs using traditional affirmative action programs are often not the applicants who are most in need of support or are most underrepresented at universities and colleges.²⁶² Deo further claims that there is often inadequate support for students of color once they are enrolled into higher education institutions.²⁶³ Thus, initiatives simply aimed at getting more non-White students into the room where it happens, as it were, do not always account for the complexities of race, racism, and the lived experiences of students of difference-based identities.²⁶⁴

Some scholars claim that affirmative action policies are heavily scrutinized because the privileges enjoyed by upper-class White students—like early exposure to legal discourse in the household from lawyer relatives, business professionals, or academic parents—are generally devalued in affirmative action selection processes, thereby calling into question the moral legitimacy of standard selection methods.²⁶⁵ In other words, if affirmative action strategies are morally just, then the status quo selection methods of law reviews are fundamentally unfair, or at least morally suspect. Such criticism delegitimizes the theory of meritocracy that has sanctioned decades of homogenous law review boards. Regardless of whether these scholars are right, what remains clear is that “the perfect method to select law review members has yet to be discovered.”²⁶⁶ While measuring the fairness of any selection process requires general agreement on the legitimacy of the system of measurement—in this case, the legitimacy of academic “merit” as a metric to measure legal writing and legal reasoning skills—it is no doubt questionable whether “fairness” is a fixed concept.²⁶⁷ Arguably, the concept of fairness in society evolves in relation to political priorities and sociocultural views.

Timothy Hall’s critique of affirmative action focuses on the legality of racial quotas.²⁶⁸ Whereas some DEI models guarantee non-White student representation on law reviews, regardless of their qualifications, Hall contends

²⁶⁰ See *id.* at 652.

²⁶¹ *Id.*

²⁶² See Deo, *supra* note 101, at 239.

²⁶³ *Id.*

²⁶⁴ *Id.* at 245.

²⁶⁵ See Rush, *supra* note 197, at 388-89.

²⁶⁶ Godsey, *supra* note 71, at 89.

²⁶⁷ See Richard Stith, *A Critique of Fairness*, 16 VAL. U. L. REV. 459, 460-61 (1982).

²⁶⁸ See Timothy L. Hall, *Educational Diversity: Viewpoints and Proxies*, 59 OHIO ST. L.J. 551, 551 (1998).

that the Supreme Court's 1978 opinion in *Regents of the University of California v. Bakke*²⁶⁹ supports a view that "the use of racial quotas in an admissions process [is] not a narrowly tailored means of attaining the state's interest in diversity."²⁷⁰ Allan P. Bakke sued the state of California challenging the constitutionality of the affirmative action program at the University of California Davis School of Medicine after he was rejected from the medical school.²⁷¹ The California Supreme Court declared the quota program a violation of the rights of ineligible White students under Title VI of the Civil Rights Act of 1964.²⁷² Upon review, the U.S. Supreme Court found diversity to be a compelling state interest, thereby legitimizing traditional affirmative action,²⁷³ but it also concluded that UC Davis's sixteen-seat quota program was unconstitutional.²⁷⁴ In 2003, in *Grutter v. Bollinger*,²⁷⁵ the Supreme Court upheld the *Bakke* decision and declared that racial preferences in admissions processes that favor underrepresented racial groups do not violate the Fourteenth Amendment's Equal Protection clause as long as it takes into account other factors alongside race.²⁷⁶

Such conclusions favor a holistic approach over "the reservation of a particular number of seats for minority applicants," which can hinder "the attainment of the 'genuine diversity' of viewpoints in which the state ha[s] a compelling interest."²⁷⁷ However, Timothy Hall argues that any attempt to "distinguish between a racial quota and the use of race as a 'plus' factor is simply untenable" because "the use of race as a 'plus' factor is facially discriminatory" and such discrimination "is not altered simply because [it] takes place in connection with other classifying devices."²⁷⁸ In other words, to Hall, if an organization's goal is not to address historical harms, but to enable the benefits of diversity to accrue to all students, then even the usage of 'plus' factors is unfair and discriminatory to racially and ethnically minoritized students because it creates a presumption of inferiority based upon their racial or ethnic identity.

²⁶⁹ 438 U.S. 265 (1978).

²⁷⁰ Hall, *supra* note 268, at 591.

²⁷¹ *Bakke*, 438 U.S. at 276-78.

²⁷² *Bakke v. Regents of the Univ. of Cal.*, 553 P.2d 1152, 1166 (1976) ("[N]o applicant may be rejected because of his race, in favor of another who is less qualified, as measured by standards applied without regard to race."), *aff'd in part, rev'd in part*, 438 U.S. 265.

²⁷³ *Bakke*, 438 U.S. at 320; *see also* Laurence H. Tribe, Comment, *Perspectives on Bakke: Equal Protection, Procedural Fairness, or Structural Justice?*, 92 HARV. L. REV. 864, 864 (1979) ("The Court thus upheld the kind of affirmative action plan used by most American colleges and universities, and disallowed only the unusually mechanical—some would say unusually candid, others would say unusually impolitic—approach taken by the Medical School.").

²⁷⁴ *Bakke*, 438 U.S. at 315-20.

²⁷⁵ 539 U.S. 306 (2003).

²⁷⁶ *Id.* at 334-35.

²⁷⁷ Hall, *supra* note 268, at 591.

²⁷⁸ *Id.* at 592.

To further the point, Hall describes the experiences of a professor who benefited from a racial quota, noting:

Each time that I have been hired . . . I am surprised to find out how few members of the faculty bothered to acquaint themselves with the *quality* or *substance* of my scholarship. It is easier to say that I diversify the faculty because of my gender or sexual orientation rather than to ask the more probing question of whether [these identities] have affected my scholarship in ways that are original and thought-provoking.²⁷⁹

Hall's critique suggests that diversity and inclusion policies can produce the visible appearance of diversity without ensuring that the so-called diverse community is truly inclusive.²⁸⁰ It ignores, for example, the possibility that a Black law student can be politically conservative and thereby fail to substantively challenge the political culture of a historically conservative law review, even while bringing a unique lived experience. When affirmative action programs rely solely on race as a proxy for ideological diversity, and thereby ignore the diversity of lived experiences, ideological viewpoints, and cultural beliefs within and across racial and ethnic groups, they fail to establish the foundation for a robust exchange of scholarly ideas.²⁸¹ Further, by essentializing racial identities full of diverse perspectives and cultural interests to singular ideals, law reviews eliminate opportunities to learn from marginalized histories that might produce the educational diversity desired.²⁸² Perhaps as a result, recent research has shown that racially and ethnically minoritized students often feel a weaker sense of belonging at law school as compared to their White peers.²⁸³

This is not a call to throw away racial and ethnic distinctions altogether. For example, Deo recommends further disaggregating racial and ethnic data and identifying subgroups instead of using all-inclusive terms like "BIPOC" (Black, Indigenous, and People of Color) to avoid erasing those who are minorities within the so-called "people of color" umbrella.²⁸⁴ Cedric Herring and Loren Henderson recommend shifting resources away from privileged groups and toward excluded groups, suggesting a parallel emphasis on class distinctions.²⁸⁵ By targeting law review resources toward the lived experiences, ideological

²⁷⁹ *Id.* at 599 (quoting RUTH COLKER, HYBRID: BISEXUALS AND MULTIRACIALS, AND OTHER MISFITS UNDER AMERICAN LAW 140 (1996)).

²⁸⁰ *See id.*

²⁸¹ *See id.*

²⁸² *See id.* at 597 ("[T]he proper constitutional inquiry . . . is whether a diversity of outlooks and perspectives *requires* race-conscious decisionmaking . . . [and] whether other non race-conscious admissions and hiring criteria might produce the educational diversity desired.").

²⁸³ *See* Deo, *supra* note 101, at 278.

²⁸⁴ Meera E. Deo, Essay, *Why BIPOC Fails*, 107 VA. L. REV. ONLINE 115, 117-19, 142 (2021).

²⁸⁵ Cedric Herring & Loren Henderson, *From Affirmative Action to Diversity: Toward a Critical Diversity Perspective*, 38 CRITICAL SOCIO. 629, 638 (2011).

viewpoints, and cultural beliefs of marginalized groups, the law review can further distributive justice. In so doing, law reviews will create a law review board that reflects the rich diversity of lived experiences and cultural viewpoints across the United States. Achieving this goal would not only promote structural diversity, but also interactional diversity and classroom diversity too.²⁸⁶ Even more, such efforts will call into question the legitimacy of the current function of the law review.

Law reviews have historically functioned to: (1) legitimate meritocracy as a sorting mechanism; (2) facilitate the hoarding of prestige by an elite, wealthy class; and (3) enable the manipulation of power by the dominant class toward silencing marginalized voices and nontraditional modes of legal analysis in law and policymaking.²⁸⁷ However, as Lani Guinier argues:

We . . . must adjust our understanding of testocratic merit to better reflect what we want to value in a democratic society. Testocratic merit makes the assumption that test scores are the best evidence of applicants' worth, without paying much attention to the environments in which one finds those individuals. It thereby ignores several built-in biases that privilege those who are already quite advantaged.²⁸⁸

These distorted functions deviate from what the Authors view as law review's ideal educational, societal, and political purposes. A nondiverse law review board, in the fullest sense of the word, does not merely fail non-White law students by limiting their educational experience, it also fails society at large by limiting law review's public-facing educational, societal, and political purposes.

B. *Rethinking Equity*

Some law reviews have adopted DEI policies that focus on boosting equity or fairness in the editor selection process. Fairness in the law review context is generally measured by comparing the different opportunities and resources that students enjoyed before competing for law review editor positions. For example, do some law students suffer from a lack of exposure to lawyers or lawyering prior to law school while others benefit from familiarity with legal reasoning and case analysis due to their upper-class status? By boosting marginalized students in the editor selection process—e.g., allocating preference points to racially or ethnically minoritized students who have experienced limited access to relevant educational enrichment—law reviews aim to level the playing field. In this way, when affirmative action programs employ preference points to make editor selection processes fairer, they send an implicit message that the supposed meritocratic system that underlies the law review is inherently inequitable on

²⁸⁶ See Deo, *supra* note 101, at 274-77.

²⁸⁷ See Geoffrey Preckshot, Comment, *All Hail Emperor Law Review: Criticism of the Law Review System and Its Success at Provoking Change*, 55 MO. L. REV. 1005, 1008 (1990); see also Roger C. Cramton, "The Most Remarkable Institution": *The American Law Review*, 35 J. LEGAL EDUC. 1, 5 (1986).

²⁸⁸ GUINIER, *supra* note 2, at x.

procedural grounds. Or, they suggest that certain individuals have been denied the necessary opportunities and resources to compete, thereby tainting the process. Blind grading of writing competitions purports to solve the procedural dilemma by eliminating opportunities for implicit biases and stereotypes to cloud student judgments.

However, a focus on procedure could obscure the *substantive* shortcomings of the editor selection process. Is the status quo meritocratic system—i.e., the focus on law school grades; writing competition scores; etc.—a fair way to measure merit among law students? As Guinier puts it, “[A]ffirmative action’s weakness and vulnerability cooperate with, and perhaps unintentionally legitimate, a meritocracy that privileges test scores over other indicators of student potential in the first place.”²⁸⁹ Ignoring these questions perpetuates the myth that decades of homogeneous law review boards filled primarily with White men have not been shaped by structural inequities within law schools or society. Further, it conveys the narrow conclusion that a lack of equal opportunities for racially and ethnically minoritized students and women to compete with their upper-class White male counterparts is due to their substandard prelaw training or the personal biases of existing law review members. Incorporating questions of equity and inclusion into diversity initiatives encourages the consideration of antisubordination and antiracist principles.²⁹⁰ In other words, the solutions to the DEI problem can be both procedural *and* substantive.

Lawyers typically view the law review as the place where the best of the best convene to edit and publish leading scholarly articles; a place where one’s legal writing and reasoning skills are of the utmost importance.²⁹¹ First-year grades and one’s performance in a writing competition, we are told, provide a neutral forum to showcase these skills.²⁹² This vision of merit suggests that students with high law school grades are smarter, more diligent, and better time managers than their lower-performing peers.²⁹³ As a result, if one of the chief goals of law reviews is to select “students who have shown they are hard workers by obtaining high grades or writing onto the publication” then admitting applicants that are “neither at the top of their classes nor among the best writers” will presumably undermine the law review’s commitment to fairness.²⁹⁴

Yet, as Sharon Rush notes, when “[s]chools that adhere to traditional criteria for law review selection . . . want to achieve diversity and, in particular, racial diversity,” the false association between traditional selection criteria and equity

²⁸⁹ *Id.* at 41.

²⁹⁰ See Deo, *supra* note 284, at 123 (“Similarly, recent efforts to promote equity and belonging signal the importance of moving beyond diversity to consider broader anti-subordination and even antiracist principles.”).

²⁹¹ See Ramos, *supra* note 3, at 191.

²⁹² See *id.* at 186-87.

²⁹³ *Id.*

²⁹⁴ *Id.*

can undermine substantive fairness.²⁹⁵ Affirmative action policies that do not deviate from using first-year grades and writing samples to assess affirmative action candidates risk achieving diversity while failing to wrestle with hidden inequities embedded in status quo metrics.²⁹⁶ For example, scholars have argued that an overreliance on grades and competition scores can “devalue different ways of measuring analytical skills and writing ability . . . [and] other ways of critiquing law.”²⁹⁷ Further, students often have competing demands on their time that differ based on their socioeconomic background, such as the need to work a part-time job during the academic semester or financially support family members. Even more, many law schools require a forced grading curve, which manufactures a grade distribution even when there may be an insubstantial difference in student performance.

By failing to consider the substantive fairness of the editor selection process, law students risk perpetuating implicit biases when applicant profiles match racial or gender stereotypes. As Amy DeVaudreuil puts it, “[I]f some people (or groups of people) do not succeed at the same rate as others, it is their own faults.”²⁹⁸ Accordingly, even if law review achieves its diversity goals, some “White [members] may imagine that underrepresented students of color are just not as good as White students at performing well in the writing competition” or do not “have the same skill levels that White students have” based on the law review’s seemingly objective measures of merit.²⁹⁹ Such biases can even influence which law review members are elevated to positions of leadership on the law review board, such as the heralded EIC position. Students that do not see themselves in positions of influence and authority can fall prey to stereotype threat or experience a lack of belonging. Carliss Chatman and Najarian Peters note the experience of one Black student in a law school without a robust commitment to DEI:

As an African American law student at a predominantly [W]hite institution, I feel out of place and treated as an insular minority. During the admissions process we are highly sought after and made to believe that these environments are worth buying into. Upon starting, I was hit with the cruel realization that I belong to a marginalized group who, regardless of the level of professionalism portrayed within the institution, would be looked at as a target of hate and deceit.³⁰⁰

Offering another example of substantive inequities in the selection process, Frederick Ramos argues that “cultural bias” can influence the scoring of writing samples when editorial boards are predominantly composed of White students

²⁹⁵ Rush, *supra* note 197, at 382.

²⁹⁶ *Id.* at 381-83.

²⁹⁷ *Id.* at 388-89.

²⁹⁸ DeVaudreuil, *supra* note 139, at 1202.

²⁹⁹ *Id.*

³⁰⁰ Carliss N. Chatman & Najarian R. Peters, *The Soft-Shoe and Shuffle of Law School Hiring Committee Practices*, 69 UCLA L. REV. DISCOURSE 2, 13 (2021).

from upper-class households.³⁰¹ In such instances, editors tend to reward writing styles that reflect the standards of excellence that are dominant in their upper-class communities.³⁰² Marginalized students across various racial, ethnic, or class backgrounds may lack prior exposure to the desired writing style. Rather than select the best law student editors, the homogenous law review board may simply select the students who are best equipped to match their expectations of merit.³⁰³ Sharon Rush similarly argues that one can perform well on law school exams yet lack strong legal writing skills, or one can possess strong legal writing skills yet perform poorly on law school exams.³⁰⁴ In each case, students with skills that would benefit the law review fall short in the desired selection criteria.

To combat the risk of implicit bias in the editor selection process, Megan Knize argues for additional “subjective qualifiers,” such as an application essay. This provides prospective editors with space to elaborate on their unique backgrounds and perspectives while preserving the integrity of the law review as a meritocracy.³⁰⁵ According to Timothy Hall, considering whether applicants possess “viewpoints or perspectives likely to enrich an educational institution’s academic discourse,” creates room for an expanded definition of merit.³⁰⁶ As Hall further explains, “The diversity rationale simply suggests that merit may reside in other features of an individual’s background besides that individual’s record of academic achievement on standardized tests or in previous educational environments.”³⁰⁷

A second challenge facing procedural reforms that fail to address the substantive critiques of the editor selection processes is the risk of stigmatizing minority applicants. According to Ramos, conventional affirmative action programs tend to portray underrepresented applicants “as unqualified in the eyes of many classmates and employers.”³⁰⁸ This “hollow victory” can cause more harm than good to underrepresented students by perpetuating “the belief that minorities are intellectually inferior and need affirmative action to obtain law review membership.”³⁰⁹ Even more, if employers believe that minority law review editors are the beneficiaries of affirmative action policies, they may withhold high-level job opportunities or judicial clerkships, or they may only accept racially and ethnically minoritized applicants after rigorously scrutinizing their credentials, in some cases more so than they would have done otherwise.³¹⁰ As Michelle Obama reminded us of the burden many Black parents pass on to

³⁰¹ Rush, *supra* note 197, at 381-83.

³⁰² Ramos, *supra* note 3, at 187.

³⁰³ *Id.* at 187-88.

³⁰⁴ Rush, *supra* note 197, at 388.

³⁰⁵ Knize, *supra* note 29, at 332.

³⁰⁶ Hall, *supra* note 268, at 557.

³⁰⁷ *Id.*

³⁰⁸ Ramos, *supra* note 3, at 188.

³⁰⁹ *Id.*

³¹⁰ *Id.*

their children: “[B]e twice as good.”³¹¹ In such instances, affirmative action programs do little to open up doors from which non-White people have been excluded.³¹² Arguably, they may make matters worse.

