

2021 Law School Access to Justice Conference Fighting Systemic Racism: Law School and Community Partnerships

Opening Plenary: Creating the Collective Capacity for Systemic Change

David Pozen: Well, I believe it falls to me next. I'm David Pozen; I teach Constitutional Law at Columbia Law School and I have the honor of moderating the next panel. But before we turn to the panel, I think we have to acknowledge and thank Deborah Archer for a brilliant and powerful keynote. So, if we were all together in person, I think we'd be standing up and giving an applause, but I'll just thank you through the Zoom. That was an amazing way to start the day.

Our panel picks up nicely, I think, from some of the themes that Professor Archer laid out in her keynote, and it's going to address how law schools can fight racism and work on systemic change through collective capacity building, building allyships, and other collaborative impact models in the communities in which they reside.

We have a remarkable panel. I'm going to very briefly introduce the panelists in the order in which they're going to make their opening remarks. Then they'll make about seven minutes worth of remarks, and then we'll move into Q and A.

In order in which they're going to be speaking, we have Fareed Nassor Hyatt starting us off. Fareed is a professor at CUNY School of Law where he teaches criminal law, criminal procedure and trial advocacy. Prior to joining the faculty at CUNY, Fareed was a public defender with an amazing track record of success, and the Co-Director of the Criminal Justice Clinic at Howard University School of Law. And, as many of you know, Fareed is also currently the Co-Chair of the Law School Anti-Racism Consortium.

I'll introduce the rest of the panel before getting into their remarks.

John Yang will speak next. John is the President and Executive Director of Asian Americans Advancing Justice. At Advancing Justice, John leads the organization's efforts to fight for civil rights and empower Asian Americans to create a more just America for all, through public policy, advocacy, education, and litigation. John has many accomplishments and

highlights in his distinguished legal career. Among them, co-founding the Asian Pacific American Legal Resource Center and serving in the Obama Administration as Senior Advisor for trade and strategic initiatives at the US Department of Commerce, where he was the principal advisor to the Secretary of Commerce, on issues related to Asia.

Next, we're going to have Lanessa Chaplin. Lanessa is an Assistant Director at the New York Civil Liberties Union where she has done pioneering work on environmental racism, among other issues. Lanessa previously served as Legal Counsel to Assembly Member Sam Roberts and then went on to serve as Deputy Secretary to the Speaker of the New York State Assembly, working closely on anti-poverty initiatives and criminal justice reform. She's also the founder and Executive Director of the William Herbert Johnson Bar Association of Central New York, the only minority Bar Association in the region.

And last but not least, we'll have Alejo Rodriguez speaking. Alejo is a Catalyst for Change Fellow at the Columbia Law School Center for Institutional and Social Change and the Chief of Curriculum and Storytelling at Zealous, an organization that trains and supports public defenders in partnership with local organizations and the people in communities they serve. Alejo is also, in addition to those roles, the Community Engagement Director at the Broadway Advocacy Coalition and Executive Board Member for the Parole Preparation Project and Network Support Services. Alejo is a committed social justice activist for restoring the human dignities of people that have been impacted by the criminal legal system, and an accomplished teacher, public speaker and poet to boot. So, without further ado, I will turn it over to Fareed to get us going.

Fareed Nassor
Hayat:

Greetings everyone, very happy to be here and very much happy to supplement those amazing words by our Professor Deborah Archer. I think they're extremely on-point, especially at the time that we're in in our country, where just this week we're celebrating the remembrance of the lives lost at the Tulsa massacre that occurred, and this concept that Deborah touched on about creating a space for black people and people of color to do well within their own communities.

And Tulsa is an amazing example of just that, that this effort to create a space to exist within this country, to excel and further the purpose of this

country, is not something that's new, but it is something that has been essentially annihilated, not only through things that Deborah discussed but, those bloody attacks that occurred in Tulsa 100 years ago.

What are we doing at the law school Anti-Racism Consortium to try to address those particular questions? I think first we acknowledge that the word is revolutionary in many ways. That it is in line with abolition, it is in line with the creation of something new, it is a re-imagination.

But we also understand that that can't happen overnight and that everyone is not necessarily on board with such ambitious goals. So, what we're trying to do with the law school Anti-Racism Consortium is really bring together people, law professors, law students, lawyers within the community, specifically here in New York, who do have the goal to improve the life chances of African people and people of color, and how can we find commonality in that approach.

The particular mission of the coalition is, it's a coalition built of faculty, administrators, staff, students, and graduates inspired by the Black Lives Matter movement, who are committed to building a culture of anti-racism in the United States law schools and legal education.

Our mission is to provide resources for law schools, to support indigenous, black, and other students of color, to confront, explore the impact of racism with their students, faculty, administration, and larger community, and to center racial justice as a guiding principle and concrete practice in every legal area to further that goal. In creating the organization, there was a big question about well do we include Black Lives Matter in our mission statement, and in the end, we decided to include Black Lives Matter, not because everyone that's involved in the organization adopts the principles of Black Lives Matter and what it attempts to further, but we are in the space, as Deborah pointed to, really on a precipice. Black Lives Matter has kind of open it up and said that hey what side do we take, well, how are we going to engage in this challenge.