Some critics even argue that law reviews will witness a decrease in the quality of their journal submissions if they set aside traditional selection criteria in favor of affirmative action policies primed toward addressing equity concerns. Professors and law students, they argue, “will hesitate to submit their articles to these law reviews, fearing an improper edit” by law students with skills that are not up to par.³¹³ For such critics, although “affirmative action has its merits, . . . the quality of work published cannot be sacrificed to achieve those benefits.”³¹⁴ And for law professors at elite law schools, publishing in elite law reviews is even harder to sacrifice due to the prestige, power, and political clout that it can confer. The goal, it seems, as Rush summarizes it, is for law schools “to introduce fair criteria in law review selection that maintain excellence and also promote racial equality” without disrupting the process that everyone has grown accustomed to.³¹⁵

However, this goal is misguided. It oversimplifies the relationship between law review excellence and a law review’s racial and ethnic diversity. As Paul Willison explains, a recent study of top-twenty law schools found “no evidence that diversity policies for editor selection meaningfully decrease[d] the impact of published articles.”³¹⁶ In fact, the study reported “some evidence that diversity policies may actually increase the impact of published articles.”³¹⁷ Godsey argues that affirmative action policies are beneficial even if the quality of law review publications does not improve.³¹⁸ And, according to Ramos, the historic costs of predominantly White and male law review boards, and the resultant urgency of modern DEI efforts, makes the “cost of diminution of quality—if any occurs . . . worth the benefits achieved by affirmative action.”³¹⁹ In other words, racial discrimination bears a societal cost, and at some point, some groups may have to suffer that cost to not only repair historic harms, but also to further the common good. Thus, DEI efforts might decrease law review excellence in the eyes of some scholars and still be worthwhile. To be sure, the answer to that hypothetical depends on one’s perspective of equity and one’s assessment of the

³¹¹ Britni Danielle, Opinion, *Michelle Obama’s ‘Twice as Good’ Speech Doesn’t Cut It with Most African Americans*, GUARDIAN (May 12, 2015, 9:39 AM), <https://www.theguardian.com/commentisfree/2015/may/12/michelle-obama-twice-as-good-african-americans-black-people> [<https://perma.cc/E5R9-88E4>].

³¹² *Id.*

³¹³ Ramos, *supra* note 3, at 191.

³¹⁴ *Id.*

³¹⁵ Rush, *supra* note 197, at 393.

³¹⁶ Willison, *supra* note 72, at 389.

³¹⁷ *Id.*

³¹⁸ Godsey, *supra* note 71, at 70-71.

³¹⁹ Ramos, *supra* note 3, at 192.

significance of law review's diversity problem. The deeper question, then, is determining how one should define law review excellence.

Willison urges a broader range of assessment criteria in the editor selection process to prioritize a robust exchange of diverse ideas and experiences over the concentration of homogenous students with high grades and familiarity with legal rhetoric.³²⁰ Unique perspectives, Willison argues, lend themselves to unique "social interactions, topic selection, and journal-specific policy creation" than would be the case with a homogenous law review board, thereby amplifying the ability to "publish exceptional legal scholarship annually."³²¹

Of course, as they pursue procedural and substantive reforms to the editor selection process, law review boards must not run afoul of the Supreme Court's affirmative action jurisprudence, which is in flux. "[T]he only justification for accounting for race in admissions policies," as affirmed by the Supreme Court on three occasions, is to "obtain the benefits that would flow from a diverse editorial staff."³²² Accordingly, under *Bakke* and *Grutter*, a prospective law review editor's racial or ethnic identity can be considered a positive characteristic, but not as a single desired characteristic so as to avoid an illegal quota system.³²³ Under this line of reasoning, pursuing a broad definition of diversity will accrue more benefits to the board, supporting a holistic review process.³²⁴ Further, less targeted affirmative action policies can facilitate a critical mass of diverse voices while avoiding the liability pitfalls of a quota system.³²⁵ Under *Grutter*, affirmative action-based diversity policies are not allowed to exist forever.³²⁶ Thus, law journals are advised to develop "sunset provisions" governing how long diversity policies will last and maintain regularly scheduled reviews of law journals' staff diversity to ensure that the policies do not outlive their purpose.³²⁷ Still, the question remains, what will it take for the sun to set on inequity in the law review?

Procedural and substantive equity requires law reviews to not merely increase scholarly discourse on marginalized experiences and perspectives by incorporating more diverse editors into the publication process, but also to challenge the structure of legal institutions—including the law review itself—that embed a narrow view of what equity demands for minoritized populations. DEI efforts should encourage reform to the law review itself, as an institution, including its process for selecting law student editors and law review leaders.

³²⁰ Willison, *supra* note 72, at 363.

³²¹ *Id.* at 390.

³²² *Id.* at 392.

³²³ See *Grutter v. Bollinger*, 539 U.S. 306, 334-35 (2003); *Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265, 315-320 (1978).

³²⁴ See Willison, *supra* note 72, at 393.

³²⁵ See *id.*

³²⁶ *Grutter*, 539 U.S. at 309.

³²⁷ See *id.* at 342.

C. *Rethinking Professional Identity and Leadership*

Professional identity formation and leadership on law reviews go hand in hand. Law reviews tend to perpetuate social hierarchy in the legal profession by rewarding traditional markers of prestige and academic merit when selecting law students for membership and articles for publication. Accordingly, scholars from low-ranking law schools, or scholars that emphasize marginalized legal perspectives that challenge status quo political views, may struggle to enter mainstream legal discourse using the law review platform.³²⁸ By catering to elitism, even if unintentionally, law reviews risk promoting a professional lawyering identity that legitimates inequity under the guise of equality.

Darren Bush's research suggests that most of the authors for the top ten law reviews also graduated from a top ten law school. For example, in 2017, Yale Law School accounted for twenty-seven percent and Harvard Law School accounted for twenty-two percent.³²⁹ New York University ("NYU") School of Law accounted for the next highest level at 6.7%, Stanford at 6.3%, and University of Chicago Law School at 5.46%.³³⁰ Taken together, the graduates of five law schools accounted for nearly seventy percent of the publications in the top ten law reviews in the year studied.³³¹ Further, Bush notes, "A random sample of the top ten law reviews suggests that the number of women authors in 2017 is around 20%," indicating gender bias.³³² For example, of the *Yale Law Journal's* published authors in 2017, nine out of the twelve were men.³³³

The legal profession tends to reward the graduates of top law schools with access to the highest-paying legal jobs and the most prestigious clerkships, which lead to careers with significant social and political influence.³³⁴ Law review mirrors this social hierarchy by first granting law students with the highest grades access to join the editorial board, and secondly, by granting the graduates of elite law schools preferential access to publishing opportunities. Both patterns reflect a vision of professional lawyering identity that grants admission to intellectual debates about the law based on individual talent, effort, and achievement. Yet, it fails to question whether all law students, lawyers, or legal scholars enjoy equal opportunities to engage in such discussions. Put more simply, is the game fair, or rigged? In the context of the law review, this meritocratic and individualistic vision of lawyering fails to interrogate whether a competitive model best serves the public interest. That is, are the best leaders those students with the highest grades or the strongest editing skills? Some progressive law students who prefer collaborative and community-centered

³²⁸ Godsey, *supra* note 71, at 64.

³²⁹ Lawprofblawg & Bush, *supra* note 90, at 336.

³³⁰ *Id.*

³³¹ *Id.*

³³² *Id.* at 337.

³³³ *Id.*

³³⁴ See Dexter Samida, Comment, *The Value of Law Review Membership*, 71 U. CHI. L. REV. 1721, 1724-35 (2004).

approaches to lawyering may avoid law review for this very reason. Perhaps law reviews should seek students who are the best collaborators, best managers, and best advocates of marginalized voices and grassroots movements.

DEI efforts in law reviews must do more than simply increase the number of underrepresented students on law review editorial boards and marginalized voices in mainstream legal discourse. They must also interrogate whether decades of homogeneous law review boards have produced a limited cultural expression of scholarly discourse altogether. If this is the case, then law reviews committed to serving the public interest must consider how a multicultural expression of legal scholarship might differ from the status quo approach. More than seeking to challenge mainstream legal discourse with voices that do not have the perceived academic merit or prestige necessary to gain access to such public forums, law reviews must reconsider what topics deserve to be included in the discussion altogether, and why.

For example, law review articles that explore the intersection of race and the law, even when they are doctrinal, are often viewed as fringe topics and not applicable to mainstream law reviews. Instead, such topics usually find a home in specialty journals or symposium collections. Yet, a robust scholarly engagement with race and the law in law reviews might better reflect the diversity of racialized experiences across the United States. Further, it might better enable law reviews to serve the public interest toward answering recent calls for the United States to engage in a “racial reckoning.”³³⁵ This goal would also support the American Bar Association’s procedures for approval of law schools, which calls for law schools to provide “education on bias, cross-cultural competency, and racism” to law students.³³⁶ Such insights call into question the notion that top law reviews have historically published the best ideas about law and law reform. What ideas, experiences, needs, preferences, and values have been missing from the discussion all these years?

A second way to ensure that law review publications better reflect the diversity of experiences and opinions across the U.S. population is to diversify their leadership. Law reviews typically rely upon conventional voting methods to select their EIC, which entails ranking candidates by conventional markers of academic prestige and in-group perceptions. However, in so doing, law reviews may fall prey to irrational decision-making that reflects hidden biases and unconscious discriminatory views about racially and ethnically minoritized students. For example, they may select leaders who perform at the top of the class but are not best suited to guide the law review toward diversifying the breadth of legal issues and analytical methods it engages in its publication.

³³⁵ See, e.g., Eugene K. Chow, *A Racial Reckoning*, FORDHAM LAW., Fall/Winter 2021, <https://digital.law.fordham.edu/issue/fall-winter-2021/a-racial-reckoning/> [<https://perma.cc/GR9J-R4TG>] (discussing increased awareness of effects of systemic racism and national movement for racial justice).

³³⁶ *Revised Standards for Approval of Law Schools*, 300 A.B.A. SEC. LEGAL EDUC. & ADMISSIONS TO BAR § 303(c) (2022).

Scholars have recently begun to explore a more capacious definition of leadership in the context of legal education. According to Roland B. Smith and Paul Bennett Marrow, “[I]t is now widely recognized that classroom learning is necessary but not sufficient to produce leadership capabilities and alignment among leaders at the top of an organization.”³³⁷ Yet, as Deborah L. Rhode argues, law schools often fail to teach students leadership principles and skills.³³⁸ To fill this gap, Susan R. Jones recommends professional leadership coaching be integrated into legal education.³³⁹ As Jones explains, “Leadership coaching grounds students’ well-being, and incorporating it into experiential learning, leadership classes, and academic advising will better equip law students, many of whom are in the Millennial generation and Generation Z, for the changes associated with intergenerational work and a volatile, uncertain, complex, and ambiguous world.”³⁴⁰ Law reviews, too, might benefit from such training.

III. REIMAGINING LAW REVIEW

If DEI in legal education demands more from law schools than merely enrolling more racially and ethnically minoritized students and women, then DEI for law reviews demands more too. Indeed, if one believes that law reviews serve a purpose beyond the self-directed interests of law schools, legal scholars, and law students, then a commitment to DEI urges us to reimagine law review altogether. This Part explores what it might take to enhance the community-facing educational, political, and public purposes of the law review that are part and parcel of the DEI mission.

First, law reviews must reconsider what qualifies as DEI in the context of the law review. There is no one-size-fits-all definition of DEI. For example, Sharon Rush includes several identities in her definition of diversity, including “race, sex, sexual orientation, religion, socio-economic background, personal disadvantages, culture, or even ideology.”³⁴¹ Yet, as Rush notes, “This list is not meant to be exhaustive; perhaps there are other ways in which diversity can be achieved.”³⁴² If we envision the law review to have a broader and farther-reaching purpose, then our conception of DEI in the context of the law review must similarly be expanded.

Second, and more fundamental, who gets to make decisions regarding DEI with respect to the law review? Currently, it is the law review board members who assess law student application materials and apply affirmative action policies toward achieving DEI goals. Are there alternative editor selection

³³⁷ Roland B. Smith & Paul Bennett Marrow, *The Changing Nature of Leadership in Law Firms*, N.Y. ST. BAR ASS’N J., Sept. 2008, at 33, 38.

³³⁸ See DEBORAH L. RHODE, *LAWYERS AS LEADERS* 1-2 (2013).

³³⁹ See Susan R. Jones, *The Case for Leadership Coaching in Law Schools: A New Way To Support Professional Identity Formation*, 48 HOFSTRA L. REV. 659, 660 (2020).

³⁴⁰ *Id.*

³⁴¹ Rush, *supra* note 197, at 383.

³⁴² *Id.*

methods that might better achieve DEI's stated aims? Should other stakeholders or additional criteria be included in the decision-making process? This Part explores these questions.

A. *Who Qualifies*

A genealogy of the various conceptions of diversity in the academic context can be constructed by clarifying the distinctions between *structural* diversity and *substantive* diversity, or what Dorothy Brown calls "classroom diversity."³⁴³ Structural diversity is defined as the "percentage of students from a [non-White] racial or ethnic group" that are integrated into a majority White group.³⁴⁴ As structural diversity increases in a group, it becomes statistically more likely that a White person will interact with persons who are "members of racial or ethnic minority groups."³⁴⁵ Thus, from a structural standpoint, diversity is achieved when the percentage of non-White group members increases to the minimum number necessary to facilitate cross-racial subgroup interactions.

On the other hand, substantive diversity is achieved when a member of a group is exposed to knowledge about the racial, ethnic, gender, or other classification of another group member distinct from their own.³⁴⁶ For example, substantive diversity occurs when a White group member is exposed to knowledge about the experiences and cultural beliefs of a Black group member. In the educational context, structural and substantive diversity have a symbiotic relationship. Structural diversity facilitates opportunities for organic student interactions, while substantive diversity seizes on the opportunity to "influence student learning outcomes" by expanding their awareness of multicultural experiences and viewpoints.³⁴⁷

Combining structural and substantive diversity creates a mutually reinforcing diversity that enables individuals to "not have to deny aspects of their identities," but rather, to "be valued for different identity traits that make them unique."³⁴⁸ In the context of law reviews, then, DEI efforts should enable editors, scholars, and readers to experience the validation that derives from embracing their unique identities and receiving affirmation for their unique contributions as they engage legal scholarship.

For law reviews that have historically lacked racial, ethnic, and gender diversity, the inclusion of additional racially and ethnically minoritized students onto the editorial board can expose law review members to nontraditional ideas and countercultural viewpoints on legal scholarship. This dynamic can inspire the publication of legal scholarship on a wider range of issues, which will, in

³⁴³ Dorothy A. Brown, Address, *Taking Grutter Seriously: Getting Beyond the Numbers*, 43 HOUS. L. REV. 1, 16-17 (2006).

³⁴⁴ *Id.*

³⁴⁵ *Id.*

³⁴⁶ *See id.*

³⁴⁷ *Id.*

³⁴⁸ Rush, *supra* note 197, at 382.

turn, expose the readers of legal journals to a wider array of viewpoints on various subjects, including the viewpoints of marginalized members of society that rarely enter the mainstream legal discourse.³⁴⁹ However, for racial, ethnic, and gender diversity to facilitate ideological diversity within law reviews, there must also be an intentional effort to engage the lived experiences and cultural views of applicants during the editor selection process.

Attempts to promote racial and ethnic diversity in law reviews sometimes overlook socioeconomic diversity within subgroups,³⁵⁰ which can discount underrepresented White students who hail from impoverished backgrounds. For example, in *Hillbilly Elegy*, J.D. Vance recounts, “Very few people at Yale Law School are like me. They may look like me, but for all of the Ivy League’s obsession with diversity, virtually everyone—[B]lack, [W]hite, Jewish, Muslim, whatever—comes from intact families who never worry about money.”³⁵¹

Given the high cost of law school in the United States, many lower-income individuals face limited opportunities to pursue a legal education.³⁵² When these students are admitted into law school, especially at the most elite law schools, they compete against students who have benefited from generational wealth and prelaw training.³⁵³ In some instances, low-income students must work a full or part-time job while studying law, putting them at a disadvantage as compared to students who do not have to earn income to support themselves or their families.³⁵⁴ When it comes to admission to the law review, privileged students benefit from more time to study for law school exams or more time to work on editing and essay competitions, both of which are key components of the traditional law review editor selection process.³⁵⁵

Progressive law reviews have taken steps to address these concerns. For example, several law reviews have added dedicated pages to their websites addressing DEI issues. The *Buffalo Law Review* has a page on its website that explains its definition of diversity and equity:

The *Buffalo Law Review* defines diversity as including, but not being limited to, distinctions in race, nationality, ethnicity, gender, sexual orientation, religion, first-generation college, graduate or law student

³⁴⁹ See Ramos, *supra* note 3, at 193.

³⁵⁰ See Lawprofblawg & Bush, *supra* note 90, at 343 (“It is not as if the top ten law schools are known for being places where the impoverished learn.”).

³⁵¹ *Id.* (quoting J.D. Vance, *As a Poor Kid from the Rust Belt, Yale Law School Brought Me Face-to-Face with Radical Inequality*, HUFFINGTON POST (June 29, 2016, 9:11 AM), https://www.huffpost.com/entry/yale-law-school-inequality_b_5772a27ee4b0dbb1bbbc11b9 [<https://perma.cc/JFA9-MLPK>]).

³⁵² See Richard H. Sander, *Class in American Legal Education*, 88 DENV. U. L. REV. 631, 637 (2011).

³⁵³ Jordan Rothman, *Wealthy Students Have a Much Easier Time Succeeding in Law School*, ABOVE THE L. (Sept. 26, 2018, 9:58 AM), <https://abovethelaw.com/2018/09/wealthy-students-have-a-much-easier-time-succeeding-in-law-school/> [<https://perma.cc/SJ94-VL7C>].

³⁵⁴ *Id.*

³⁵⁵ *Id.*

status, socioeconomic status, and age. We perceive equity to mean treating all members and authors, regardless of their differences, equal and fair. Lastly, we view inclusion to mean including all members and authors, regardless of their distinct attributes, in the overall culture and structure of the Law Review at large.³⁵⁶

Many other law reviews, such as the *Louisiana Law Review*, the *UC Davis Law Review*, and the *Stanford Law Review*, have released diversity statements on their websites to note their commitment to a broader vision of DEI and their efforts to achieve it.³⁵⁷ Other law reviews have designated publication issues to showcase the work of diverse authors, such as the *Boston University Law Review* and the *Washington and Lee Law Review*.³⁵⁸ Other law reviews have dedicated symposia to discussing the issue of DEI in higher education, such as the *South Carolina Law Review*, the *Fordham Law Review*, and the *Virginia Law Review*.³⁵⁹

B. *Who Decides*

After considering what “counts” as DEI, one must consider who gets to decide. Law reviews have made many attempts to make the law review editor selection process as objective as possible. For example, some law reviews ask potential affirmative action candidates to grant the law review access to their admissions records to determine if they are included in the law school’s affirmative action plan.³⁶⁰ As Ramos explains, “This solution resolves the

³⁵⁶ *Buffalo Law Review*, UNIV. AT BUFF. SCH. OF L., <https://digitalcommons.law.buffalo.edu/buffalolawreview/dei.html> [https://perma.cc/9F54-Q5K6] (last visited Jan. 18, 2023).

³⁵⁷ *About*, LA. L. REV., <https://lawreview.law.lsu.edu/about/> [https://perma.cc/4Z3X-GSSF] (last visited Jan. 18, 2023); *Commitment to Diversity*, U.C. DAVIS L. REV., <https://lawreview.law.ucdavis.edu/diversity.html> [https://perma.cc/MH3X-MXA3] (last visited Jan. 18, 2023); *About the Stanford Law Review*, STAN. L. REV., <https://www.stanfordlawreview.org/about/> [https://perma.cc/TWG4-NXRV] (last visited Jan. 18, 2023).

³⁵⁸ Ruth Fong Zimmerman & Archita Dwarakanath, *Editors’ Foreword*, 102 B.U. L. REV. (2022), <https://www.bu.edu/bulawreview/files/2022/03/EDITORS-FOREWORD-2.pdf> [https://perma.cc/89ZZ-72Z6]; Peter Jetton, *W&L Law Review Publishes Issue Showcasing Black Authors*, COLUMNS (Feb. 25, 2022), <https://columns.wlu.edu/wl-law-review-publishes-issue-showcasing-black-authors/> [https://perma.cc/5GV3-7A67].

³⁵⁹ *Inaugural William Hubbard Conference on Law & Education*, UNIV. OF S.C.: SCH. OF L., https://sc.edu/study/colleges_schools/law/student_life/journals/sclr/symposium/index.php [https://perma.cc/JVE2-74QA] (last visited Jan. 18, 2023); *Colloquium: Diversity in the Legal Profession: A Comparative Perspective*, FORDHAM L. REV., <http://fordhamlawreview.org/symposiumcategory/colloquium-diversity-in-the-legal-profession-a-comparative-perspective/> [https://perma.cc/9CVC-CRX9] (last visited Jan. 18, 2023); *Interrogating Legal Pedagogy and Imagining a Better Way To Train Lawyers*, VA. L. REV. (Feb. 18, 2022), <https://www.virginialawreview.org/symposia/interrogating-legal-pedagogy-and-imagining-a-better-way-to-train-lawyers/> [https://perma.cc/DS5J-LTSX].

³⁶⁰ See Ramos, *supra* note 3, at 184.

problem of what criteria the law review should use to determine affirmative action status.”³⁶¹ However, eliminating the decision-making process altogether might inhibit the ability of the law review to make a more substantive investigation using a broader conception of DEI, especially if the law school’s affirmative action program focuses only on protected classifications, such as race or ethnicity, and not on socioeconomic disparities or other subgroup distinctions, such as disability.

Currently, it remains up to the law review leadership in most law schools to determine what counts as diversity and what types of diversity are deemed most important for the law review. To be sure, structural diversity is still an issue in the legal profession, much less in law reviews across the United States. As Paul Willison observes, “[O]nly 15% of all lawyers across the U.S. identified as a racial or ethnic minority in 2019 and ‘[n]early all minorities are underrepresented in the legal profession compared with their presence in the U.S. population.’”³⁶² Willison further asserts, “It is difficult to know exactly how the legal profession has become more diverse because, unfortunately, data is scarce. ‘Outside of law firms and Article III judgeships, the profession lacks even basic gender and racial/ethnic breakdowns . . . or more inclusive efforts covering sexual orientation and disability status.’”³⁶³

To Willison, “Law schools and the profession at large can, and should, do better.”³⁶⁴ Nevertheless, as this Article argues, doing “better” requires not only taking inventory of what diversity means and cataloging its benefits, but also thinking progressively about what our legal institutions—including the law review—can become if they are shaped by a more inclusive dialogue about law and law reform.

Overcoming the lack of DEI on law reviews requires contending with the way that homogeneous learning environments create unsafe spaces where minoritized students feel alienated from the university due to being in relative isolation.³⁶⁵ According to Vinay Harpalani, safe spaces “serve as support mechanisms for minority students, by mitigating feelings of isolation among these students and helping them adjust to life on predominantly White campuses.”³⁶⁶ Thus, safe spaces enhance the learning experience for underrepresented and minoritized students by providing academic support, as

³⁶¹ *Id.*

³⁶² Willison, *supra* note 72, at 354 (alteration in original) (quoting AM. BAR ASS’N, ABA PROFILE OF THE PROFESSION 8 (2019)).

³⁶³ *Id.* at 355 (INST. FOR INCLUSION IN THE LEGAL PRO., ILLP REVIEW 2019-2020: THE STATE OF DIVERSITY AND INCLUSION IN THE LEGAL PROFESSION 17 (2019), https://www.theiilp.com/resources/Documents/IILP_2019_FINAL_web.pdf [https://perma.cc/Q4EH-DLQL]).

³⁶⁴ *Id.*

³⁶⁵ See Vinay Harpalani, “Safe Spaces” and the Educational Benefits of Diversity, 13 DUKE J. CONST. L. & PUB. POL’Y 117, 127 (2017).

³⁶⁶ *Id.*

well as social, cultural, and emotional support.³⁶⁷ The burden of creating safe spaces cannot fall solely on non-White students. Such students are already often faced with the “burden[s] of integration” as they seek to “adapt [themselves] to majority group norms.”³⁶⁸ All students must share this burden, not simply because such collaboration is more equitable, but also because it makes the law review experience more educational for all involved.³⁶⁹

Progressive law reviews have taken steps to address these concerns. For example, law reviews have established DEI committees and DEI editors to focus specifically on DEI issues. The *UCLA Law Review* has a Chief Diversity Editor, while the *Wisconsin International Law Journal* has a Diversity Editor as a part of their senior editorial board.³⁷⁰ Generally, the DEI editor’s job is to research ways to improve diversity, and work with the rest of the staff in various stages of the article selection and editing process to keep DEI issues front and center.³⁷¹ The *Drexel Law Review*³⁷² and the *Washington and Lee Law Review*³⁷³ have implemented executive editor positions that are responsible for membership and inclusion, and work to engage the diverse interests and backgrounds of members to foster an enhanced experience for all. Other law reviews, such as the *Stanford Law Review*, *HLR*, and *Yale Law Journal*, emphasize blind grading of prospective member exams and scholarship submissions.³⁷⁴ These efforts aim to minimize the impact of implicit biases and stereotypes from precluding DEI goals.

³⁶⁷ *Id.*

³⁶⁸ *Id.* at 147.

³⁶⁹ *See id.* at 149-50.

³⁷⁰ *Masthead*, UCLA L. REV., <https://www.uclalawreview.org/volume-70-masthead-3/> [<https://perma.cc/CK7J-MPAS>] (last visited Jan. 18, 2023); *Wisconsin International Law Journal* 2022-2023, WIS. INT’L L.J., <https://wilj.law.wisc.edu/wp-content/uploads/sites/1270/2022/09/WILJ-Masthead-2022-23.pdf> [<https://perma.cc/YD54-UYSX>] (last visited Jan. 18, 2023).

³⁷¹ *See, e.g., Buffalo Law Review*, *supra* note 356.

³⁷² *Compare Volume XV Executive Board*, DREXEL L. REV., <https://drexel.edu/law/lawreview/masthead/overview/> [<https://perma.cc/7U8B-JTRV>] (last visited Jan. 18, 2023), *with Volume XIII Executive Board*, DREXEL L. REV., <https://drexel.edu/law/lawreview/masthead/overview/volume-XIII/> [<https://perma.cc/A4B8-V3N9>] (last visited Jan. 18, 2023) (listing no executive position focused on membership and inclusion).

³⁷³ *Compare Masthead Volume 80*, WASH. & LEE L. REV., <https://lawreview.wlu.edu/masthead-volume-80/> [<https://perma.cc/L2PL-A3XR>] (last visited Jan. 18, 2023) (listing Membership & Inclusion Editor position), *with Washington and Lee Law Review: Volume 78*, WASH. & LEE L. REV., <https://lawreview.wlu.edu/wp-content/uploads/sites/15/2021/05/Volume.78.Masthead.pdf> [<https://perma.cc/QC4Z-5TKN>] (last visited Jan. 18, 2023).

³⁷⁴ *See* SUSAN STURM & KINGA MAKOVI, FULL PARTICIPATION IN THE YALE LAW JOURNAL (2015), https://www.yalelawjournal.org/files/FullParticipationintheYaleLawJournal_e929dpx1.pdf [<https://perma.cc/4A55-7U9P>]; HARVARD LAW REVIEW (2020), https://harvardlawreview.org/wp-content/uploads/2020/03/HLR_Fact_Sheet.pdf [<https://perma.cc/P9GW-R8NF>]; *About the Stanford Law Review*, *supra* note 357.

CONCLUSION

In recent years, law reviews have begun to make significant strides. For example, in 2020, fifteen of the twenty-two members of the editorial board of the *Temple Law Review* identified as women.³⁷⁵ Further, of the seven top leadership positions on the *Temple Law Review* in that same year, women filled six of them.³⁷⁶ This stands in stark contrast to some of the trends observed by scholars less than a decade ago when men held most leadership positions in law reviews.³⁷⁷ *Temple Law Review* has also increased the number of evening student members in the last five years, with the 2020 editorial board including six part-time evening students, three of whom hold leadership positions.³⁷⁸ Evening students make up about fifteen percent of each graduating class, but they are about twenty-seven percent of Temple's 2020 editorial board.³⁷⁹ Finally, *Temple Law Review* has a dedicated Diversity Editor and has adopted a Diversity Statement in November 2019 to ensure it "promot[es] diversity in both its membership and scholarship."³⁸⁰

Still, DEI remains a significant challenge for law reviews across the United States. In this Article, we have argued that law review's diversity problem must be viewed in the broader context of sociopolitical efforts to eradicate racial injustice in the United States and reform legal education. To realign the distorted function of the law review with its ideal purpose we recommend that law reviews focus on not merely increasing the equality of opportunities for underrepresented students and the discussion of marginalized experiences and diverse perspectives of law, but also challenging the fundamental structure of the law review and legal discourse more broadly. In so doing, law reviews will push back on the standard theory of meritocracy that governs the eligibility of prospective law review editors. Even more, they will embrace a more progressive vision of legal education and scholarly academic discourse.

³⁷⁵ Brittany R. Steane, *Preface: Commending Temple's Spirit of Changemaking*, 92 TEMP. L. REV. 707, 709 (2020).

³⁷⁶ *Id.*

³⁷⁷ See Lynne N. Kolodinsky, *The Law Review Divide: A Study of Gender Diversity on the Top Twenty Law Reviews* 5 (May 2014) (unpublished student note, Cornell Law Library Prize for Exemplary Student Research Papers), <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1007&context=cllsrp> [<https://perma.cc/FJN9-6MWT>].

³⁷⁸ Steane, *supra* note 375, at 709-10.

³⁷⁹ *Id.* at 710 n.29.

³⁸⁰ *Id.* at 710 (quoting *Diversity Statement*, TEMP. L. REV. (Mar. 20, 2020), <https://www.templelawreview.org/diversity-statement> [<https://perma.cc/22ZR-45Q6>]).

APPENDIX A.
BLACK LAW REVIEW EDITORS-IN-CHIEF

Clara Burrill Bruce

Clara Burrill Bruce was the first Black student and Black woman to lead a law review when she was elected EIC of the *Boston University Law Review* in 1925.³⁸¹ Bruce attended Miner Normal School, which pioneered Black female education and led to the development of the Black school system in the nation's capital.³⁸² Bruce then studied at Howard University for a year before transferring to Radcliffe College, where she studied history, education, and philosophy.³⁸³ After many years of focusing on her family life, Bruce pursued her life-long ambition of studying law at Boston University, where she became the first Black EIC of a law review in the United States.³⁸⁴ Bruce went on to graduate as the top woman of her class and became the third Black woman admitted into the Massachusetts Bar in 1926.³⁸⁵ Bruce never expected her accomplishments to lead to a career as a practicing attorney, especially at a time when the opportunities available for Black attorneys were "reserved for men."³⁸⁶ Rather she studied law in hopes of using such knowledge to benefit the Black community. Bruce became active in politics and earned a nomination to the New York State Assembly in 1938.³⁸⁷ However, she opted to instead focus on submitting essays, articles, and poems for publication.³⁸⁸

Mary Johnson Lowe

Judge Mary Johnson Lowe was a federal judge known for her rulings in discrimination cases.³⁸⁹ Lowe received her law degree with honors from Brooklyn Law School, where she was the president of her class and the first Black EIC of the *Brooklyn Law Review*.³⁹⁰ After years in private practice, Lowe became a judge in the New York City court system, and she was elected as justice of the Supreme Court of New York in 1977.³⁹¹ On May 10, 1978, Lowe became the second Black woman appointed to the federal judiciary and was

³⁸¹ See Steinbrenner, *supra* note 210.

³⁸² *Miner Normal School*, D.C. HISTORIC SITES, <https://historicsites.dcpreservation.org/items/show/386> [<https://perma.cc/QQC9-WMCN>] (last visited Jan. 18, 2023).

³⁸³ Steinbrenner, *supra* note 210.

³⁸⁴ *A History of Diversity at BU Law*, B.U. SCH. OF L., <https://www.bu.edu/law/about/diversity/a-history-of-diversity/> [<https://perma.cc/FB3C-WK9A>] (last visited Jan. 18, 2023).

³⁸⁵ See Steinbrenner, *supra* note 210.

³⁸⁶ *Id.*

³⁸⁷ *Id.*

³⁸⁸ *Id.*

³⁸⁹ Eric Pace, *Mary J. Lowe, 74, U.S. Judge Noted for Her Rulings on Bias*, N.Y. TIMES, Mar. 3, 1999, at B9.

³⁹⁰ *Id.*

³⁹¹ Pace, *supra* note 389, at B9.

confirmed by the Senate on June 23, 1978.³⁹² In 1981, Lowe ruled that a New York pension system was discriminatory against women because it required them to make larger contributions despite smaller monthly benefits.³⁹³ In 1984, she issued a notable injunction barring New York City from disenfranchising homeless people due to their lack of residence.³⁹⁴ Lowe assumed senior status in 1991, serving until her death on February 27, 1999.³⁹⁵

Wiley W. Manuel

Wiley William Manuel was the first Black justice of the California Supreme Court.³⁹⁶ Manuel attended Hastings Law School, where he graduated as both valedictorian and EIC of the *Hastings Law Journal*.³⁹⁷ Manuel began his legal career in 1953, serving twenty-three years with the California Department of Justice.³⁹⁸ He was named a judge of the Superior Court of Alameda County in 1976, and in 1977, he was appointed to the California Supreme Court.³⁹⁹ His service, however, was short-lived due to his death in January 1981.⁴⁰⁰ To honor his life and dedication to public service, the Sacramento Association of Black Attorneys renamed itself as the Wiley Manuel Bar Association of Sacramento.⁴⁰¹ In 1982, the Wiley W. Manuel Law Foundation, which provides scholarship and career advice to aspiring lawyers in Northern California, was established.⁴⁰² The State Bar of California also established the Wiley W. Manuel Certificate in 1989, which is awarded to recognize *pro bono* work to low-income clients.⁴⁰³

Julius L. Chambers

Julius L. Chambers was the third Director-Counsel of the NAACP Legal Defense Fund (“LDF”).⁴⁰⁴ Born in 1936 in Mount Gilead, North Carolina, Julius

³⁹² Lowe, *Mary Johnson*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/lowe-mary-johnson> [<https://perma.cc/F2W5-UAGG>] (last visited Jan. 18, 2023).

³⁹³ Pace, *supra* note 389.

³⁹⁴ *Id.*

³⁹⁵ See Lowe, *Mary Johnson*, *supra* note 392.

³⁹⁶ Martha Noble & Noah Pollaczek, *Finding Aid to the Wiley W. Manuel Papers MSS.1102*, ONLINE ARCHIVE OF CAL. (Apr. 2013), https://oac.cdlib.org/findaid/ark:/13030/c8k64kf7/entire_text/ [<https://perma.cc/2CPX-EYRD>].

³⁹⁷ Sullivan, *supra* note 215, at 734.

³⁹⁸ Noble & Pollaczek, *supra* note 396.

³⁹⁹ Jennifer Wellman, *Wiley W. Manuel (1927-1981)*, BLACKPAST (Aug. 27, 2018), <https://www.blackpast.org/african-american-history/manuel-wiley-w-1927-1981/> [<https://perma.cc/6TQ9-4XHN>].

⁴⁰⁰ Noble & Pollaczek, *supra* note 396.

⁴⁰¹ *Id.*

⁴⁰² *Id.*

⁴⁰³ Wellman, *supra* note 399.

⁴⁰⁴ *Julius Levonne Chambers 1984-1993*, NAACP: LEGAL DEF. FUND, <https://www.naacpldf.org/about-us/history/julius-levonne-chambers/> [<https://perma.cc/HS66-PJ62>] (last visited Jan. 18, 2023).

Chambers was exposed to the racial intolerance and restraints of the Jim Crow South. The discrimination he faced influenced his path to become one of the nation's leading Black civil rights attorneys.⁴⁰⁵ Chambers attended law school at the University of North Carolina at Chapel Hill in 1959.⁴⁰⁶ There, Chambers became EIC of the *North Carolina Law Review*, the first Black person to do so at a historically White and southern university.⁴⁰⁷ In 1984, Chambers became Director-Counsel of the NAACP LDF.⁴⁰⁸ In this role, he won a landmark Supreme Court case against the Charlotte-Mecklenburg Board of Education in 1971, which led to federally mandated busing to reduce segregation.⁴⁰⁹ From 1993 to 2001, Chambers was chancellor at North Carolina Central University.⁴¹⁰ In 2020, seven years after Chambers's death, the same Charlotte school district he litigated against in 1971 named a high school after him.⁴¹¹

Vaughn C. Williams

Vaughn C. Williams currently serves on the boards of directors for Lawyers for Children, which offers free legal and social work advocacy for abused children, children within the foster care system, and children in high-conflict custody cases.⁴¹² He also serves on the boards of Saint Vincent's Hospital, Stanford Children's Health (Lucile Packard Children's Hospital at Stanford), and Stanford University.⁴¹³ Williams received his law degree from Stanford University, where he was president of the *Stanford Law Review*.⁴¹⁴ Williams was a Partner at Skadden, Arps, Slate, Meagher & Flom, LLP and Affiliates, where he represented various companies in investigations by the Securities and Exchange Commission, the New York Stock Exchange, the National Association of Securities Dealers, and other regulatory agencies.⁴¹⁵ Williams was also active in *pro bono* practice and served on the committee dedicated to

⁴⁰⁵ See RICHARD A. ROSEN & JOSEPH MOSNIER, JULIUS CHAMBERS: A LIFE IN THE LEGAL STRUGGLE FOR CIVIL RIGHTS 280 (2016).

⁴⁰⁶ *Julius Chambers*, HISTORYMAKERS, <https://www.thehistorymakers.org/biography/julius-chambers-39> [<https://perma.cc/8F42-CEXN>] (last visited Jan. 18, 2023).