This organization LSARC is certainly responding to that and we want to do it with some specifics. What are the specifics I'm talking about? What I can offer you what we've done over the last year: we started with a great conference, where many of you were in attendance, over 300 law professors and faculty and administrators joined together last summer,

right after the death, the murder of George Floyd, and made commitments. Law schools across New York have not only make those commitments but have taken action to actually create these things. First thing is, they all put money into the creation of LSARC to say hey we want to have a means to actually do the work.

From there we had several panels, the first one was an admissions panel trying to envision a way to admit formerly incarcerated students, to understand that the formerly incarcerated are the key to creating anti-racist legal systems, because they are the ones who have been placed at the absolute bottom of the legal system. And those that have been able to finish their incarceration, achieve their academic success and go to law school—how do we create spaces to admit them, and to convince bar exams and bars, to allow them to practice law and do the work with the community that they are from.

So, we had that panel. We had an Equity in Law School Experience panel that specifically address first generation law students and the things that will come natural to many of us who have had the experience, and the privilege of being exposed to lawyers and to understand how the law works, and not from a TV kind of approach, but putting very simple things on the table to provide access: to meet other lawyers, to understand network building and relationships and how that would further your career. We heard from students, students did surveys. We've heard from what the students feel are missing in their law school experience and we actually put together tangible steps in conjunction with law schools of how to address those particular things.

One major example was providing the resources for students to interview.

Federal clerkships: who has the money to get on a plane and go to the judge in order to the interview. Well, if we're going to provide access and an anti-racist environment, we have to give that.

Law professors: students who, I spoke from my experience, like that I never have students of color asked me to help them with their interviews. What we understood was this is a question of privilege—who feels entitled to ask for assistance. Well, if our students of color don't feel privileged, we are going to put it upon ourselves to make that offering, put it on our syllabus and say: this is what my practice experience would

be, these are networks I've been involved in, please seek assistance from me. So that was the equity law panel.

We did alternatives to our orientation so students could understand that, yes, this law school welcomes you, and these are the steps that we're going to take to make it effective for you. One of our big things, and I'll try to conclude quickly, was our teaching rounds. Professors, we love our classroom and our space, and we want to communicate the law to our students as effectively as we can, and many professors feel equipped to teach race.

So, what we did at the Law School Anti-Racism Consortium was we invited it professors who are teaching the doctrinal classes, who are experts in race as well, who are experts in racism. And how do you bring these concepts into a doctrinal class like property, and contracts, and criminal law, and constitutional law—have these professors present their course material, their slideshows, and provide their resources and say use me as a resource. If you want to teach anti-racism within the construct of your class, you don't have to figure it all out yourself, there are those of us who study it all day and we're here to assess you.

Where we're moving on in the near future is we're having a Dean panel. The deans of New York City, that many of them are here today, have already committed to come together to discuss what they've done specifically at their law school, and be open to the challenge of doing more and taking suggestions from us, meaning the legal community, about what we think they can do.

That is the Law School Anti-Racism Consortium, and it is something that we invite you all to be more involved in. We'll talk a little more about it in our question answer session, thank you.

David Pozen: Thanks so much Fareed. John-

John Yang: Thank you very much and welcome everyone. I appreciate talking to everyone this morning.

Let me just tell you a little bit about Advancing Justice AJC, what our organization does, and then speak to the moment with respect to what

we're seeing in the Asian American Community, specifically with respect to racism against our community in the last year and a half.

So Asian Americans Advancing Justice, AJC, is a civil rights organization: our mission is to advance of civil and human rights of Asian Americans, and to promote a fair and equitable society for all. So, we operate through five independent affiliates, similar to an ACLU model. We're based in DC, we have independent affiliates in Los Angeles, San Francisco, Atlanta, and Chicago.

We also have a group of 250 community partners throughout the country, over 37 states, as well as the District of Columbia, who really serve as our eyes and ears on the ground—grassroots organizations that understand some of the hardships that our communities are facing.

So, in terms of how we work, I think about it through four buckets.

One is on public policy advocacy. Being a DC organization, you probably know what that means—that means legislation, that means working with the administration to see policy changes that we think would help our community to help deconstruct racism.

Two is through litigation—and that is obviously whether it's in voting, whether it is with respect to the census, whether it's respect to immigration laws, places where laws disparately affect our community, we want to be involved. So, if you think about different places where that intersects with the work that we do.

Number three is what we would call narrative change—working with the media, to make sure that they are portraying the Asian American community in the right light.

As you all know, there is such, such a proliferation of misinformation, disinformation today, especially on social media, but even in mainstream media, they can get into a cycle where they believe one thing, and unless it's corrected by organizations like ours, community groups that are out there, that misperception, that misinformation feeds a broader narrative that works against all of our communities of color.

And number four is what we would call community engagement—and that is working with these grassroots organizations to make sure that they have the resources that they need from a capacity standpoint, from a funding standpoint, or from an issue standpoint, to do the work that they need to do. And then to get from them, understand from them what issues that they have but we may help to change, whether it is on the federal side of the line.

So, with respect to the moment that we are in, as you all know, in the last year and a half we've really faced an onslaught of anti-Asian racism.