⁴⁰⁷ *Id.*

⁴⁰⁸ *Id.*

⁴⁰⁹ *Id.*

⁴¹⁰ *Id.*

⁴¹¹ Annie Ma, *Introducing Julius L. Chambers High. CMS Drops Vance High's Confederate Namesake*, CHARLOTTE OBSERVER (Oct. 14, 2020, 5:37 PM), [<https://web.archive.org/web/20210619193852/https://www.charlotteobserver.com/news/local/education/article246435735.html>].

⁴¹² Kathleen J. Sullivan, *Vaughn C. Williams Is Elected Trustee*, STAN. NEWS (Jan. 16, 2008), <http://news.stanford.edu/news/2008/january16/trustee-011608.html> [<https://perma.cc/3KU4-6TQD>].

⁴¹³ *Id.*; Vaughn Williams, LINKEDIN [hereinafter Williams, LINKEDIN], <https://www.linkedin.com/in/vaughn-williams-127b28132/> (last visited Jan. 18, 2023).

⁴¹⁴ Williams, LINKEDIN, *supra* note 413.

⁴¹⁵ Sullivan, *supra* note 412.

administering the Skadden Fellowship Foundation, a two-year fellowship enabling law school graduates to pursue public interest work full time.⁴¹⁶

Phoebe Haddon

Phoebe Haddon is the former chair of the Federal Reserve of Philadelphia's Board of Directors and chancellor emerita of Rutgers University.⁴¹⁷ Haddon received her law degree from Duquesne University School of Law, where she was EIC of the law review.⁴¹⁸ After graduating, she clerked for Joseph F. Weis, Jr. on the Third Circuit before becoming an Associate at what is now WilmerHale.⁴¹⁹ After graduating from Yale with an LL.M., Haddon became deputy executive director at the Redevelopment Authority of the City of Philadelphia and then president of the Philadelphia Development Mortgage Assistance Corporation.⁴²⁰ In 1990, Haddon began teaching at the Temple University Beasley School of Law, where she fought against racial and gender bias on the Pennsylvania bench and bar.⁴²¹ She became the first Black woman to lead Rutgers University when appointed chancellor in 2014.⁴²² In 2019, Haddon received the Ruth Bader Ginsburg Lifetime Achievement Award from the Association of American Law Schools.⁴²³

Teresa Wynn Roseborough

Teresa Wynn Roseborough is the Executive Vice President, General Counsel, and Corporate Secretary of Home Depot, where she works on securities, litigation, mergers and acquisitions, real estate, and more.⁴²⁴ Roseborough earned a law degree from the University of North Carolina School of Law, where she was EIC of the law review.⁴²⁵ Roseborough became a Partner of the law firm Sutherland, Asbill & Brennan, LLP, and later Deputy Assistant Attorney General of the United States.⁴²⁶ She also clerked for the late Supreme Court

⁴¹⁶ *Id.*

⁴¹⁷ Phoebe Haddon, LINKEDIN [hereinafter Haddon, LINKEDIN], <https://www.linkedin.com/in/phoebe-haddon-76b5b6113/> (last visited Jan. 18, 2023).

⁴¹⁸ *Phoebe Haddon*, RUTGERS [hereinafter *Haddon*, RUTGERS], <https://law.rutgers.edu/directory/view/ph294> [<https://perma.cc/7573-WZ7Y>] (last visited Jan. 18, 2023).

⁴¹⁹ Haddon, LINKEDIN, *supra* note 417.

⁴²⁰ *Id.*

⁴²¹ *Haddon*, RUTGERS, *supra* note 418.

⁴²² Susan Snyder, *Rutgers-Camden's First Black Female Chancellor Is Stepping Aside After Six Years*, PHILA. INQUIRER (Feb. 17, 2020), <https://www.inquirer.com/news/rutgers-camden-chancellor-phoebe-haddon-leaving-20200217.html>.

⁴²³ *Phoebe A. Haddon*, FED. RSRV. BANK PHILA., <http://www.philadelphiafed.org/our-people/haddon-phoebe-a> [<https://perma.cc/KG84-HQXQ>] (last visited Jan. 18, 2023).

⁴²⁴ *Teresa Wynn Roseborough*, HOME DEPOT, <https://corporate.homedepot.com/leadership/teresa-wynn-roseborough> [<https://perma.cc/ZQ63-SDDP>] (last visited Jan. 18, 2023).

⁴²⁵ *Id.*

⁴²⁶ *Id.*

Justice John Paul Stevens.⁴²⁷ In 2009, Roseborough was named one of the “25 Influential Black Women in Business” by *The Network Journal* and one of America’s top Black attorneys in 2000 by *Black Enterprise*.⁴²⁸ She continues to play an active role in civic involvement—Equal Justice Works presented her with the Scales of Justice Award in 2022.⁴²⁹

Scott Brewer

Scott Brewer became a professor of law at Harvard in 1991.⁴³⁰ He earned his law degree from Yale Law School, where he was the EIC of the *Yale Law Journal*.⁴³¹ Prior to his teaching, he clerked for Supreme Court Justice Thurgood Marshall.⁴³² Brewer’s appointment to Harvard University drew praise from various members of the faculty, as it increased the then-sparse number of minority faculty.⁴³³ Brewer writes and teaches about the nature, use, and role of arguments in law, politics, and “everyday life.”⁴³⁴ He also cofounded Harvard’s annual Summer School on Law and Logic.⁴³⁵

Barack Obama

Barack Obama was the first Black president of the United States. Before he attended law school, Obama worked with low-income families in the South Side of Chicago as a community organizer.⁴³⁶ In 1988, Obama enrolled at Harvard

⁴²⁷ Teresa Wynn Roseborough, SAVOY, <http://savoynetwork.com/features/teresa-wynn-roseborough/> [https://perma.cc/EE9P-EYRM] (last visited Jan. 18, 2023).

⁴²⁸ Lauren McDonald, *Home Depot Executive Addresses Ways Women Can Be Successful*, RED & BLACK (Apr. 10, 2014), https://www.redandblack.com/uganews/campus/home-depot-executive-addresses-ways-women-can-be-successful/article_09b0e40a-c034-11e3-ace5-001a4bcf6878.html [https://perma.cc/63CB-EKM3].

⁴²⁹ Press Release, Equal Just. Works, Equal Justice Works To Honor Teresa Wynn Roseborough at Scales of Justice Event (Mar. 8, 2022), <https://www.equaljusticeworks.org/news/scales-of-justice-teresa-wynn-roseborough/> [https://perma.cc/4BP6-MMNX].

⁴³⁰ Scott Brewer, HARV. L. SCH. [hereinafter *Brewer*, HARV. L. SCH.], <https://hls.harvard.edu/faculty/directory/10106/Brewer> [https://perma.cc/4AU6-NVMN] (last visited Jan. 18, 2023).

⁴³¹ Scott Brewer, NAT’L UNIV. OF SINGAPORE L. [hereinafter *Brewer*, SINGAPORE], <https://law.nus.edu.sg/people/scott-brewer/> [https://perma.cc/E8V5-LLHY] (last visited Jan. 18, 2023).

⁴³² *Legal Doubt, Scientific Certainty: Participants*, ALA. L., <https://www.law.ua.edu/programs/symposiums/symposium-archives/legal-doubt-scientific-certainty/1811-2/> [https://perma.cc/M7ZK-YM4D] (last visited Jan. 18, 2023).

⁴³³ Jay K. Varma, *Law School Hires New Prof.: Move Boosts Minority Law Faculty to Six out of 67*, HARV. CRIMSON (Feb. 15, 1990), <https://www.thecrimson.com/article/1990/2/15/law-school-hires-new-prof-pin/#.Y2wUh8q2vzI.link> [https://perma.cc/TS6J-X5GZ].

⁴³⁴ *Brewer*, SINGAPORE, *supra* note 431.

⁴³⁵ *Brewer*, HARV. L. SCH., *supra* note 430.

⁴³⁶ See Barack Obama, WHITE HOUSE [hereinafter *Obama*, WHITE HOUSE], <https://www.whitehouse.gov/about-the-white-house/presidents/barack-obama/> [https://perma.cc/UMY7-HK3U] (last visited Jan. 18, 2023).

Law School, where he was elected the first Black President of HLR.⁴³⁷ Obama joined Sidley Austin LLP in Chicago in 1989 as a Summer Associate.⁴³⁸ After law school, Obama moved back to Chicago, where he practiced as a civil rights lawyer at the Miner, Barnhill & Galland, P.C.⁴³⁹ Obama, then a state senator, became the third Black person elected to the U.S. Senate since the Reconstruction Era.⁴⁴⁰ As a U.S. senator, Obama passed legislation enacting lobbying reform, removing dangerous weapons, and publishing federal spending online.⁴⁴¹ In 2007, Obama announced his candidacy for the 2008 Democratic presidential nomination.⁴⁴² He was sworn in as the first Black president of the United States in 2009.⁴⁴³ While President, Obama pushed for legislation to save the automotive industry following the Great Recession and to make healthcare more affordable.⁴⁴⁴

Shauna Daneen Jackson

Shauna Daneen Jackson's accomplishments have been recognized by the *New York Times*, *U.S. News and World Report*, *National Law Review*, as well as magazines *Glamour* and *Ebony*—where she was noted as “one of the top 25 leaders of the future generation.”⁴⁴⁵ Jackson received her J.D. from Stanford Law School in 1991, where she was the first Black woman president of the *Stanford Law Review*.⁴⁴⁶ Jackson was admitted into the State Bar of California in December 1991.⁴⁴⁷ She was also involved in the “Rebuild L.A.” project—Los Angeles's response to the 1992 Rodney King riots—which prioritized the

⁴³⁷ *Id.*

⁴³⁸ *Chicago: Where It Began*, OBAMA FOUND., <https://www.obama.org/chapter/chicago-where-it-began/> [<https://perma.cc/4M2F-BXGR>] (last visited Jan. 18, 2023).

⁴³⁹ *How It All Began—A Firm with a Powerful Story and Profound Impact*, MINER, BARNHILL & GALLAND, P.C., <https://www.lawmbg.com/history/> [<https://perma.cc/5NJJ-62FM>] (last visited Jan. 18, 2023).

⁴⁴⁰ *See Obama*, WHITE HOUSE, *supra* note 436.

⁴⁴¹ *President Barack Obama*, WHITE HOUSE: PRESIDENT BARACK OBAMA, <https://obamawhitehouse.archives.gov/administration/president-obama> [<https://perma.cc/T8V9-HB94>] (last visited Jan. 18, 2023).

⁴⁴² *Chicago: Where It Began*, *supra* note 438.

⁴⁴³ *Id.*

⁴⁴⁴ *Id.*; *Economic Rescue, Recovery, and Rebuilding on a New Foundation*, OBAMA FOUND., <https://www.obama.org/our-story/economic-rescue-recovery-rebuilding-new-foundation/> [<https://perma.cc/JV2Q-9TUQ>] (last visited Jan. 18, 2023); *Improving Health Care for All Americans*, OBAMA FOUND., <https://www.obama.org/chapter/health-care/> [<https://perma.cc/Q3YH-AL4E>] (last visited Jan. 18, 2023).

⁴⁴⁵ *Alumni Career Advice: Keep Open Mind, Do Something You Enjoy*, STAN. NEWS (Aug. 25, 1993) [hereinafter *Alumni Career Advice*], <https://news.stanford.edu/pr/93/930825Arc3162.html> [<https://perma.cc/6BDG-DPHQ>].

⁴⁴⁶ *Id.*

⁴⁴⁷ *Attorney Profile: Shauna Daneen Jackson #156185*, ST. BAR OF CAL. [hereinafter *Attorney Profile*], <http://members.calbar.ca.gov/fal/Licensee/Detail/156185> [<https://perma.cc/5E6G-2W3W>] (last visited Jan. 18, 2023).

creation of jobs.⁴⁴⁸ Jackson was an Associate at Latham & Watkins LLP during this effort.⁴⁴⁹ Jackson is currently self-employed and is ineligible to practice law in the state of California since August 16, 2007, due to the inability to pay fees.⁴⁵⁰

Adrienne D. Davis

Adrienne D. Davis is the Vice Provost and William M. Van Cleve Professor of Law at Washington University in St. Louis School of Law.⁴⁵¹ Davis earned her J.D. from Yale Law School, where she served on the Executive Committee of the *Yale Law Journal*.⁴⁵² She previously worked as Associate Professor, Professor of Law, and Co-Director of the Work, Gender, and Family Initiative at American University Washington College of Law.⁴⁵³ In addition to her teaching and scholarship, Davis has written extensively on the gendered and private law dimensions of American slavery.⁴⁵⁴ She is the coeditor of *Privilege Revealed: How Invisible Preference Undermines America*⁴⁵⁵ and has published various articles in top law reviews.⁴⁵⁶ Davis also received two research grants from the Ford Foundation on topics regarding Black women and labor, slavery, sexuality, and religion.⁴⁵⁷

Derek Anthony West

Derek Anthony West is a former Associate Attorney General of the United States and is the current General Counsel at Uber.⁴⁵⁸ West earned his J.D. from Stanford Law School, where he was president of the *Stanford Law Review*.⁴⁵⁹ In 1993, West joined the Justice Department as Special Assistant to the Deputy

⁴⁴⁸ See Melissa Chadburn, *The Destructive Force of Rebuild LA*, CURBED: L.A. (Apr. 27, 2017, 10:00 AM), <https://la.curbed.com/2017/4/27/15442350/1992-los-angeles-riots-rebuild-la> [<https://perma.cc/832Q-JBW8>].

⁴⁴⁹ *Alumni Career Advice*, *supra* note 445.

⁴⁵⁰ *Attorney Profile*, *supra* note 447.

⁴⁵¹ *Adrienne Davis*, WASH. UNIV. IN ST. LOUIS: SCH. OF L. [hereinafter *Davis*, WASH. UNIV. L.], <https://law.wustl.edu/faculty-staff-directory/profile/adrienne-davis/> [<https://perma.cc/RG4T-7ALB>] (last visited Jan. 18, 2023).

⁴⁵² *Id.*

⁴⁵³ Adrienne Dale Davis, LINKEDIN, <https://www.linkedin.com/in/adrienne-dale-davis-2489454b/> (last visited Jan. 18, 2023).

⁴⁵⁴ *Davis*, WASH. UNIV. L., *supra* note 451.

⁴⁵⁵ *Adrienne Davis*, WASH. UNIV. IN ST. LOUIS: ARTS & SCIS., <https://afas.wustl.edu/people/adrienne-davis> [<https://perma.cc/C5Y4-AC6B>] (last visited Jan. 18, 2023).

⁴⁵⁶ *Davis*, WASH. UNIV. L., *supra* note 451.

⁴⁵⁷ *Id.*

⁴⁵⁸ *Uber Technologies Inc.: Derek Anthony West*, WALL ST. J.: MKTS., <https://www.wsj.com/market-data/quotes/UBER/company-people/executive-profile/131004122> [<https://perma.cc/26LU-H9C7>] (last visited Jan. 18, 2023).

⁴⁵⁹ *Id.*; *Derek Anthony West*, HISTORYMAKERS, <https://www.thehistorymakers.org/biography/derek-anthony-west> [<https://perma.cc/24Z8-XD2D>] (last visited Jan. 18, 2023).

Attorney General.⁴⁶⁰ His work focused mainly on crime policy and the Omnibus Crime Bill of 1994.⁴⁶¹ In 1999, West served as a Special Assistant Attorney General in California before joining Morrison & Foerster, LLP as a litigation Partner in 2001.⁴⁶² President Barack Obama later appointed West as the Assistant Attorney General of the Civil Division of the U.S. Department of Justice.⁴⁶³ West rose to the position of Associate Attorney General before leaving in 2014 for the private sector.⁴⁶⁴ In 2017, he started his current position as General Counsel at Uber.⁴⁶⁵

Christopher R. Cooper

Christopher R. Cooper is currently a judge on the U.S. District Court for the District of Columbia.⁴⁶⁶ Judge Cooper received his J.D. from Stanford Law School, where he was the EIC of the *Stanford Law Review* and a board member of the *pro bono* legal clinic.⁴⁶⁷ After graduating, he clerked for Chief Judge Abner J. Mikva of the Court of Appeals for the D.C. Circuit.⁴⁶⁸ He then went on to work for the U.S. Department of Justice as Special Assistant to the Deputy Attorney General. Judge Cooper worked at various private firms in London and Washington, D.C., for the following seventeen years.⁴⁶⁹ In August 2013, he was nominated to the U.S. District Court for the District of Columbia by President

⁴⁶⁰ Sari Horwitz, *Justice Dept. Lawyer Tony West To Take Over as Acting Associate Attorney General*, WASH. POST (Feb. 27, 2012), https://www.washingtonpost.com/politics/justice-dept-lawyer-tony-west-to-take-over-as-acting-associate-attorney-general/2012/02/24/gIQAqyBOeR_story.html.

⁴⁶¹ West, Derek A. "Tony," OUR CAMPAIGNS, <https://www.ourcampaigns.com/CandidateDetail.html?CandidateID=212285> [https://perma.cc/C533-UVYM] (last visited Jan. 18, 2023).

⁴⁶² See Horwitz, *supra* note 460.

⁴⁶³ Press Release, White House, President Barack Obama Announces Key DOJ Appointees (Jan. 22, 2009), <https://obamawhitehouse.archives.gov/the-press-office/president-barack-obama-announces-key-doj-appointees> [https://perma.cc/D6S5-D9AU].

⁴⁶⁴ Horwitz, *supra* note 460; *PepsiCo Names Tony West Executive Vice President, Government Affairs, General Counsel and Corporate Secretary*, CISION: PR NEWswire (Oct. 7, 2014, 6:00 AM), <https://www.prnewswire.com/news-releases/pepsico-names-tony-west-executive-vice-president-government-affairs-general-counsel-and-corporate-secretary-278343281.html> [https://perma.cc/S9XJ-JFGD].

⁴⁶⁵ Tony Romm & Johana Bhuiyan, *Uber Has Hired PepsiCo's Tony West as Its New Chief Legal Officer*, VOX (Oct. 27, 2017, 6:14 PM), <https://www.vox.com/2017/10/27/16562372/uber-hire-pepsico-tony-west-chief-legal-officer> [https://perma.cc/SK2L-4UXH].

⁴⁶⁶ *District Judge Christopher R. Cooper*, U.S. DIST. CT. D.C., <https://www.dcd.uscourts.gov/content/district-judge-christopher-r-cooper> [https://perma.cc/YE6D-6E8C] (last visited Jan. 18, 2023).

⁴⁶⁷ *Id.*

⁴⁶⁸ *Id.*

⁴⁶⁹ *Id.*

Barack Obama.⁴⁷⁰ Judge Cooper has been involved in the Ahmed Abu Khattala case, a lawsuit against the CIA and NSA filed by an MIT graduate student, a petition for a preliminary injunction filed by the Committee of 100, and a racial discrimination case brought against Airbnb.⁴⁷¹

Tanya Coke

Tanya Coke is the Director of the Ford Foundation's Gender, Racial, and Ethnic Justice program.⁴⁷² Coke studied at NYU School of Law, where she was EIC of the *New York University Law Review*.⁴⁷³ After graduating from NYU School of Law, Coke began her career at the NAACP LDF as a research director in the Capital Punishment Project.⁴⁷⁴ Since then, she has been a program development consultant for major social justice organizations and has taught as a distinguished professor at the John Jay College of Criminal Justice.⁴⁷⁵ She also practiced as a trial attorney in the Federal Defender Division of the Legal Aid Society.⁴⁷⁶ Her previous clients include the ACLU, the Open Society Institute, the Brennan Center for Justice, the Ford Foundation, the NAACP Legal Defense Fund, and Atlantic Philanthropies.⁴⁷⁷ In her current role at the Ford Foundation, she focuses on mass incarceration, harsh mistreatment of immigrants, and gender and reproductive justice.⁴⁷⁸ She has received awards for her work, including the Reebok Human Rights Award in 1988 and the Distinguished Recent Graduate Award from NYU's School of Law in 2004.⁴⁷⁹

⁴⁷⁰ Press Release, White House, President Obama Nominates Six To Serve on the United States District Courts (Aug. 1, 2013), <https://obamawhitehouse.archives.gov/the-press-office/2013/08/01/president-obama-nominates-six-serve-united-states-district-courts> [https://perma.cc/3KB7-YYLB].

⁴⁷¹ Ann E. Marimow, *Well-Connected Rookie Judge To Preside over Khattala Benghazi Trial*, WASH. POST (July 7, 2014, 2:49 PM), <https://www.washingtonpost.com/blogs/in-the-loop/wp/2014/07/07/well-connected-rookie-judge-to-preside-over-khattala-benghazi-trial/>; Zenitha Prince, *MIT Historian Sues U.S. Intelligence Agencies over Mandela Files*, AFRO (Mar. 27, 2014), <https://afro.com/mit-historian-sues-u-s-intelligence-agencies-over-mandela-files/> [https://perma.cc/4UZZ-W7RV]; *Judge Denies Request To Stop Work on Virginia Avenue Tunnel*, WASH. POST (Apr. 7, 2015), https://www.washingtonpost.com/local/judge-denies-request-to-stop-work-on-virginia-avenue-tunnel/2015/04/07/bf0486fe-dd66-11e4-a500-1c5bb1d8ff6a_story.html; Katie Benner, *Federal Judge Blocks Racial Discrimination Suit Against Airbnb*, N.Y. TIMES (Nov. 1, 2016), <https://www.nytimes.com/2016/11/02/technology/federal-judge-blocks-racial-discrimination-suit-against-airbnb.html>.

⁴⁷² Tanya Coke, FORD FOUND., <https://www.fordfoundation.org/about/people/tanya-coke/> [https://perma.cc/8KZ9-SKPN] (last visited Jan. 18, 2023).

⁴⁷³ *Id.*

⁴⁷⁴ *Id.*

⁴⁷⁵ *Id.*

⁴⁷⁶ *Id.*

⁴⁷⁷ *Id.*

⁴⁷⁸ Tanya Coke, *supra* note 472.

⁴⁷⁹ *Affiliated Faculty*, JOHN JAY COLL. OF CRIM. JUST., <https://www.jjay.cuny.edu/center-race-crime-and-justice/faculty> [https://perma.cc/3ELX-LZAF] (last visited Jan. 18, 2023).

David Panton

David Panton is a Managing Partner of Navigation Capital Partners, Inc.'s SPAC Operations Group and the Chairman of Panton Equity Partners, LLC.⁴⁸⁰ Panton was born and raised in Jamaica and now resides in Atlanta, Georgia.⁴⁸¹ Panton received his J.D. with honors from Harvard Law School, where he was president of the law review.⁴⁸² He previously served as Vice President at Mellon Ventures from 2003 to 2006, Co-Founder and Managing Director of Caribbean Equity Partners, an Associate at Morgan Stanley in New York City, Co-Founder and Chief Strategy Officer at American Virtual Cloud Technologies, and even a Senator in the Upper House of Parliament in Jamaica.⁴⁸³ A fun fact about Panton is that he was the college roommate of Senator Ted Cruz.⁴⁸⁴

William A. Burck

William A. Burck is a Global Co-Managing Partner at Quinn Emanuel.⁴⁸⁵ In 1998, Burck graduated from Yale Law School, where he was the EIC of the law journal.⁴⁸⁶ Burck is now a trial lawyer who represents companies, boards of directors, and senior executives.⁴⁸⁷ He advises on white collar issues.⁴⁸⁸ At Quinn Emanuel, he is the Co-Chair of the Crisis Law and Strategy Group, the Government and Regulatory Litigation Group, and the Investigations, Government Enforcement, and White Collar Criminal Defense Group.⁴⁸⁹ Burck was named D.C. White Collar Crime and Government Investigations Lawyer of the Year by *Chambers USA*, a top-five white collar defense lawyer by *Law360*, and White Collar/Investigations/Enforcement Lawyer of the Year by *Benchmark Litigation*.⁴⁹⁰ Formerly, he served as a federal prosecutor in New York City and as a special counsel and deputy counsel to President George W. Bush, serving as the lead prosecutor in *United States v. Stewart*.⁴⁹¹

⁴⁸⁰ David Panton, NAVIGATION CAP. PARTNERS: SPAC OPERATIONS, <http://navigationcapital.com/team/david-panton/> [https://perma.cc/98WA-UCP8] (last visited Jan. 18, 2023).

⁴⁸¹ *Id.*

⁴⁸² *Id.*

⁴⁸³ *Id.*

⁴⁸⁴ Jason Horowitz, *In College Roommate David Panton, Ted Cruz Finds Unwavering Support*, N.Y. TIMES (Apr. 23, 2016), <https://www.nytimes.com/2016/04/24/us/politics/ted-cruz-college-roommate.html>.

⁴⁸⁵ William A. Burck, QUINN EMANUEL TRIAL LAWS. [hereinafter *Burck*, QUINN EMANUEL], <https://www.quinnemanuel.com/attorneys/burck-william/> [https://perma.cc/6Y3E-SZUZ] (last visited Jan. 18, 2023).

⁴⁸⁶ *Id.*

⁴⁸⁷ *Id.*

⁴⁸⁸ *Id.*

⁴⁸⁹ *Id.*

⁴⁹⁰ *Id.*

⁴⁹¹ 323 F. Supp. 2d 607, 608 (S.D.N.Y. 2004); see also William A. Burck, *supra* note 485.

Kedric L. Payne

Kedric L. Payne is the Vice President, General Counsel, and Senior Director of ethics at the Campaign Legal Center, specializing in government ethics, lobbying law, and election law.⁴⁹² In 2001, Payne received a J.D. from the University of Pennsylvania, where he was EIC of the *Pennsylvania Law Review*.⁴⁹³ He worked as a judicial law clerk for the U.S. District Court for the Southern District of New York and was an Associate at multiple private law firms.⁴⁹⁴ He then became deputy chief counsel in the Office of Congressional Ethics, a deputy general counsel for Environment and Compliance in the U.S. Department of Energy, and a senior corporate counsel for compliance at Amazon.⁴⁹⁵ At the University of Pennsylvania Penn Carey Law School, Payne developed the first political law course taught at the school as an adjunct professor.⁴⁹⁶ He received the 2014 Adjunct Teaching Award.⁴⁹⁷

Leondra R. Kruger

Leondra R. Kruger is an Associate Justice of the California Supreme Court.⁴⁹⁸ Justice Kruger received a J.D. from Yale Law School, where she was EIC of the *Yale Law Journal*.⁴⁹⁹ In the summer of 1999, she interned at the U.S. Attorney's Office in Los Angeles.⁵⁰⁰ Following her graduation, she clerked for D.C. Court of Appeals Judge David Tatel and for Supreme Court Justice John Paul Stevens.⁵⁰¹ Before her nomination to the California Supreme Court, she was an assistant to the U.S. Solicitor General and Acting Principal Deputy Solicitor General, a position in which she argued twelve cases before the U.S. Supreme Court.⁵⁰² In 2013, she became the deputy assistant attorney general at the U.S. Department of Justice Office of Legal Counsel.⁵⁰³ In 2014, she was appointed to

⁴⁹² *Kedric Payne*, CAMPAIGN LEGAL CTR. [Payne, CAMPAIGN LEGAL CTR.], <https://campaignlegal.org/staff/kedric-payne> [https://perma.cc/3CDT-24VG] (last visited Jan. 18, 2023).

⁴⁹³ *Id.*

⁴⁹⁴ *Id.*

⁴⁹⁵ *Id.*; Kedric L. Payne, LINKEDIN, <https://www.linkedin.com/in/kedric-l-payne-a64573130/> (last visited Jan. 18, 2023).

⁴⁹⁶ *Payne*, CAMPAIGN LEGAL CTR., *supra* note 492.

⁴⁹⁷ *Id.*

⁴⁹⁸ *Associate Justice Leondra R. Kruger*, JUD. BRANCH OF CAL., <https://www.courts.ca.gov/33016.htm> [https://perma.cc/682Q-WPDC] (last visited Jan. 18, 2023).

⁴⁹⁹ *Id.*

⁵⁰⁰ Amy Howe, *Profile of a Potential Nominee: Leondra Kruger*, SCOTUSBLOG (Jan. 26, 2022, 2:11 PM), <https://www.scotusblog.com/2022/01/profile-of-a-potential-nominee-leondra-kruger/> [https://perma.cc/AA8L-JN55].

⁵⁰¹ *Id.*

⁵⁰² *Id.*

⁵⁰³ *Id.*

the California Supreme Court.⁵⁰⁴ She sometimes acts as a swing vote on the divided court.⁵⁰⁵ Upon Justice Stevens's retirement, it was speculated that President Barack Obama would nominate Justice Kruger for his seat.⁵⁰⁶

Jack L. White

Jack L. White is currently a member of the Government Investigations and White Collar Litigation Department at McGuireWoods.⁵⁰⁷ White served five years in the U.S. Army on active duty and remained in the U.S. Army Reserve while he attended Pepperdine University Caruso School of Law.⁵⁰⁸ He graduated *magna cum laude* and was the EIC of the school's law review.⁵⁰⁹ After graduating, he clerked for Justice Samuel Alito, both at the Court of Appeals for the Third Circuit as well as at the Supreme Court.⁵¹⁰ After his clerkships, White became a Partner at Fluet Huber + Hoang, where he advised companies, boards of directors, municipalities, academic institutions, and individual and corporate clients.⁵¹¹ In addition to his legal roles, White is an ordained minister and has had congregations in Savannah, Georgia, and San Francisco, California.⁵¹² Most recently, White ran for Virginia Attorney General in 2021 as a Republican candidate, vowing to support police officers, access to guns, and in-person learning during the pandemic, but lost the primary.⁵¹³

⁵⁰⁴ *Id.*

⁵⁰⁵ *Id.* ("And when the court has divided, Kruger has been difficult to pigeonhole. She has sometimes joined Democratic appointees to reach an arguably 'liberal' result, but at other times she has joined Republican appointees to arrive at an arguably 'conservative' result.").

⁵⁰⁶ Adam Liptak, *Justice Leondra R. Kruger of the California Supreme Court Is a Possible Nominee*, N.Y. TIMES (Jan. 26, 2022), <https://www.nytimes.com/2022/01/26/us/politics/justice-leondra-r-kruger.html>.

⁵⁰⁷ Jack White (JD '03) Joins Government Investigations Team at McGuireWoods, PEPP. CARUSO SCH. OF L. (Jan. 20, 2022), <https://law.pepperdine.edu/surf-report/posts/jack-white-jd-03-joins-mcguirewoods-government-investigations-team.htm> [<https://perma.cc/KQ6A-RMDH>].

⁵⁰⁸ Jack L. White, MCGUIREWOODS, <https://www.mcguirewoods.com/people/w/jack-l-white> [<https://perma.cc/5A7E-PZ8E>] (last visited Jan. 18, 2023).

⁵⁰⁹ Army Announces Panel for Fort Hood Independent Review, U.S. ARMY (July 30, 2020), https://www.army.mil/article/237678/army_announces_panel_for_fort_hood_independent_review [<https://perma.cc/C6VX-4KPJ>].

⁵¹⁰ *Id.*

⁵¹¹ Jack White, FLUET HUBER + HOANG PLLC, [<https://web.archive.org/web/20210410193434/https://fhfirm.com/jack-white>] (last visited Jan. 18, 2023).

⁵¹² *Id.*

⁵¹³ Jack White, VPAP.ORG, www.vpap.org/candidates/374661-jack-white/ [<https://perma.cc/U8RL-DS9T>] (last visited Jan. 18, 2023).

Robert L. Boone

Robert L. Boone is currently a Partner at WilmerHale.⁵¹⁴ Boone was one of forty-four Black students who were accepted into Boalt.⁵¹⁵ He was one of only fifteen Black students who enrolled.⁵¹⁶ He became the first Black EIC of CLR.⁵¹⁷ After graduating, Boone clerked for the U.S. Circuit Court of Appeals for the Sixth Circuit.⁵¹⁸ He joined private practice for four years before becoming the Assistant U.S. Attorney for the Southern District of New York.⁵¹⁹

Karin Portlock

Karin Portlock is currently a Partner at Gibson Dunn where she is on the White Collar Defense and Investigations, the Crisis Management, the Labor and Employment, and the Litigation teams.⁵²⁰ Portlock received her J.D. from Columbia Law School where she was a Harlan Fiske Stone Scholar, Chair of the Civil Rights Law Society, and EIC of the *Columbia Law Review*.⁵²¹ After graduating from law school in 2008, she clerked for Judges Amalya L. Kearse and Jon O. Newman on the Court of Appeals for the Second Circuit. She later became a member of the Second Circuit's *Pro Bono* Panel.⁵²² After clerking, she worked at an international law firm, working on civil cases and appeals, and then became an Assistant U.S. Attorney in the U.S. Attorney's Office for the Southern District of New York from 2015 to 2020.⁵²³ In that role, Portlock prosecuted federal criminal violations and handled investigations with law enforcement agencies, including the Federal Bureau of Investigation.⁵²⁴ She is also on the Board of Directors for the Columbia Law Review Association.⁵²⁵

⁵¹⁴ Robert L. Boone, WILMERHALE, <https://www.wilmerhale.com/en/people/robert-boone> [https://perma.cc/GVX6-BGJH] (last visited Jan. 18, 2023).

⁵¹⁵ Michelle Maitre, *First Black Editor of Boalt Law Review Has Lofty Goals*, E. BAY TIMES (Aug. 17, 2016, 7:10 AM), <https://www.eastbaytimes.com/2006/03/08/first-black-editor-of-boalt-law-review-has-lofty-goals/>.

⁵¹⁶ *Id.*

⁵¹⁷ *Id.*

⁵¹⁸ Robert Boone, LINKEDIN, <https://www.linkedin.com/in/robert-boone-92b791216/> (last visited Jan. 18, 2023).

⁵¹⁹ *Id.*

⁵²⁰ Karin Portlock, GIBSON DUNN, <https://www.gibsondunn.com/lawyer/portlock-karin/> [https://perma.cc/MWR6-2W63] (last visited Jan. 18, 2023).

⁵²¹ *Id.*

⁵²² *Id.*

⁵²³ *Id.*

⁵²⁴ *Id.*

⁵²⁵ *Id.*

Helam Gebremariam

Helam Gebremariam is a Partner at Cravath, Swaine & Moore LLP.⁵²⁶ Gebremariam studied law at NYU, where she was the EIC of the law review and an AnBryce Scholar.⁵²⁷ After graduating, she became a law clerk to Judge Robert P. Patterson, Jr. of the U.S. District Court for the Southern District of New York.⁵²⁸ She joined Cravath, Swaine & Moore LLP in 2011 and left in 2015 to work at the U.S. Department of Justice as Senior Counsel to Deputy Attorney General Sally Q. Yates and in the Office for Access to Justice.⁵²⁹ She left government work in 2019 and returned to Cravath, where she made partner in 2020.⁵³⁰ She is the Partner Liaison to the firm's African American/Black Affinity Group and a member of the firm's *Pro Bono* Committee.⁵³¹ At Cravath, she "focuses on complex civil litigation related to antitrust, contractual disputes, and securities and shareholder derivative suits."⁵³² She represented Alcoa, DuPont, Minerals Technologies, Novartis Pharmaceuticals, WarnerMedia, and Warner Bros. Entertainment.⁵³³ In the summer of 2021, she successfully defended Elon Musk in a Delaware Chancery Court suit and the court ruled in favor of Musk on all counts in April 2022.⁵³⁴

Dwayne A. Robinson

Dwayne A. Robinson is a Partner at Kozyak Tropin & Throckmorton.⁵³⁵ After receiving his B.S. in Journalism and B.A. in Political Science from the University of Florida, where he was EIC of the campus newspaper, Robinson worked as a reporter for the *Palm Beach Post*.⁵³⁶ Robinson returned to the University of Florida Levin College of Law to obtain his J.D. and was named the EIC of the law review.⁵³⁷ Afterward, Robinson clerked for Judge Ed Carnes on the Court of Appeals for the Eleventh Circuit.⁵³⁸ At Kozyak Tropin & Throckmorton, he focuses on complex litigation and represents clients in appeals

⁵²⁶ *Helam Gebremariam*, CRAVATH, SWAINE & MOORE LLP, <https://www.cravath.com/people/helam-gebremariam.html> [<https://perma.cc/WJ9K-RRQ6>] (last visited Jan. 18, 2023).

⁵²⁷ *Id.*

⁵²⁸ *Id.*

⁵²⁹ *Id.*

⁵³⁰ *Id.*

⁵³¹ *Id.*

⁵³² *Id.*

⁵³³ *Id.*

⁵³⁴ *Id.*

⁵³⁵ *Dwayne A. Robinson*, KOZYAK TROPIN THROCKMORTON, <https://kttlaw.com/professionals/dwayne-a-robinson/> [<https://perma.cc/VQ5J-BJGX>] (last visited Jan. 18, 2023).