Now to be clear, certainly for organizations like ours, we understand that this is part of a larger picture, a racial reckoning, as Professor Archer described it. So, it's not lost on us that, at the same time that we've seen over 7500 incidents of hate against our community, in the last year and a half, the murder of six Asian American women in Atlanta, the murder of four Sikh Americans in Indianapolis, it is that the same time period that we see a Ahmaud Arbery, or George Floyd, or Duante Wright, that we see the insurrection at the Capitol. This is part of the same structural issues that all of us need to work with together.

So how do I think about it at AJC and how do we all intersect?

In terms of addressing racism, I oftentimes think about it in three buckets: one is awareness, second is response, and third is prevention, and I could give you an example of what we do in each of these areas.

First is awareness, we need to understand that this is a real issue. For the Asian American community, too often people say to us well this isn't a real thing, you guys are a "model minority," you don't have issues.

So, to make sure that people understand that, yes, there are issues; let's deconstruct this model minority myth, this myth that's been used to divide all of our communities of color rather than to understand that there are issues that they are facing.

What does that mean: so here one example would be policy advocacy. As you may know, about two weeks ago, President Biden signed into law a hate crimes bill.

Now to be clear, this hate crimes bill does not create a new crime. Actually, what this does is allows us to create better data on hate crimes that he incidents that happening throughout the country, not just for the Asian American Community but for all communities of color based on race, ethnicity, nationality, gender, sexual orientation, religion, as well as disability. Because if we have that better data, we could have better policy. That's one example of what we do with respect to awareness.

The second is response. In response as anti-Asian hate, we're trying to give people tools to respond to the moment. So, one tool that we're offering is what's called bystander intervention training—to give bystanders who see an act of hate to do something about it.

When we poll people about why they didn't intervene when they saw someone being spit upon, coughed upon, having racial epithets, not to mention physical violence, one of the first things that they say, is, I wanted to help, but I didn't want to make things worse.

So, what we tried to do was offer trainings, it's one hour, it's virtual in the COVID-19 age, to give people simple tools. We're not asking people to be superheroes, we don't want people to get in and break up fights, we don't want to put people in physical harm's way. But oftentimes it's little things, just asking that victim hey are you okay, can I walk you to where you're going, recording that so that you can report it to whatever appropriate authorities—and I want to be careful about the fact that law enforcement is not always the appropriate authority. But reporting these incidents, and really developing some of these tools so that we can minimize the trauma for the victims.

So, over the course of the last year and a half we've trained over 80,000 people, and we're happy to say that the demand for that is still strong.

And then the last thing is prevention. This if you think about it let's be real, even for DC organization like mine, I know that we can't legislate away racism. Yes, there are systemic racism that we could try to deconstruct, but it has to go further with that.

So, one piece there in terms of prevention is education.

For the Asian American Community too often we're seen as foreigners, we're seen as the other and then, when there are external threats, whether it's COVID-19, whether it's 9/11, whether it's World War Two, whether it is our current geopolitical tensions with the Chinese Government, there's a backlash against the Asian American Community.

And so what we need to teach people is that Asian Americans have been a fabric of the United States, helping to build a transcontinental railroad, fighting on the side of Americans during World War Two; the most decorated combat regiment in all of World War Two for the American military was a group of Japanese American soldiers.

Bringing out these stories of American history, yes, involving Asians, but American history that really matter to understanding who we are as Asian Americans.

So those are some examples – I'm certainly looking forward to this conversation, answering questions and really engaging in a dialogue on these important issues before us, thank you.

David Pozen: Thanks so much John. Next is Lanessa.

Lanessa Chaplin: Good afternoon, sorry for that delay and I just want to apologize in advance for not having my camera on today. But I thought it was very important to be here so I'm here and I'm going to just use these fancy slides to kind of substitute for the absence of my appearance.

So, my name is Lanessa Chaplin. I am the Assistant Director of the Education Policy Center for the New York Civil Liberties Union, which is the New York affiliate of the American Civil Liberties Union.

I just kind of quickly wanted to explain who we are and what our mission statement is. So, we were founded in 1951 as the New York Affiliate of the American Civil Liberties Union. We are a nonprofit, nonpartisan organization with eight chapters and regional offices across the state. I sit in the Syracuse office, which is the central New York regional chapter. We have more than 150,000 members across our state.

Our mission is to defend and promote the fundamental principles, and values, and body in the Bill of Rights, the U.S. Constitution, and the New York state constitution, including freedom of speech and religion, the right to privacy, equity, and due process of law, with a particular attention to pervasive and persistent harms of racism.

The NYCLU works towards its mission by advocating for all New Yorkers to have equal access to opportunities and the equal ability to participate in the government decisions that affect them. This includes planning and development decisions which historically have excluded or intentionally discriminated against black, indigenous, Latinx New Yorkers.

So, why were we intentional about naming pervasive and persistence harms of racism? I think, because we have, for more than two centuries understood that, after the declaration of independence, promised equal justice for all, that promise remains unfulfilled. New York state is home to some of the most segregated school districts in our country. Black and brown New Yorkers face disproportionate police attention and criminal penalties, and New Yorkers of color are most impacted by inequality of housing development.