⁵³⁶ *Id.*

⁵³⁷ *Id.*

⁵³⁸ *Id.*

at the federal and state levels.⁵³⁹ He was on a litigation and appellate team that won before the Supreme Court, and he has argued before the U.S. Court of Appeals for the Eleventh Circuit and Florida's Third District Court of Appeals.⁵⁴⁰ Prior to joining Kozyak Tropin & Throckmorton in 2018, he was a Senior Associate at Hogan Lovells for six years.⁵⁴¹

Brandon Hasbrouck

Brandon Hasbrouck is an Associate Professor at the Washington and Lee University School of Law.⁵⁴² Hasbrouck received his law degree at Washington and Lee, where he was the EIC of the law review.⁵⁴³ In law school, he was a recipient of the Frederic L. Kirgis, Jr. International Law Award for Excellence in International Law and a member of the Black Law Students Association ("BLSA").⁵⁴⁴ After briefly working as a litigation Associate at Debevoise & Plimpton, Hasbrouck clerked for District Judge Emmet G. Sullivan in the District of Columbia and for Judge Roger L. Gregory on the Court of Appeals for the Fourth Circuit.⁵⁴⁵ He researches and teaches criminal law, race relations law, and critical law.⁵⁴⁶ His scholarship has been published in multiple top law reviews, and his essays have gained popularity in national media outlets.⁵⁴⁷ Hasbrouck specializes in criminal law, criminal procedure, constitutional law, federal courts, appellate advocacy, and the Thirteenth Amendment.⁵⁴⁸ His work has also been cited in federal court opinions, Supreme Court briefs, and a variety of scholarly publications.⁵⁴⁹

Matthew Sykes

Sykes received his J.D. from Rutgers Law School, where he was EIC of the law review.⁵⁵⁰ Sykes was then chosen for the Skadden Fellowship for the

⁵³⁹ *Id.*

⁵⁴⁰ *Id.*

⁵⁴¹ Dwayne Robinson, LINKEDIN, <https://www.linkedin.com/in/dwayne-robinson-09a96573/> [<https://perma.cc/F46S-N5HE>] (last visited Jan. 18, 2023).

⁵⁴² Brandon Hasbrouck, WASH. & LEE UNIV. SCH. OF L. [hereinafter *Hasbrouck*, WASH. & LEE], <https://law.wlu.edu/faculty/full-time-faculty/brandon-hasbrouck> [<https://perma.cc/7ZAZ-65WZ>] (last visited Jan. 18, 2023).

⁵⁴³ *Id.*

⁵⁴⁴ *Id.*

⁵⁴⁵ *Id.*

⁵⁴⁶ *Id.*

⁵⁴⁷ *Id.*

⁵⁴⁸ See *id.* See generally Brandon Hasbrouck, *Abolishing Racist Policing with the Thirteenth Amendment*, 67 UCLA L. REV. 1108 (2020).

⁵⁴⁹ *Hasbrouck*, WASH. & LEE, *supra* note 542.

⁵⁵⁰ Lynda Cohen, *Atlantic City Native Becomes the First Black Editor of the Rutgers Law Journal*, PRESS OF ATL. CITY (June 20, 2019), https://pressofatlanticcity.com/news/breaking/atlantic-city-native-becomes-the-first-black-editor-of-the/article_915aa8cc-4c43-11e0-a403-001cc4c002e0.html.

Lawyers' Committee for Civil Rights Under Law.⁵⁵¹ In this role, he provided *pro bono* services for disabled students in child welfare and juvenile justice systems and motivated other Philadelphia bar members to do the same.⁵⁵²

Christopher J. Bryant

Christopher J. Bryant is a visiting assistant professor at the University of Maryland Francis King Carey School of Law.⁵⁵³ He cofounded Boroughs Bryant, an elections law firm “that provided strategic counsel to small businesses, nonprofits, and political organizations.”⁵⁵⁴ At Duke Law, aside from being named the first Black EIC of the *Duke Law Journal*, Bryant participated in many other student organizations such as the Moot Court Board and BLSA.⁵⁵⁵ Bryant was also an intern at Charletson Legal Access, a South Carolina area Legal Aid, and a Summer Associate at O'Melveny & Meyers, LLP and Parker Poe Adams & Bernstein, LLP.⁵⁵⁶ After graduating in 2014, Bryant clerked for Judge James A. Wynn, Jr. on the Circuit Court of Appeals for the Fourth Circuit and Judge Richard M. Gergel for the District of South Carolina.⁵⁵⁷ As a clerk for Judge Gergel, he met his future firm Partner, Adair Boroughs.⁵⁵⁸ Until 2021, Bryant worked as a political law group Associate at Perkins Coie, LLP.⁵⁵⁹ In that role, he represented political parties and other affiliated committees at a national level.⁵⁶⁰

⁵⁵¹ David Lat, *Congratulations to the 2012 Skadden Fellows*, ABOVE THE L. (Dec. 15, 2011, 3:39 PM), <https://abovethelaw.com/2011/12/congratulations-to-the-2012-skadden-fellows/2/> [<https://perma.cc/F5MW-EG3D>].

⁵⁵² Diane D'Amico, *Attorney Wants To Help Suspended, Jailed Kids Get Back in School*, PRESS OF ATL. CITY (May 10, 2016), https://pressofatlanticcity.com/news/breaking/attorney-wants-to-help-suspended-jailed-kids-get-back-in-school/article_bd18c114-1705-11e6-98c7-1765a9f3ef7c.html.

⁵⁵³ *Christopher Bryant*, UNIV. OF MD. FRANCIS KING CAREY SCH. OF L. [hereinafter *Bryant*, UNIV. OF MD.], <https://www.law.umaryland.edu/Faculty-and-Staff-List/profile.php?id=1355> [<https://perma.cc/YV38-ZYB2>] (last visited Jan. 18, 2023).

⁵⁵⁴ *Id.*

⁵⁵⁵ *Id.*

⁵⁵⁶ Christopher Bryant, LINKEDIN [hereinafter Bryant, LINKEDIN], <https://www.linkedin.com/in/christopher-bryant-81860017/> (last visited Jan. 18, 2023).

⁵⁵⁷ Bryant, UNIV. OF MD., *supra* note 553.

⁵⁵⁸ *The Boroughs Bryant Story*, BOROUGHS BRYANT, [<https://web.archive.org/web/20210924010803/https://www.boroughsbryant.com/our-story>] (last visited Jan. 18, 2023).

⁵⁵⁹ Bryant, LINKEDIN, *supra* note 556.

⁵⁶⁰ *Christopher J. Bryant*, BOROUGHS BRYANT, [<https://web.archive.org/web/20220104133744/https://www.boroughsbryant.com/chris-bryant>] (last visited Jan. 18, 2023).

David Leapheart

David Leapheart is an Associate at Covington & Burling LLP.⁵⁶¹ Leapheart received his J.D. from NYU School of Law, where he was EIC of the law review.⁵⁶² After graduating, Leapheart worked as a litigation Associate at Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates.⁵⁶³ Leapheart also served as a commissioned officer in the U.S. Marine Corps after graduating from NYU.⁵⁶⁴ After active duty, Leapheart served as a legal assistance attorney for active-duty service members from 2015 to 2017.⁵⁶⁵ He served in Afghanistan, where he advised commanders on the legality of military operations and then worked as a military prosecutor within the national capital region.⁵⁶⁶ From 2019 to 2020, Leapheart clerked for Judge Raymond Kethledge of the Court of Appeals for the Sixth Circuit.⁵⁶⁷ After clerking, Leapheart started his current position in which he focuses on white collar defense, investigations, and civil litigation.⁵⁶⁸

Kristen A. Johnson

Kristen A. Johnson currently works as an assistant counsel for the LDF.⁵⁶⁹ Johnson received her law degree from the UCLA School of Law, where she was EIC of the *UCLA Law Review*.⁵⁷⁰ After graduation, Johnson clerked for Judge Harry Pregerson on the Court of Appeals for the Ninth Circuit.⁵⁷¹ After her clerkship, she worked as a fellow at Fried, Frank, Harris, Shriver & Jacobson, LLP.⁵⁷² Johnson has handled and continues to work on many crucial cases for the LDF.⁵⁷³ She currently represents four Black and Latina girls who were illegally strip-searched by school officials, and is a member of the litigation team challenging Arkansas's method of electing judges to appellate courts.⁵⁷⁴ Johnson also coauthored an amicus brief in the Supreme Court case, *Ramos v.*

⁵⁶¹ *David Leapheart*, COVINGTON [hereinafter *Leapheart*, COVINGTON], <https://www.cov.com/en/professionals/1/david-leapheart> [https://perma.cc/FC59-E8K6] (last visited Jan. 18, 2023).

⁵⁶² *Id.*

⁵⁶³ *David Leapheart*, LINKEDIN, <https://www.linkedin.com/in/david-leapheart/details/experience/> (last visited Jan. 18, 2023).

⁵⁶⁴ *Id.*

⁵⁶⁵ *Id.*

⁵⁶⁶ *Id.*

⁵⁶⁷ *Id.*

⁵⁶⁸ *Leapheart*, COVINGTON, *supra* note 561.

⁵⁶⁹ *Kristen A. Johnson*, NAACP: LEGAL DEF. FUND, <https://www.naacpldf.org/about-us/staff/kristen-johnson/> [https://perma.cc/YV46-7G6X] (last visited Jan. 18, 2023).

⁵⁷⁰ *Id.*

⁵⁷¹ *Id.*

⁵⁷² *Id.*

⁵⁷³ *Id.*

⁵⁷⁴ *Id.*

Louisiana,⁵⁷⁵ arguing the history of the Fourteenth Amendment compels the incorporation of the unanimous jury trial right of the Sixth Amendment.⁵⁷⁶

Monica L. Smith

Monica L. Smith is currently an antitrust Associate at Wachtell, Lipton, Rosen & Katz.⁵⁷⁷ Smith graduated with her B.A. in Political Science from Washington University in St. Louis in 2011 before joining Goldman Sachs as an Investment Banking Analyst until 2013.⁵⁷⁸ Smith subsequently attended NYU School of Law, where she was EIC of the law review.⁵⁷⁹ After graduating, Smith clerked for Chief Justice Leo E. Strine, Jr. of the Delaware Supreme Court from 2017 to 2018.⁵⁸⁰

Casey Duhart

Casey Duhart is a Labor and Employment Counsel at Acadia Healthcare Company, Inc.⁵⁸¹ She was previously an Associate at Waller, Lansden, Dortch & Davis, LLP.⁵⁸² Duhart attended the University of Tennessee College of Law, where she was the first Black EIC of the *Tennessee Law Review*.⁵⁸³ While in law school, she was a judicial extern on the Knox County Circuit Court and a summer law clerk at multiple firms.⁵⁸⁴ After graduating, Duhart worked for one year as a bankruptcy and restructuring Associate at Frost Brown Todd.⁵⁸⁵ In 2018, Duhart joined Waller, Lansden, Dortch & Davis as an Associate.⁵⁸⁶ In her current position with Acadia Healthcare, she provides legal advice and counsel regarding allegations of discrimination, harassment, retaliation, and wrongful discharge claims.⁵⁸⁷

⁵⁷⁵ 140 S. Ct. 1390 (2020).

⁵⁷⁶ *Id.* at 1397-98.

⁵⁷⁷ Monica L. Smith, WATCHELL, LIPTON, ROSEN & KATZ [hereinafter *Smith*, WATCHELL], <https://www.wlrk.com/attorney/mlsmith/> [<https://perma.cc/6PWE-LBXH>] (last visited Jan. 18, 2023).

⁵⁷⁸ Monica S., LINKEDIN, <https://www.linkedin.com/in/monica-s-10127135/> (last visited Jan. 18, 2023).

⁵⁷⁹ *Smith*, WATCHELL, *supra* note 577.

⁵⁸⁰ *Id.*

⁵⁸¹ Casey Duhart, LINKEDIN, <https://www.linkedin.com/in/casey-duhart-234a4719/> (last visited Jan. 18, 2023).

⁵⁸² *Id.*

⁵⁸³ *Id.*

⁵⁸⁴ *Id.*

⁵⁸⁵ *Id.*

⁵⁸⁶ *Id.*

⁵⁸⁷ 2022 Convention—CLE Speakers, TENN. BAR ASS'N, https://www.tba.org/?pg=2022_CLE_Bios [<https://perma.cc/6NZB-BKWN>] (last visited Jan. 18, 2023).

Brian Li-A-Ping

Brian Li-A-Ping is currently a judicial law clerk in the U.S. District Court for the Western District of Washington.⁵⁸⁸ Previously, he was an Associate at Perkins Coie, LLP.⁵⁸⁹ Li-A-Ping graduated with an A.B. of Economics from Princeton University in 2010 and worked as a paralegal at Despres, Schwartz & Geoghegan Ltd. in Chicago from 2011 to 2013.⁵⁹⁰ At UCLA School of Law, where he earned his J.D., Li-A-Ping served as the EIC of the law review.⁵⁹¹ After graduating, Li-A-Ping worked as a litigation Associate at Winston & Strawn LLP.⁵⁹² Li-A-Ping then clerked for District Judge Richard A. Jones in the Western District of Washington until 2020.⁵⁹³ After his clerkship, Li-A-Ping joined Perkins Coie, LLP as an Associate specializing in product liability.⁵⁹⁴

Kendra L. Sandidge

Kendra L. Sandidge was EIC of the *University of Pennsylvania Law Review* and is currently an Associate in Davis Polk & Wardwell LLP's finance practice.⁵⁹⁵ Previously, she was an Associate at Cravath Swaine & Moore.⁵⁹⁶ After receiving a psychology degree from the University of Pennsylvania in 2008, Sandidge worked at both Guardsmark as a relationship manager and Morgan Stanley as an independent consultant until 2013.⁵⁹⁷ In 2016, Sandidge graduated from the University of Pennsylvania Carey Law School and the Wharton School with both her J.D. and MBA.⁵⁹⁸ While earning her J.D., she joined the law review after winning a writing competition.⁵⁹⁹ In her previous

⁵⁸⁸ Brian Li-A-Ping, LINKEDIN, <https://www.linkedin.com/in/brian-li-a-ping-1b64a722/> (last visited Jan. 18, 2023).

⁵⁸⁹ *Id.*

⁵⁹⁰ *Id.*

⁵⁹¹ *Id.*

⁵⁹² *Id.*

⁵⁹³ *Id.*

⁵⁹⁴ Sindhu Sundar, *Big Law Are Scrambling To Recruit Young Attorneys of Color. Here's How Five Firms Are Stepping Up Their Game and Showing Young Lawyers How They Can Make Partner.*, INSIDER (Nov. 11, 2021, 8:36 AM), <https://www.businessinsider.com/big-law-is-recruiting-aggressively-to-hire-associates-of-color-2021-11>.

⁵⁹⁵ Kendra L. Sandidge, DAVIS POLK, <https://www.davispolk.com/lawyers/kendra-sandidge> [<https://perma.cc/3QDW-J2JN>] (last visited Jan. 18, 2023); Kendra Sandidge, LINKEDIN, <https://www.linkedin.com/in/kendra-sandidge-a444a676/> (last visited Jan. 18, 2023).

⁵⁹⁶ *Id.*

⁵⁹⁷ *Id.*

⁵⁹⁸ *Id.*

⁵⁹⁹ *JD/MBA Student Kendra Sandidge L'16 Named Editor-in-Chief of Law Review*, PENN CAREY L. (Apr. 6, 2015), <https://www.law.upenn.edu/live/news/5452-jdmba-student-kendra-sandidge-l16-named> [<https://perma.cc/RGL5-MM67>].

role at Cravath, she worked on large financial transactions, including a \$2.5 billion revolving credit facility for Viacom in 2019.⁶⁰⁰

Thanithia Billings

Thanithia Billings was EIC of the *Boston College Law Review* and is currently an Associate in the Litigation and Enforcement group at Ropes & Gray, LLP.⁶⁰¹ During law school, Billings served on the executive board of Boston College's BLSA and an LGBTQ student organization.⁶⁰² After graduation, Billings clerked for Judge William H. Orrick, III, of the Northern District of California before joining Ropes & Gray as an Associate in 2018.⁶⁰³ After one year in that position, Billings started another clerkship, this time with Judge Jill A. Pryor on the Court of Appeals for the Court of Appeals for the Eleventh Circuit.⁶⁰⁴ After clerking, Billings returned to Ropes & Gray and currently specializes in internal investigation, anticorruption due diligence, and white collar defense work.⁶⁰⁵ She also maintains a healthy *pro bono* practice representing asylum applicants and assisting with constitutional challenges to federal government policies and actions.⁶⁰⁶

Janiel Myers

Janiel Myers was the first Black EIC of the *Emory Law Journal*.⁶⁰⁷ Myers currently works as a restructuring Associate at Weil, Gotshal & Manges LLP, where she was a Summer Associate during law school.⁶⁰⁸ After graduating from Emory University School of Law, where she was also the academic and professional success chair of BLSA, Myers clerked for U.S. Bankruptcy Court Judge Deborah J. Saltzman in the Central District of California.⁶⁰⁹ In her current

⁶⁰⁰ *Viacom's \$2.5 Billion Revolving Credit Facility*, CRAVATH, SWAINE & MOORE LLP (Feb. 21, 2019), <https://www.cravath.com/news/viacom-s-2-5-billion-revolving-credit-facility.html> [<https://perma.cc/MN8A-YVQF>].

⁶⁰¹ *Thanithia Billings*, ROPES & GRAY [hereinafter *Billings*, ROPES], <https://www.ropesgray.com/en/biographies/b/thanithia-billings> [<https://perma.cc/XUY9-QQQ4>] (last visited Jan. 18, 2023); *Thanithia Billings*, LINKEDIN [hereinafter *Billings*, LINKEDIN], <https://www.linkedin.com/in/thanithiabilings/> [<https://perma.cc/3JBS-SAWN>] (last visited Jan. 18, 2023).

⁶⁰² *Billings*, ROPES, *supra* note 601.

⁶⁰³ *Billings*, LINKEDIN, *supra* note 601.

⁶⁰⁴ *Id.*

⁶⁰⁵ *Id.*

⁶⁰⁶ *Id.*

⁶⁰⁷ A. Kenyatta Greer, *Myers 18L Named First Black Emory Law Journal Editor-in-Chief*, EMORY L.: NEWS CTR. (Mar. 1, 2017), <http://law.emory.edu/news-and-events/releases/2017/03/myers-18l-named-first-black-emory-law-journal-editor-in-chief.html> [<https://perma.cc/ER5D-2XXU>].

⁶⁰⁸ *Janiel Myers*, LINKEDIN, <https://www.linkedin.com/in/janiel-myers-98146937/> [<https://perma.cc/HMS7-FRSF>] (last visited Jan. 18, 2023).

⁶⁰⁹ *Id.*

position, Myers specializes in helping clients with distressed financial situations.⁶¹⁰

Imelme Umana

Imelme Umana was the first Black woman to be president of HLR.⁶¹¹ She is currently a staff attorney at the Public Defender Service for the District of Columbia.⁶¹² Umana earned her J.D. from Harvard Law School and a master's in public policy from the Harvard Kennedy School of Government.⁶¹³ During her postgraduate studies, she served as community action chair of Harvard's Institute of Politics and professional development chair for Public Interest in the Harvard BLSA.⁶¹⁴ She also worked as an intern with the Public Defender Service.⁶¹⁵ After graduating, Umana clerked for Court of Appeals Judge Robert L. Wilkins in the District of Columbia and then for Supreme Court Justice Sonia Sotomayor.⁶¹⁶

Chelsea N. Evans

In 2017, Chelsea N. Evans became the first Black woman to be elected EIC of the *South Carolina Law Review*.⁶¹⁷ She is currently an attorney at Robinson Bradshaw.⁶¹⁸ In 2018, Evans graduated from the University of South Carolina School of Law.⁶¹⁹ In law school, Evans was a Summer Associate at both Moore & Van Allen, PLLC and Robinson Bradshaw.⁶²⁰ Immediately after graduating *magna cum laude*, Evans began clerking for Chief Justice Donald W. Beatty of

⁶¹⁰ *Id.*

⁶¹¹ Chandelis R. Duster, *Meet Imelme Umana, Harvard Law Review's First Black Female President*, NBC NEWS (Feb. 15, 2017, 7:02 PM), <https://www.nbcnews.com/news/nbcblk/meet-imeime-umana-harvard-law-review-s-first-black-female-n718366> [<https://perma.cc/W7V7-634T>].

⁶¹² Imelme Umana, LINKEDIN [hereinafter Umana, LINKEDIN], <https://www.linkedin.com/in/imeime-umana-37718432/> [<https://perma.cc/VG97-SR22>] (last visited Jan. 18, 2023).

⁶¹³ *Imelme Umana*, OPEN SOC'Y FOUNDS., <https://www.opensocietyfoundations.org/grants/soros-justice-fellowships?fellow=imeime-umana¤t=1> [<https://perma.cc/GM66-NZJV>] (last visited Jan. 18, 2023).

⁶¹⁴ Duster, *supra* note 611.

⁶¹⁵ *Id.*

⁶¹⁶ Umana, LINKEDIN, *supra* note 612.

⁶¹⁷ Jane Moon Dail, *SC Law Review Elects First Ever African-American Editor-in-Chief*, STATE (Mar. 2, 2017), <https://www.thestate.com/news/local/education/article135962368.html>.

⁶¹⁸ *Chelsea N. Evans*, ROBINSON BRADSHAW [hereinafter *Evans*, ROBINSON], <https://www.robinsonbradshaw.com/professionals-Chelsea-Evans.html> [<https://perma.cc/AGA8-TVGZ>] (last visited Jan. 18, 2023).

⁶¹⁹ *Id.*

⁶²⁰ Chelsea Evans, LINKEDIN, <https://www.linkedin.com/in/chelseanevans/> (last visited Jan. 18, 2023).

the South Carolina Supreme Court.⁶²¹ After her clerkship, Evans joined Robinson Bradshaw as a corporate attorney working in mergers and acquisitions, private equity acquisitions, corporate finance, and general corporate law.⁶²²

Tomi Williams

Oluwatomi “Tomi” Williams was the EIC of both the *Amherst College Law Review* and the *Columbia Law Review*.⁶²³ Williams received his J.D. from Columbia Law School in 2019.⁶²⁴ He was a James Kent Scholar and Harlan Fiske Stone Scholar and served as community service chair of the Columbia BLSA.⁶²⁵ He has published a number of publications in the last few years, such as *Lifting Labor’s Voice: A Principled Path Toward Greater Worker Voice and Power Within American Corporate Governance* and *Going Dark: SEC Proposes Amendments to Form 13F*.⁶²⁶ As EIC of the *Columbia Law Review*, he helped organize a spring break *pro bono* caravan in New Orleans, where he and other law school students worked at the Capital Appeals Project, which provides representation to indigent defendants sentenced to death in Louisiana.⁶²⁷

Michael L. Thomas, Jr

Michael L. Thomas, Jr. was president of the HLR in 2018 and 2019 and is currently a litigation Associate at Wachtell, Lipton, Rosen & Katz, LLP.⁶²⁸ After graduating from Princeton University in 2012, he worked in the Office of the Counsel to the Mayor of New York.⁶²⁹ At Harvard Law School, Thomas was

⁶²¹ *Id.*

⁶²² Evans, ROBINSON, *supra* note 618.

⁶²³ *Meet the New Editor in Chief of the Columbia Law Review*, COLUM. L. SCH. (Apr. 5, 2018), <https://www.law.columbia.edu/news/archive/meet-new-editor-chief-columbia-law-review> [https://perma.cc/MQL5-8GG8].

⁶²⁴ *Id.*

⁶²⁵ *Virtual Black Alumni Week*, AMHERST COLL., https://www.amherst.edu/alumni/connect/networks/black_alumni/black-alumni-week-2021/speaker-biographies [https://perma.cc/8LYW-KLY4] (last visited Jan. 18, 2023).

⁶²⁶ Leo E. Strine, Jr., Aneil Kovvali & Oluwatomi O. Williams, *Lifting Labor’s Voice: A Principled Path Toward Greater Worker Voice and Power Within American Corporate Governance*, 106 MINN. L. REV. 1325 (2022); Adam O. Emmerich, David M. Silk & Sabastian V. Niles, Wachtell, Lipton, Rosen & Katz, *Going Dark: SEC Proposes Amendments to Form 13F*, HARV. L. SCH. F. ON CORP. GOVERNANCE (July 19, 2020), <https://corpgov.law.harvard.edu/2020/07/19/going-dark-sec-proposes-amendments-to-form-13f/> [https://perma.cc/W4UD-P7WU].

⁶²⁷ *Meet the New Editor in Chief of the Columbia Law Review*, *supra* note 623.

⁶²⁸ Michael L. Thomas, WACHTELL, LIPTON, ROSEN & KATZ, <https://www.wlrk.com/attorney/mlthomas/> [https://perma.cc/SEB9-FTU7] (last visited Jan. 18, 2023).

⁶²⁹ Carolyn Kelley, *Michael Thomas ’19 Elected 132nd Harvard Law Review President*, HARV. L. TODAY (Feb. 2, 2018), <https://hls.harvard.edu/today/michael-thomas-19-elected-132nd-harvard-law-review-president/> [https://perma.cc/6PBF-KLUD].

involved in BLSA and the Harvard Law Documentary Studio.⁶³⁰ He was also a Summer Associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP and at Wachtell in 2019.⁶³¹ He is deeply interested in the legal issues facing the Black community, writing his first piece in HLR about cannabis.⁶³²

Megan Brown

Megan Brown, who became the first Black EIC of the *Michigan Law Review* in 2018, is currently clerking at the U.S. District Court for the Northern District of California.⁶³³ Brown originally wanted to work in the medical field as a doctor or veterinarian.⁶³⁴ However, after a lecture in which her professor talked about regulations in the pharmaceutical industry, she changed her career path to focus on law in order to achieve the change she wanted to see in the industry.⁶³⁵ During her time at Michigan Law, she joined BLSA, worked at Latham & Watkins, LLP as a diversity scholar, chaired the first year Oral Advocacy Competition, and became project manager of the Civil Rights Litigation Clearinghouse (a collective website of civil rights cases).⁶³⁶

David Roper

In 2018, David Roper became the first Black EIC of the *Ohio State Law Journal*.⁶³⁷ He is currently an Associate at Taft Stettinius & Hollister, LLP.⁶³⁸ Before law school, Roper spent three years as a legislative aide in the Ohio Senate.⁶³⁹ He also interned for the Columbus office of a national law firm and

⁶³⁰ *Id.*

⁶³¹ *Id.*

⁶³² Angela Helm, *Making Black History: Meet Michael Thomas, the New Editor of the Harvard Law Review*, ROOT (Feb. 3, 2018), <https://www.theroot.com/making-black-history-meet-michael-thomas-the-new-edit-1822676194> [<https://perma.cc/2EVM-C4Y6>].

⁶³³ Perry A. Farrell, *Michigan Law Review Names Megan Brown its 1st African-American Editor*, DETROIT FREE PRESS (Jan. 26, 2018, 5:50 PM), <https://www.freep.com/story/news/local/michigan/2018/01/26/michigan-law-review-editor-chief-african-american/1069210001/> [<https://perma.cc/6AFF-CYUJ>]; Megan Lucille Brown, LINKEDIN, <https://www.linkedin.com/in/megan-lucille-brown-070186129/> (last visited Jan. 18, 2023).

⁶³⁴ *In Pursuit of Regulatory Progress*, MICH. L., <https://michigan.law.umich.edu/alumni/support-michigan-law/megan-brown-19> [<https://perma.cc/L3GU-MQ9P>] (last visited Jan. 18, 2023).

⁶³⁵ *Id.*

⁶³⁶ *Id.*

⁶³⁷ *New Ohio State Law Journal Editor's Leadership Plan: Set Expectations and Communicate Effectively*, OHIO ST. NEWS (Feb. 21, 2018) [hereinafter OHIO ST. NEWS], <https://news.osu.edu/new-ohio-state-law-journal-editors-leadership-plan-set-expectations-and-communicate-effectively/> [<https://perma.cc/JM9P-6RHL>].

⁶³⁸ David Roper, LINKEDIN, <https://www.linkedin.com/in/david-roper-27521179/> (last visited Jan. 18, 2023).

⁶³⁹ OHIO ST. NEWS, *supra* note 637.

in the Office of the Federal Public Defender.⁶⁴⁰ He claims that these three years of working experience allowed him to gain the experience and leadership skills necessary for being EIC.⁶⁴¹ At the Ohio State University Moritz College of Law, Roper volunteered at university events and mentored several students.⁶⁴² After graduating from law school, he served as a law clerk for Judge Raymond A. Jackson of the Eastern District of Virginia.⁶⁴³

Djenab Li Conde

In 2019, Djenab Li Conde was named the first Black woman and first woman of Asian descent to be EIC of the CLR.⁶⁴⁴ She is currently an Associate at Latham & Watkins LLP.⁶⁴⁵ Djenab Conde grew up around the world before her family moved to Columbus, Ohio, when she was seven.⁶⁴⁶ Her father is Guinean and her mother is Chinese.⁶⁴⁷ Throughout her time at UC Berkeley, she was Co-President of the Law Students of African Descent, involved with International Human Rights Law Clinic, and a member of the Women of Color Collective and Asian Pacific American Law Student Association.⁶⁴⁸ Not only was she involved with the CLR, but she was also a member of two other journals: *Berkeley Technology Law Journal* and the *Berkeley Business Law Journal*.⁶⁴⁹ Additionally, Conde clerked for Judge Victor Bolden in the District of Connecticut and Judge Paul Watford on the Court of Appeals for the Ninth Circuit.⁶⁵⁰

Jeremy M. Allen-Arney

In 2019, Jeremy M. Allen-Arney became the first Black EIC of the *George Washington Law Review*.⁶⁵¹ He is currently an Associate at Paul, Weiss, Rifkind,

⁶⁴⁰ *Id.*

⁶⁴¹ *Id.*

⁶⁴² David Roper, *JD—Cincinnati, OH*, FACES OF ACCESS, <https://www.facesofaccess.com/david-roper> [https://perma.cc/6NCY-LVP2] (last visited Jan. 18, 2023).

⁶⁴³ *Id.*

⁶⁴⁴ Andrew Cohen, *Djenab Conde '19 Breaks New Ground at California Law Review*, BERKELEY L. (Jan. 26, 2018), <https://www.law.berkeley.edu/article/djenab-conde-19-breaks-new-ground-california-law-review/> [https://perma.cc/2F93-6CDH].

⁶⁴⁵ Djenab Conde, LINKEDIN, <https://www.linkedin.com/in/djenabconde/> (last visited Jan. 18, 2023).

⁶⁴⁶ Cohen, *supra* note 644.

⁶⁴⁷ *Id.*

⁶⁴⁸ *Id.*

⁶⁴⁹ *Id.*

⁶⁵⁰ *Id.*

⁶⁵¹ 2*LS Jeremy Allen-Arney and Tawanna Lee Make History*, GW L. (Apr. 3, 2019) [hereinafter GW L.], <https://www.law.gwu.edu/2ls-jeremy-allen-arney-and-tawanna-lee-make-history> [https://perma.cc/V2WM-T4AA].

Wharton & Garrison, LLP.⁶⁵² In law school, he served as the academic chair of BLSA and the vice president of stipends of the Equal Justice Foundation, and he was a volunteer legal intern with the Mid-Atlantic Innocence Project, the Legal Aid Society of NYC, and the U.S. Department of Justice.⁶⁵³ He was also a George Washington Scholar.⁶⁵⁴

Kenya R. Parrish

In 2019, Kenya R. Parrish became the first Black EIC of the *Wake Forest Law Review*.⁶⁵⁵ She is now an Associate at K&L Gates, LLP, one of the firms at which she was a Summer Associate during law school.⁶⁵⁶ Parrish studied at Wake Forest University as an undergraduate and returned for law school after careers in sports management and teaching.⁶⁵⁷ While in law school, she was also a member of Wake Forest's BLSA and the Moot Court Board.⁶⁵⁸ She was also a Summer Associate at Kuatten Muchin Roseman LLP and Bank of America.⁶⁵⁹

Mallori D. Thompson

Mallori D. Thompson, who was the first Black EIC of the *Connecticut Law Review* in 2020 and 2021,⁶⁶⁰ is currently an Associate at Robinson & Cole LLP, where she was a Summer Associate.⁶⁶¹ She is also a First Lieutenant and Medical Operations Officer in the U.S. Army Reserve and Vice President of the George W. Crawford Black Bar Association.⁶⁶² Prior to joining Robinson & Cole, she clerked for Connecticut Supreme Court Chief Justice Richard A. Robinson.⁶⁶³ Thompson also published an article during law school that highlights the

⁶⁵² Jeremy Allen-Arney, LINKEDIN, <https://www.linkedin.com/in/jallenarney> (last visited Jan. 18, 2023).

⁶⁵³ GW L., *supra* note 651.

⁶⁵⁴ *Id.*

⁶⁵⁵ Kenya R. Parrish, K&L GATES, <https://www.klgates.com/Kenya-R-Parrish> [<https://perma.cc/HN5Z-CBFN>] (last visited Jan. 18, 2023).

⁶⁵⁶ *Id.*

⁶⁵⁷ *Id.*

⁶⁵⁸ Kenya Parrish, LINKEDIN, <https://www.linkedin.com/in/kenyaparrish> (last visited Jan. 18, 2023).

⁶⁵⁹ *Id.*

⁶⁶⁰ UConn School of Law, FACEBOOK (Feb. 26, 2021), <https://www.facebook.com/UConnLawSchool/posts/mallori-thompson-21-is-the-first-black-editor-in-chief-of-the-connecticut-law-re/3650957841625302/> [<https://perma.cc/QP99-BBAK>].

⁶⁶¹ Mallori D. Thompson, ROBINSON+COLE, <https://www.rc.com/people/MalloriDThompson.cfm> [<https://perma.cc/S5J5-YG9Q>] (last visited Jan. 18, 2023).

⁶⁶² *Id.*

⁶⁶³ *Id.*

growing threat to reproductive rights and the institutional racism to which Black women are subjected.⁶⁶⁴

Makala Furse

In 2020, Makala Furse was the first Black woman to be EIC of the University of Florida's law review.⁶⁶⁵ She is currently an Associate at Hunton Andrews Kurth LLP.⁶⁶⁶ Furse received an undergraduate degree in social work in 2016 from Florida State University.⁶⁶⁷ She then received her master's in social work from UCLA Luskin School of Public Affairs in 2018.⁶⁶⁸ During her time at law school, Furse was a Summer Associate at Shook, Hardy & Bacon LLP and a legal intern with Legal Aid Foundation of Los Angeles.⁶⁶⁹ In 2019, Furse was a judicial extern at the U.S. District Court for the Central District of California.⁶⁷⁰ She was also a member of University of Florida's BLSA.⁶⁷¹

Toni Deane

Toni Deane was the *Georgetown Law Journal's* first Black EIC in 2020.⁶⁷² She is currently a clerk at the U.S. Court of Appeals, and was previously an Associate at Schulte Roth & Zabel, LLP.⁶⁷³ Deane received a B.A. in Political Science and Government from the University of Florida.⁶⁷⁴ She then attended Georgetown University Law Center and was a member of BLSA.⁶⁷⁵ She was also a legal diversity scholar on a 1L leadership council at Akerman LLP.⁶⁷⁶ During her time at law school, she was a member of RISE, a program to support students from underrepresented backgrounds in law school.⁶⁷⁷

⁶⁶⁴ Mallori D. Thompson, *The Scales of Reproductive Justice: Casey's Failure To Rebalance Liberty Interests in the Racially Disparate State of Maternal Medicine*, 26 MICH. J. RACE & L. 241, 241-59 (2020).

⁶⁶⁵ Kaelyn Cassidy, *Florida Law Review Elects New Editor-in-Chief*, INDEP. FLA. ALLIGATOR (Feb. 25, 2020, 6:52 PM), <https://www.alligator.org/article/2020/02/florida-law-review-elects-new-editor-in-chief> [<https://perma.cc/P2WP-FDCA>].

⁶⁶⁶ Makala Furse, LINKEDIN, <https://www.linkedin.com/in/makala-furse-872675165/> (last visited Jan. 18, 2023).

⁶⁶⁷ *Id.*

⁶⁶⁸ *Id.*

⁶⁶⁹ *Id.*

⁶⁷⁰ *Id.*

⁶⁷¹ Cassidy, *supra* note 665.

⁶⁷² *First RISE Students Rise to Top Posts and Prospects*, GEO. L. (May 19, 2021), <https://www.law.georgetown.edu/news/first-rise-students-rise-to-top-posts-and-prospects/> [<https://perma.cc/RU9Q-GT9Z>].

⁶⁷³ Toni Deane, LINKEDIN, <https://www.linkedin.com/in/toni-deane-ab4887177> (last visited Jan. 18, 2023).

⁶⁷⁴ *Id.*

⁶⁷⁵ *Id.*

⁶⁷⁶ *Id.*

⁶⁷⁷ *First RISE Students Rise to Top Posts and Prospects*, *supra* note 672.

Brandon Wharton

In 2020, Brandon Wharton became the first Black EIC of the *Maryland Law Review*.⁶⁷⁸ He is currently clerking for the U.S. Court of Appeals for the Fourth Circuit, and he previously clerked for the U.S. District Court for the District of Maryland.⁶⁷⁹ He worked for Gallagher, Evelius & Jones LLP—which he will rejoin after his judicial clerkship—in addition to his duties as EIC.⁶⁸⁰ As an undergraduate, he was also involved in the Student Government Association and the University System of Maryland Student Council; worked for the student newspaper, the Division of Marketing and Communications, and the Maryland Youth Advisory Council; and was elected student representative on the Presidential Search and Screening Committee for President Kim Schatzel.⁶⁸¹ Wharton hopes to stay in Maryland, practice commercial litigation, and work in the education and health law spaces.⁶⁸² Wharton is also a member of BLSA and is a scholarship recipient from the Murphy Family BLSA Scholarship Fund.⁶⁸³

Tatiana Laing Nnaji

Tatiana Laing Nnaji was EIC of the *Seton Hall Law Review* in 2020.⁶⁸⁴ She is now an Associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP.⁶⁸⁵ For her undergraduate studies, Tatiana attended American University, where she received the President's Award in 2016.⁶⁸⁶ After graduation, she worked as an organizer for Change Corps, where she directed six political issue and fundraising campaigns in different major cities.⁶⁸⁷ She then graduated from Seton Hall University School of Law in 2020.⁶⁸⁸ She was on the executive board

⁶⁷⁸ Kyle Hobstetter, *Brandon Wharton '17 Makes History at UM Law School*, TOWSON UNIV. (June 14, 2020), <https://www.towson.edu/news/2020/brandonwharton.html> [<https://perma.cc/7PXU-NEGC>].