So as an organization, we seek to identify, challenge, and stamp out the ideologies and impacts of racism. We take on racial justice and the government institutions, including New York's criminal, legal, and educational system, and we fight to make sure that all New Yorkers have access to the same opportunities.

As an organization we strive to continue, to expand and grow in our anti-racist work because we fully understand racism touches every corner of our country and our state, including infrastructure projects which I'm here to talk about: the mass transit movement and the local policing power and plan use.

As a local, central New York chapter located in Syracuse, New York, we have a long history with what is known as Interstate-81.

Some of you may know about this project.

Essentially what this is, it's a large highway that was built in the 1950s as part of the mass transit movement. This original build destroyed 500 homes and businesses and displaced thousands of residents.

It was done so because of past racist practices. This community was once a working-class black community, was labeled the slums because it was under resourced as a result of past practices such as red lining, and the city of Syracuse withdrew federal funding to build the highways.

The original build, we have a long history with. We actually formed our chapter, as a result of this atrocity.

There, in the original construction, not only were over 500 homes and businesses destroyed, but thousands of people were displaced, with no relocation plan. So basically left to fend for themselves, many of them homeless and trying to recover.

As a result of this egregious history, the NYCLU, we poured resources into the redevelopment plan of I-81 fully aligned with our racial justice work. We elevated the voices of the impact of Community and we're calling for government transparency in the process. All this is very much in our wheelhouse; we've been doing this type of work for a very long time.

We, in this work, we establish a system with New York University Law School's Civil Rights Clinic, where through my colleague Joanna Miller, I had the privilege and honor to meet Professor Deborah Archer.

The NYU Clinic really played an integral role in providing technical support and research, and the cover in some cases that we needed.

As the work began to develop, we quickly learned that the I-81 infrastructure project was not only a racial justice and climate justice issue on macro level, but really an environmental issue on a granular level. This isn't something that the NYCLU necessarily has a history on. We don't really have, we haven't really in the past practiced on environmental justice. And so, this is really where law schools can play an integral work, an integral role in the work that we do.

Because this was a new issue area for us, we relied heavily on clinics, like the NYU Civil Rights clinic. We also partnered with the Buffalo Law Clinic, Environmental Law Clinic with Professor Kim Connolly.

And there's a lot that goes into establishing a new area of work, so really leaning on law school clinics to provide us that technical and expertise in these areas that are new to us, not only helps us with our work in that issue area, but also helps us further our internal structure and how we should frame our work, and how it ties into racial civil liberties and civil rights.

Here is an example of the impacts of environmental racism through development.

If you notice on the right side, the left for you, in 1951, the 15th Ward was a heavily and densely populated area. And the view on the right is after urban renewal. They yellow line that goes through that is Interstate-81. I'll just highlight here that there are now 22 parking lots where homes used to sit, as a part of redevelopment.

So, when you, when we look at this map, and we think well, how could this atrocity happen, what kind of policies led to such an egregious form of construction identified as the mass transit movement. We really can compare it to the language that we hear today, as we're talking about bringing highways down, which is for economic development, revitalization. But if we're not careful, on how that plan actually is executed, we can experience the same impacts that we had in 1951. So, the part of our work, we're trying to uplift that, really shine a light on that.

And you know, I was asked here today to speak about how law schools can impact that work, and what I can tell you is the amount of internal organization and advocacy that it took, it wouldn't be possible without the help of the law schools.

This was essentially a community movement lawyering issue where it required all hands on deck for our staff, here locally in the Syracuse chapter, to get on the ground and talk to residents, talk to impacted communities, talk to frontline communities, to figure out first: was it just transition, making them responsible and accountable to their own decision making and not going in as a large organization to make

decisions for them, to really doing that grassroots work to figure out what this community wanted. And in order to do that we needed someone who could do the heavy lifting of the research to figure out if this thing was even possible.

I'm not going to get into what is environmental racism, but the definition is there if you're interested in reading it, and understanding that once we realized this is an environmental racism issue, the clinics really played a heavy role in carving out what that looks like, what some possible solutions could look like, and what are some of the things that we can bring back to the community to say, we've seen this happen before in different communities, we've researched this issue heavily and, here are some of the possibilities that we can that we can bring around this project.

And what I'll leave you with is race is the most significant predictor of a person in New York living near contaminated water, air, and soil, thank you.

David Pozen: Thanks so much Lanessa. Finally, we have Alejo.

Alejo Rodriguez: Hi, thank you for having me. I'm really, really proud to be here with you all, and just so glad to have her share this time with such amazing speakers.

We at the Center—I'm a fellow of the Center for Institutional and Social Change here at the Columbia Law School, and one of our goals is to address structural racism in law enforcement by examining the laws and policies that make the ground fertile for structural racism to thrive, to exploit and terrorize without impunity.

A prime example of that is the 13th Amendment Exceptions Clause and the 1994 crime bill, which are both written in non-racialized language and yet, in practice, both are used to discriminate through a racialized interpretation of the law, without accountability.

However, in the in the long-term effect, the impact of structural racism, law enforcement, not only affects the people directly policed, prosecuted, and imprisoned, but also impact, the social fabric of entire communities.

For many of us who are familiar with Michelle Alexander's work in *The New Jim Crow*, drug use in this country occurs in all walks of life. But we find that impoverished communities of color are significantly, disproportionately policed and prosecuted more than others. And with felony disenfranchisement laws tethered to the 13th Amendment—when people in the black community are up to 16 times more likely to be imprisoned and prosecuted for drug use than their white counterparts—the outcome of mass incarceration begins to look less like a means of addressing crime and punishment, and more like a strategy of social control, a means to further entrench marginalized communities deeper into the cycle of intergenerational disenfranchisement.

But this is just a framing of a systemic problem that we at CISC have designed a response involving in participatory action, project, and a civic engagement outreach.

In this work, what we do is we aim, it's more than just the outcome of this work or the outcome of this project in as much as we feel as valuable as this work is needed, it's how we work that I would like to highlight here today as well. And what I mean by that is that we have a collaborative research, learning, exchange approach involving formerly incarcerated jailhouse lawyers and Black Law School Association from Columbia Law School.

And in this learning exchange, it's about community development; it's equally as important as recognizing the importance of having individuals who are directly impacted by these systems, to be involved in the work themselves. But to do so with, in this case, a new generation of lawyers, a new generation of understanding or looking at the problem from a new lens, to begin to examine and imagine new methods of approach, new possibilities, new ways to challenge structural racism that have fallen in the past on deaf ears.

Often, we like to think, or what often was often shared, is that advocates must step into the place of those who don't have a voice, and yet in many respects that becomes very insulting to the community that is being referenced and not having a voice; it's not that people do not have a voice is it's really a matter of how much they're actually being listened to, how much they're actually being afforded the space and the same platform equitably.

So what we've done in the Center, and following one of my colleague's projects that he developed the Paralegal Pathways Initiative that works in collaboration with law school students and formerly incarcerated jailhouse lawyers, in a learning exchange, learning educational exchange, so that the individuals who have studied the law, but have studied it while incarcerated, who have learned to research, learned to litigate under these extreme conditions, but never really actually received any type of accreditation or acknowledgement of their work, the Paralegal Pathways Initiatives begins to offer that opportunity for former jailhouse lawyers and in the learning exchange with Columbia law school students.

The project that we are working on currently, Emergent Justice, is looking at building off of that educational process to provide a professional experience a fellowship, if you may, through two tracks: firstly, breakthrough and abolition through transformative empowerment that challenges the 13th Amendment and the 1994 crime bill which lay the groundwork for structural racism to occur; and secondly, the PEACE Plan (Participatory Education in Advocacy and Civic Engagement), which is a civic engagement strategy, a pilot that we actually initiated in conjunction with THE Exodus Transitional Community in East Harlem, which provides for individuals who are formerly incarcerated, to begin to rethink new civic engagement strategies that actually take into account and listen to the premise of much of the political apathy that occurs in many disenfranchised communities, and listens in a way to draw from wherever insights, that their apathy may have. The challenge is how we look to shift from apathy into action, but that challenge, once again, relies on the participation and the direction of those directly impacted, to begin to grapple with and reassess our civic engagement, our participation, and think about new ways in which to perform outreach.

But most importantly, in both of these strategies, we take a community, actually it's a community trauma, intergenerational trauma approach, and realizing that intergenerational trauma is real, something that has been passed down from the effects of having been exploited, having been enslaved, having been segregated, and all the other iterations in between.

That simply doing the research, simply going through the law, simply going through the history to try to unpack a lot of where the structure, of the where the roots of structural racism may occur, for many individuals,

especially those who come from directly impacted communities, black and brown communities, for many individuals that learning in process can be triggering. It can be a reigniting, or maybe even discovering for the first time for many, the depth of the atrocities that have occurred systemically, and to think, maybe you know, this is the same system that a person wants to now become a lawyer in.

So, we want, so in as much as we go through this information, we also provide room and create space to allow people to unpack, to check in with individuals in realizing that in the transformative process, it's not just about the work, it's about how we cultivate growth within each other in the learning exchange.

And so thank you, thank you all for this time to speak and introduce what we're doing at the Center, and just really looking forward to continuing with this panel, thank you.

David Pozen: Thanks so much Alejo, and to all the panelists.

So, we're now going to move into the Q and A segment of the panel. I'll ask a question or two to the panelists to get things going, but everyone in the audience, you can also ask questions. And the way to do that is in the chat; you'll see "ask a question" as one option to chat too. If you write your question in there, I should be able to see it and then relay the question to the panelists. So, please start typing your questions, if you want.

So, to get things going, I'll ask everyone on the panel, if you care to weigh in and just start going, about what general lessons law schools might take from the impressive examples that a number of you enumerated of partnerships with community organizations.

So, when law schools are thinking about partnering with organizations in the Community for anti-racist goals, do you see any general lessons from your experiences about things that law schools should be seeking to do, or, conversely, things that law schools should be careful to avoid? How should law schools think about these partnerships for anti-racism? Any pitfalls or particularly promising opportunities that you'd like to call everyone's attention to?

So, I invite any and all the panelists to weigh in on this.