⁶⁷⁹ Brandon Wharton, LINKEDIN, <https://www.linkedin.com/in/brandonwharton/> (last visited Jan. 18, 2023).

⁶⁸⁰ Hobstetter, *supra* note 678.

⁶⁸¹ *Id.*

⁶⁸² *Id.*

⁶⁸³ *Making His Mark*, UNIV. OF MD. FRANCIS KING CAREY SCH. OF L., <https://www.law.umaryland.edu/News-and-Events/Maryland-Carey-Law-News/Making-his-mark.php> [<https://perma.cc/HX9L-87C3>] (last visited Jan. 18, 2023).

⁶⁸⁴ Northeast Region, National Black Law Students Association, FACEBOOK (May 27, 2021), <https://www.facebook.com/neblsa/posts/we-would-like-to-spotlight-tatiana-laing-who-graduated-magna-cum-laude-and-order/4190996910958497/> [<https://perma.cc/8MQP-TPPJ>].

⁶⁸⁵ *Id.*

⁶⁸⁶ Gregg Sangillo, *Total Immersion*, AM. U. (Apr. 29, 2016), <https://www.american.edu/ucm/news/20160429-tatiana-award.cfm> [<https://perma.cc/C6NP-TL8X>].

⁶⁸⁷ *In the Spotlight: Meet Tatiana Laing '20: Center for Social Justice Scholar*, SETON HALL L., https://law.shu.edu/About/news.cfm?customel_datapageid_6255=589940 [<https://perma.cc/E8PH-MBKV>] (last visited Jan. 18, 2023).

⁶⁸⁸ *Id.*

of Seton Hall's BLSA and she was a Center for Social Justice Scholar.⁶⁸⁹ Additionally, she was a legal intern for the New Jersey Institute for Social Justice and a judicial intern for Judge Patty Shwartz on the Court of Appeals of the Third Circuit.⁶⁹⁰

Gabriella Ravida

In 2020, Gabriella Ravida became the EIC of the *University of Pennsylvania Law Review*.⁶⁹¹ She was the second Black woman to lead the journal.⁶⁹² After receiving her undergraduate degree at Princeton University, Ravida briefly worked as a substitute teacher in York, Pennsylvania.⁶⁹³ In law school, she was involved in the *pro bono* Employment Advocacy Project,⁶⁹⁴ which helps "low-income Philadelphians who have been unfairly denied unemployment compensation benefits."⁶⁹⁵ She also completed community experiences at Morgan, Lewis & Bockius LLP and at The Field Center for Children's Policy, Practice & Research.⁶⁹⁶

Oluwatumise "Tumise" Asebiomo

Oluwatumise "Tumise" Asebiomo became EIC of the *Columbia Law Review* in February 2020.⁶⁹⁷ She was the second Black woman to lead the law review.⁶⁹⁸ Currently, she is an Associate at Cravath, where she was a Summer Associate in law school.⁶⁹⁹ Asebiomo interned with Judge Cheryl L. Pollak for the Eastern District of New York as an undergraduate.⁷⁰⁰ At Columbia Law School, she decided to apply for EIC because she "wanted to give back to the law review—

⁶⁸⁹ *Id.*

⁶⁹⁰ *Id.*

⁶⁹¹ Amy Kaplan, *The Top 16 U.S. Law Schools' Journals Are Led by Women—Including Penn Law*, DAILY PENNSYLVANIAN (Feb. 12, 2020, 11:48 PM), <https://www.thedp.com/article/2020/02/top-law-schools-journal-women-penn-country> [https://perma.cc/68JB-6YNC].

⁶⁹² *Id.*

⁶⁹³ FIELD CTR. FOR CHILD.'S POL'Y, PRAC. & RSCH., NEWS FROM THE FIELD (2019) [hereinafter FIELD CTR.], <https://fieldcenteratpenn.org/wp-content/uploads/2020/01/News-from-the-Field-Dec-2019-PDF.pdf> [https://perma.cc/RHW7-QPUF].

⁶⁹⁴ *Id.*

⁶⁹⁵ *Employment Advocacy Project (EAP)*, PENN CAREY L., <https://www.law.upenn.edu/live/profiles/791-employment-advocacy-project-eap> [https://perma.cc/5LAG-57CT] (last visited Jan. 18, 2023).

⁶⁹⁶ FIELD CTR., *supra* note 693.

⁶⁹⁷ *Meet 'Columbia Law Review' Editor in Chief Oluwatumise Asebiomo '21*, COLUM. L. SCH. (June 18, 2020), www.law.columbia.edu/news/archive/meet-columbia-law-review-editor-chief-oluwatumise-asebiomo-21 [https://perma.cc/F9JP-VVKN].

⁶⁹⁸ *Id.*

⁶⁹⁹ Tumise Asebiomo, LINKEDIN, <https://www.linkedin.com/in/tumise/> (last visited Jan. 18, 2023).

⁷⁰⁰ *Id.*

a space in which [she] benefited academically, intellectually, and socially.”⁷⁰¹ During her year as EIC, Asebiomo worked virtually from her family home in Georgia due to COVID-19.⁷⁰² She considered the pandemic and protests of 2020 as issues that “can inspire creative solutions,” and she was confident that the law review would “continue to publish scholarship that raises diverse voices and ideas that deserve to be heard.”⁷⁰³

Tatiana N. Hyman

Tatiana N. Hyman became the first Black EIC of the *Fordham Law Review* in 2021.⁷⁰⁴ She is currently a clerk for Judge Denny Chin on the Court of Appeals for the Second Circuit.⁷⁰⁵ Hyman knew she wanted to be in the legal field from a young age.⁷⁰⁶ She worked as an intern in the mayor’s office as a teenager, studied criminology at the University of Pennsylvania, and was a compliance analyst at Morgan Stanley before starting law school.⁷⁰⁷ While going through the election process for the law review, Hyman also served as vice president of Fordham’s BLSA.⁷⁰⁸ Hyman told *Fordham News* that she doesn’t “shy away from challenges . . . it took a lot of grit.”⁷⁰⁹ She hoped to make the journal more representative of minorities and “voices that are underrepresented.”⁷¹⁰ Hyman was also a legal intern at Lincoln Square Legal Services from January 2021 to May 2021.⁷¹¹

Jeannine Holmes

Jeannine Holmes became the first Black EIC of the *Georgia State University Law Review*.⁷¹² By her second year at Georgia State University College of Law, she was the Co-Chair of the Law Review Diversity Committee.⁷¹³ Holmes told

⁷⁰¹ Meet ‘Columbia Law Review’ Editor in Chief Oluwatumise Asebiomo ‘21, *supra* note 697.

⁷⁰² *Id.*

⁷⁰³ *Id.*

⁷⁰⁴ Julia Brodsky, *Tatiana Hyman ‘22 Elected First Black Editor-in-Chief of Fordham Law Review*, FORDHAM L. NEWS (Feb. 16, 2021), <https://news.law.fordham.edu/blog/2021/02/16/tatiana-hyman-22-elected-first-black-editor-in-chief-of-fordham-law-review/> [<https://perma.cc/YAV3-WUWQ>].

⁷⁰⁵ Tatiana Hyman, LINKEDIN [hereinafter Hyman, LINKEDIN], <https://www.linkedin.com/in/tatianahyman/> (last visited Jan. 18, 2023).

⁷⁰⁶ Brodsky, *supra* note 704.

⁷⁰⁷ Hyman, LINKEDIN, *supra* note 705.

⁷⁰⁸ *Id.*

⁷⁰⁹ Brodsky, *supra* note 704.

⁷¹⁰ *Id.*

⁷¹¹ Hyman, LINKEDIN, *supra* note 705.

⁷¹² Alex Resnak, *Jeannine Holmes Becomes Georgia State’s First Black Law Review Editor*, GA. ST. UNIV. (Mar. 9, 2021), <https://news.gsu.edu/2021/03/09/jeannine-holmes-j-d-22-becomes-georgia-states-first-black-law-review-editor/> [<https://perma.cc/4KUJ-UMMW>].

⁷¹³ *Id.*

Georgia State News Hub that representation has always been important to her.⁷¹⁴ Her path to becoming a lawyer was not clear cut.⁷¹⁵ Before going to law school in 2018, she studied fashion at New York's Parsons School of Design.⁷¹⁶ She started a fashion company with her classmate and spent her days working in human resources, where she conducted workplace investigations.⁷¹⁷ It was there that she decided to pursue a legal career.⁷¹⁸ She also worked at Emory Healthcare in Atlanta while in law school.⁷¹⁹

Charisma Rickxy Nguendo

Charisma Rickxy Nguendo became the first Black EIC of the *Houston Law Review* at the start of 2021.⁷²⁰ Before attending the University of Houston Law Center, Nguendo was a teacher in Cleveland, Ohio, for Teach for America.⁷²¹ During law school, Nguendo was a Summer Associate at Locke Lord LLP, president of BLSA, a research assistant, and a fellow in the Legal Writing Center.⁷²² She hopes to inspire "other students of color to dream a little bigger" and to know that joining the law review is a possibility.⁷²³ She also hoped to make the law review more diverse and gather student organizations together so first-year law students can ask any questions they have regarding law school, their goals, or the law review.⁷²⁴

Kelly Daniel

Kelly Daniel became the first Black EIC of the *Kentucky Law Journal* in 2021.⁷²⁵ Daniel was motivated to pursue law when she grew up witnessing her peers going to prison.⁷²⁶ She wanted to prevent that outcome and resolve how "there were few attorneys who looked like [her]."⁷²⁷ Daniel is a first-generation college graduate and her parents, who immigrated to the United States, are

⁷¹⁴ *Id.*

⁷¹⁵ *Id.*

⁷¹⁶ *Id.*

⁷¹⁷ *Id.*

⁷¹⁸ *Id.*

⁷¹⁹ *Id.*

⁷²⁰ *UH Law Center 2L Nguendo Selected as First African-American Editor-in-Chief of Houston Law Review*, UH L. CTR. (Jan. 13, 2021), <https://www.law.uh.edu/news/student-spotlight/2021-0113nguendo.asp> [<https://perma.cc/FZY3-7UFM>].

⁷²¹ *Id.*

⁷²² *Id.*

⁷²³ *Id.*

⁷²⁴ *Id.*

⁷²⁵ Shawntaye Hopkins, *UK Rosenberg Law Names 1st Black Editor of Kentucky Law Journal*, UKNow (Mar. 9, 2021), <https://uknow.uky.edu/campus-news/uk-rosenberg-law-names-first-black-editor-kentucky-law-journal> [<https://perma.cc/CJ9Z-GRTK>].

⁷²⁶ *Id.*

⁷²⁷ *Id.*

originally from Haiti.⁷²⁸ Prior to law school, Daniel had experience working as a criminal defense paralegal, a case assistant, and a litigation assistant.⁷²⁹ She was also a Summer Associate with Steptoe & Johnson LLP.⁷³⁰ The Dean of the University of Kentucky J. David Rosenberg College of Law described her as a “dedicated, talented, and passionate student.”⁷³¹

Brandie Burris

In 2021, Brandie Burris became the first Black EIC of the *Minnesota Law Review*.⁷³² The Dean of the University of Minnesota Law School commended Burris’s commitment to expanding “diversity and inclusion in both the Law School and in the legal profession.”⁷³³ Currently, she does this by serving on the National Diversity, Equity, and Inclusion Committee of the Federal Bar Association.⁷³⁴ During law school, Burris was a Summer Associate at Robins Kaplan LLP, worked part time at Berger Montague, worked in bail and legal support for the Minnesota Freedom Fund, externed for Judge Michael J. Davis in the District of Minnesota, and was on the executive board of BLSA.⁷³⁵ Burris believed “having diverse perspectives on *Law Review* [would] increase the level of scholarship and [would] help [the law review] infuse new ideas and views into legal discourse.”⁷³⁶

Antonio Xavier Milton

Antonio Xavier Milton served as the first Black EIC at *Tulane University Law Review* in 2021.⁷³⁷ He currently clerks for Chief Judge Nannette Jolivet Brown in the Eastern District of Louisiana.⁷³⁸ Milton told Tulane University Law School that he was “in law school to make changes, trailblaze, . . . build a bridge for those who come after [him,] and inspire those future attorneys of

⁷²⁸ *Id.*

⁷²⁹ *Id.*

⁷³⁰ Kelly Daniel, LINKEDIN, <https://www.linkedin.com/in/kelly-daniel-50a6a2158/> (last visited Jan. 18, 2023).

⁷³¹ Hopkins, *supra* note 725.

⁷³² Mark A. Cohen, *Brandie Burris, 2L, Elected First Black Editor-in-Chief of Minnesota Law Review*, MINN. L. (Feb. 2, 2021), <https://minnesotalawmag.law.umn.edu/stories/brandie-burris-2l-elected-first-black-editor-in-chief-of-minnesota-law-review> [https://perma.cc/9S42-43DV].

⁷³³ *Id.*

⁷³⁴ *Id.*

⁷³⁵ Brandie Burris, LINKEDIN, <https://www.linkedin.com/in/brandieburris/> (last visited Jan. 18, 2023).

⁷³⁶ Cohen, *supra* note 732.

⁷³⁷ Alina Hernandez, *Tulane Law Review Names First Black Editor-in-Chief*, TULANE (Feb. 4, 2021, 5:15 PM), <https://law.tulane.edu/news/tulane-law-review-names-first-black-editor-chief> [https://perma.cc/H3CS-PBN7].

⁷³⁸ *Id.*

color.”⁷³⁹ Milton’s father, from whom he draws inspiration, is a litigator.⁷⁴⁰ From the moment Milton enrolled, he joined the university’s Black Student Union and also joined BLSA.⁷⁴¹ He also participated in the 1L Leadership Council on Legal Diversity Scholars Program, which aims to enhance career opportunities for underrepresented first-year law students.⁷⁴² Additionally, Milton was part of the Moot Court program and was chosen as a Harris Fellow to mentor first-year law students.⁷⁴³ Milton also interned at Bracewell LLP in Texas through the 1L Leadership Council on Legal Diversity Scholars program.⁷⁴⁴

Leticia Salazar

Leticia Salazar is currently a law clerk at Latham & Watkins LLP.⁷⁴⁵ Salazar received a J.D. and M.Ed. in Education Policy from the University of Pennsylvania.⁷⁴⁶ While at the University of Pennsylvania Carey Law School, Salazar was EIC of the law review, a research assistant to three professors, a Summer Associate for Kelley Drye & Warren LLP and Latham & Watkins, and a law clerk at the U.S House of Representatives.⁷⁴⁷ She was also Sadie Conference Co-Chair of BLSA and volunteered with the Pennsylvania Innocence Project.⁷⁴⁸

Tiffany Mickel

Tiffany Mickel graduated from the University of Virginia School of Law in May 2022.⁷⁴⁹ She became the first Black EIC of the *Virginia Law Review* in 2021.⁷⁵⁰ Mickel received her B.S. in Materials Science and Engineering from the Massachusetts Institute of Technology.⁷⁵¹ Before law school, Mickel worked at Boeing and cofounded The Heiritage, a game company, that produced a playing card deck featuring prominent Black women.⁷⁵² At Virginia, she was also

⁷³⁹ *Id.*

⁷⁴⁰ *Id.*

⁷⁴¹ *Id.*

⁷⁴² *Id.*

⁷⁴³ *Id.*

⁷⁴⁴ *Id.*

⁷⁴⁵ Leticia Salazar, LINKEDIN, <https://www.linkedin.com/in/leticia-salazar/> (last visited Jan. 18, 2023).

⁷⁴⁶ *Id.*

⁷⁴⁷ *Id.*

⁷⁴⁸ *Id.*

⁷⁴⁹ Mary Wood, *Graduating Student Tiffany Mickel '22 Blazes Trail as First Black Virginia Law Review Editor-in-Chief*, UNIV. OF VA. SCH. OF L. (Apr. 22, 2022), <https://www.law.virginia.edu/news/202204/graduating-student-tiffany-mickel-22-blazes-trail-first-black-virginia-law-review> [<https://perma.cc/Z2BX-V9Q8>].

⁷⁵⁰ *Id.*

⁷⁵¹ *Id.*

⁷⁵² *Id.*

Membership Chair of the UVA BLSA and Events Co-Chair for Virginia Law Women.⁷⁵³ Before assuming the EIC position, Mickel shared her hope to bring the law review more inclusion, “promote diverse authorship” and diverse perspectives, improve the new website’s online presence, and explore “changing economic, political and technological conditions in society.”⁷⁵⁴

Hilda A. Frimpong

Hilda Frimpong was named EIC of the Syracuse Law Review for the 2021-2022 academic year.⁷⁵⁵ She is the first Black student to hold that position.⁷⁵⁶ Frimpong told the campus newspaper, *The Daily Orange*, that she hopes to “foster inclusivity within the organization” and to connect the law journal to other organizations.⁷⁵⁷ Frimpong worked as a regional developer from 2014 to 2015 for the Hay Group, and from August 2020 to May 2021, Frimpong was a Research Associate for the New York State Science and Technology Law Center.⁷⁵⁸ She was a Google Legal Summer Institute Scholar, as well as a Summer Associate at Arnold & Porter Kaye Scholer LLP.⁷⁵⁹

⁷⁵³ Mike Fox, *Virginia Law Review Names First Black Editor-in-Chief*, UNIV. OF VA. SCH. OF L. (Feb. 1, 2021), <https://www.law.virginia.edu/news/202102/virginia-law-review-names-first-black-editor-chief> [https://perma.cc/KX6V-SYQY].

⁷⁵⁴ *Id.*

⁷⁵⁵ Joey Pagano, *Hilda Frimpong Becomes 1st Black Student To Lead Syracuse Law Review*, DAILY ORANGE (Feb. 28, 2021, 10:51 PM), <https://dailyorange.com/2021/02/hilda-frimpong-syracuse-law-review/> [https://perma.cc/KL8D-KP3S].

⁷⁵⁶ *Id.*

⁷⁵⁷ *Id.*

⁷⁵⁸ Hilda Frimpong, LINKEDIN, <https://www.linkedin.com/in/hildafrimpong/details/experience/> (last visited Jan. 18, 2023).

⁷⁵⁹ *Id.*