Fareed Nassor
Hayatt:

I'll respond first, which is an odd one, but at the consortium we've been considering this concept of getting the bar passage rate up of African American students. The question became well, is the issue and ability question, or is it something else, and, of course, we believe that something else, and we look to what's going on at law firms, what do law firms do to address bar passage rate of the new associates coming in.

And we all know what they do; they write a check; they provide \$10,000 for their new associates to study for the bar. Providing resources means passing the bar and this is this concept when we're talking about being anti-racist, it's not just study harder, do the work. It's like no, we need resources in order for students not to work through the time while trying to prepare for the bar. So, I think that's something we may not see so simply, but let's address bar passes rate at our law schools by doing what we know does work, because no one's writing the \$10,000 check at these law firms if it does not work.

So how do we access resources at the law school? Who can provide that \$10,000 up front to ensure that our students have the ability to study adequately in order to do well on bar exams?

David Pozen:

Thanks, Fareed. Lanessa, John, or Alejo do you want to jump in?

Alejo, I think you're muted.

Alejo Rodriguez:

Sorry about that.

Yeah, one thing I'd like to share, and especially considering the different ways in which you talked about it, the different examples that we've shared, one thing I'd like to just highlight is that law schools should keep in mind that they are not exempt from this same critique.

What we see happening outside, and the issues that different organizations are challenging in other institutions, law schools need to take, should take heed to some of the critique and apply it to themselves.

Not too long ago, a matter of fact, this was just prior to the shutdown due to the pandemic, I was in I was in the classroom, Lawyering for

Change with Professor Susan Sturm at Columbia Law School, and in the process of sharing what the criminal justice and how the criminal justice system discriminates and is being utilized in many ways, as many have quoted, systemically, on creating a system from school to prison pipeline. When we began to talk about, talk about those characteristics, there was a student in the law school, who spoke about the discrimination that she received in the law class.

A black young lady, and when she spoke all the other white students and Asian students that were there nod their head in agreement, they knew this occurred. And what was occurring was the teacher was not calling on her raised hand, that she, that the teacher, would overlook this person, and this young lady was feeling overwhelmed because part of her grade was relied upon her classroom activity. And so this very nuanced way of discrimination was happening right there in the law school as they are also being there to be taught to become advocates for other individuals in society who cannot or might not be in a situation to defend themselves in the courtroom. They're in a learning environment in which they themselves feel like they have to defend themselves.

And law school students should speak for these things themselves, it is not my place to speak for them. What I am, in regards to this question, though, what I do want to highlight is that the very same critiques that we're talking outwardly about institutional, and structural racism and discrimination, we needed to literally look at ourselves in the mirror and say "Okay, how can we begin to address this within our own classrooms?"

David Pozen: Thanks Alejo.

So, John and Lanessa, I'm going to invite you to weigh in on the same question about best practices, if you will, in partnering with community groups, but also specific questions have come in for each of you in the chat.

So, John, the first one is for you and then Lanessa, I'll read the one for you. So, John, the question was: you mentioned reporting hate crimes and other hate-based incidents to the proper authorities; so, what's the best way to report such incidents which don't involve the police? So maybe you could address that reporting question as well.

John Yang: Sure. That's a great question.

So, number one is my organization, I'm involved with an organization called Stop AAPI Hate. Both of us have web tools that people can report hate incidents. And to the extent that they want some type of response, some type of victim response, I believe certainly through investigation, our affiliation is equipped. We have a victims' advocate in LA that can help farm that out. Our organization also is a partner with the Lawyers Committee on Civil and Human Rights, as well as the Leadership Conference, etc., so again, we can provide that victim response. So that's one place.

Another places that a number of states and localities are looking to is basing that, sort of, hate documentation in a health and human services component, right. Again, that law enforcement causes all of us in different communities of color, to have a different reaction—whether it is because of how law enforcement has treated our communities, whether it has a relation with immigration officials for the immigrant community, that is a concern. So if we house the documentation of hate incidents and hate crimes in a different component of the government, we realize that the government clearly has a role to play, but then that starts to look different, that's not centered on criminalization, it's not centered on that enforcement piece, but it's centered, as we should be, on the victim first, and for the victim. It is about her health, her humanity. And then let's think about what that responsiveness looks like.

So that's one place to look at. And then actually that kind of leads into the earlier question in terms of what else we'll be doing, especially with community groups. One of the places that, at least for the community groups that we work with, one of the biggest gaps, is what I'm going to call capacity, writ large. And it comes up in a couple of different places.

One place is: a lot of them are great organizers, they're great, they understand they understand the needs of the community, and they understand what change is needed, but they don't have the capacity to understand exactly how the state legislature works, how the city's council works. And having law students that could provide tactical assistance as to here's what the public hearing is going to be held, we're going to help you track this so that we know when these places are that you intercede are; I think does add some capacity in a very smart way, allows law

students to use their skills, in some ways, to help with that community process.

The other places that our community generally lacks, and I suspect is true for many vulnerable communities, again is data. So, thinking about sort of where research can be done from a law school perspective, you have to have hit that awareness, as I would say. Especially with the Asian American Community, oftentimes people think about us as a monolith. You know, Asian American is such a hard concept, covers 50 different nationalities, over a hundred different languages, and sometimes people fall into what we would call the model minority trap: well Asian Americans don't really have any issues, because if you look at the national averages they seem to be doing okay.

But if you start to break it down to whether it's the Vietnamese groups or the Laotian, the Hmong, the Nepalese, then you start to see some real needs, certainly in New York City, the largest poverty gap largest, largest wealth is in the Asian community.

The highest poverty rate in New York City belongs to the Asian American community. So, we need to have that data, have students be able to help us break down that data, because then we could advocate for better policies.

David Pozen: Thanks, John. And Lanessa, in addition, to pick up on any of those themes, if you wish, the specific question that came in for you is as follows: there's been lots of focus recently on the harm done in the past to communities by urban renewal and other large construction projects, including highways. But what options are there, going forward for removing some of those harmful structures and trying to reconnect, and revitalize the affected communities.

Lanessa Chaplin: Thanks, David. I think that's a really great question that I want to get to. But first I want to address that the first question.

I just I really want to kind of highlight what Mr. Rodriguez had mentioned in his statement. Just within law schools and law firms, just the legal structure, there's a hierarchy and structure to law schools and law firms that really lend themselves to white supremacy, and we have to identify what that is in order to try to start to dismantle those, that value system

that many of us have either been directly accustomed to or have kind of been indoctrinated to.

And that value really is access. And so, law schools really value the access that students had to prior good education through grade rankings. And law firms really value that access to tier one Ivy League law schools that have potentially better resources for writing classes and other things. And so, really just kind of lending ourselves to understand that law firms and law schools very, very much succumb to the ideologies of access—and so a student who has that has an access to better education from Pre K on is more likely to perform better in law school, more likely to get into the Ivy League school, more likely get that job offer through a corporate law firm or otherwise, even nonprofit law firms kind of tend to lean towards these Ivy League schools where these students have had better access. And so, what I would suggest is we rethink about our ranking system and thinking about ways to reconfigure the ranking system to really demonstrate the abilities of the students.

As the Executive Director of the William Herbert Johnson Bar Association, we have an internship program, and we reconfigured that rubric to decide what really shows the abilities of a student outside of can they repeat what they've learned in a book to a test. And so, really just thinking about the structure of testing, the structure of ranking, and how it lends itself to better jobs, better pay, that's really all based in white supremacy and how we value education in our in our country. So, I just want to kind of highlight that as something that I think we, we should be discussing, especially if we're talking about law schools and law firms.

To the second point, I think it's a really good point and I think we've been hearing a lot of buzz words coming from the administration, a lot of buzz words coming from local elected officials about how we're moving viaducts across the country, is going to kind of ensure racial justice for communities who have been harmed in the past. And we know that it's never that simple. You're just not going to remove a structure that has completely dismantled and raised and destroyed black communities and brown communities across our country, and simply by tearing them down, it's going to be some magic pill that's now going to kind of stitch the community back together.

There are a lot of things that are underpinnings of the racial inequities that we see as a part of the mass transit movement. But also, being very, being very clear, this was an intentional act; this wasn't something that was done or wasn't a haphazard consequence to the construction of the mass transit movement. At least I could speak for New York in itself, it was a very intentional act as a way to clear the slums by building these major roadways through black and brown communities; and so, the same kind of intention is going to be required when these things are taken down. And so, some of the things that we've asked for around the infrastructure project, really come from the community, I just can't stress that enough.

We did 18 months of canvassing and workshops in the impacted communities to really get an understanding of what they wanted, so this wasn't something that was a top-down approach. This was really kind of grassroots movement lawyering, and we came up with 30 recommendations and a 40-page report. And the reason why we didn't cut any recommendations from the report is because we thought everyone's voice was equally as important.

A lot of the recommendations that we've been advocating for, are community land trust. So, removing the viaducts, at least in Syracuse, there's going to be almost 18 acres available; so, we've been advocating for that 18 acres of land to be put into a land trust so it can be directed and owned by the community that was harmed, as a way to build equity into their community. Otherwise, they will stand a chance of being gentrified or displaced once again, because once 18 acres becomes available, if you don't protect that property, you don't protect those parcels of land, big firms and big institutions will buy the land and then they'll be faced with displacement and gentrification. So that's one of the ways that we're asking for restorative justice is what we've identified it to be.

Another way we're asking for restorative justice is making sure that the impacted community, very important, the impacted community, the community that lives closest to the viaduct, are employed on the jobs, so making sure that there's a standard or percentage of residents who actually live in the footprint that can work on these jobs. We're talking about positions that will pay anywhere between \$16,060 to \$70,000 a year, for a seven-year contract. This community right now, the median

income in this neighborhood is under \$13,000 a year, so this will be life changing for residents who live in this community.

And then we're also asking for things like equity, remediation, so the environmental justice piece is clear out the toxins that are in that community, restore it back to its original health.

So, there's a couple, of a lot of things that we could be asking for, and I could share a link to the Building Better Features Report that really highlights the justification for those recommendations, and also how those recommendations could benefit the black community to really get the racial justice that we're hearing so many administrators on every level, at this point, talk about these viaducts can actually accomplish.

David Pozen: Thanks Lanessa.

So, we have one more question that's come in for all the panelists we want to take it, which is: Given the systemic nature of racism in our society, which we've all been acknowledging, how can law schools collaborate with community groups in far-reaching, transformative ways that promote structural rather than piecemeal change? Or, in other words, how can such collaboration between law schools and community groups be scaled up to have the broadest impact?

So, I don't know if any of you have any thoughts on how to take these collaborations and allow them to meet the structural nature of the challenge.

Tough question.

Anyone want to, want to field this?

Lanessa Chaplin: I'll jump in. I just didn't want to, I just finished talking so I don't want to take up too much space here.

Yeah, so I think, just from the organization that I work for, and you know our standpoint, we are like impact. We're an impact litigation firm and we like to think of large impacts. And so the way that I see law schools really kind of contributing to that work, is they're really able to dig deep into a subject matter, and they can really take the time to dig deep and make

suggestions. A lot of the research is really where, and the expertise, is really where that collaboration can happen.

The example that I could give is when we were thinking about framing the I-81 project work, we were really in an area of the law that we were not experts in, and so really looking to the law students to say, this is what our framework is, here's what our ideology is—civil rights, civil liberties—is there a way that we can tie in this issue that we know is a racial justice issue to some of our core values and core missions? And if so, how can we do that? And so, a lot of the work was we're going to ask you the biggest, broadest question to get the most information we can, so then we can then pull out the information that's useful, that can help really guide our work. So, I mean, I think the law school do play an integral role by doing that really in depth, broad research.

Fareed Nassor
Hyatt:

I would also suggest that the law school can be responsive to the community efforts, the movements that are going on within the community.

One example, of course, being the Black Lives Matter movement and this desire to hold police accountable for the killing of citizens, and creating, almost building on the need, creating clinics that are being responsive to that need. We have community members who would like to sue and hold individuals accountable, and we know in order to get an attorney to represent you in a police brutality case, you've essentially got to lose an arm, be killed, seriously be harmed. Not that your constitutional rights have not been violated, not that you are not deserving of vindication, but the law school has the capacity to create clinical programs that are direct, service-oriented, that are actually going to serve that need where they don't have to have a huge judgment in order to bring the case. Students can be under the tutelage of very sufficient attorneys, they can file the claims, move the claims forward, provide the resources for depositions or otherwise. So not only do our, will we be able to address that particular need, but we are essentially preparing the next generation of attorneys who can hit the ground running with these skill sets.

And you notice police brutality is just one tangible example how we can do that, and it really goes back to that we cannot operate within a vacuum of simply affirming law or working within the restrictions of what the law already says. You know, we have the space within the law school

to literally challenge the conceptions, we spend time as professors, thinking about well what is wrong with the law and the suggestions on how to fix that.

Well, within our law school clinics, we actually can bring those cases and develop that kind of philosophy.

So, I think in terms of an anti-racist approach it's: respond to the community in particular with legal resources. What an opportunity to go beyond what is a successfully litigated case, meaning, we can win? No, we may only have the objective to vindicate a right and to push the law, and law schools are in a very special position.

John Yang:

If I could, I think I'm going to challenge, in some ways the social scaling up, because I think what you're hearing from Fareed and Lanessa is making sure that the solutions are grounded in the community.

And so, thinking about where, for your law school, what your community is, and really being invested in that community. Because if you think about some of these projects that we're talking about, the answers might look different. If you're talking about how, what urbanization does in different communities, what the community want might look like in each of these communities. But now the tools that a law firm can offer, some of the tools I've talked about and help, helping them engage in the process, talking about redistricting, that's an area another area I'm working on right now, these are tools of technical assistance, if you will, law school can offer to those community groups. What the community groups choose to do with those technical pieces might look different from jurisdiction to jurisdiction and that's okay, and then how you scale that up, so to speak, is that, then you start to develop some best practices that you all as law schools could collaborate and say, "Hey, this is something that our clinic did over here that's a really successful. Is that something that your clinic might want to try?" It might go in a slightly different direction but that's okay, and again, maybe it's because I'm in DC and I have this notion of federalism, but I think law schools can be laboratories in that way, and then each of you to sort of do some different types of experiment experimentation and that could lead to some really profound services.

David Pozen: Thanks so much. So, I just have one final question actually and then – Alejo, sorry, were you trying to come in?

Alejo Rodriguez: Yeah, really briefly, I just wanted to share.

I think in also it requires law, schools, and universities in which some law schools are housed in, to make amend with the communities that they're trying to work with. There are number of number of these law schools that actually created distrustful relationships, and/or profession, so many individuals who are coming from black and brown communities are distrustful of the legal system. Where are they learning about the law? They're learning about the in the fact, with the legal system, learning about the law, they're learning it due to law schools.

And so that's one way in which the distrust has been perpetuated. In other ways law schools, and once again and/or universities, in which law schools are housed, have invested in mass incarceration, have invested in private prisons, have invested in social control to a certain degree, and yet we do not see that equal investment in restorative justice or community building initiative. We don't see that equitable form, even as many law schools have begun, and/or universities, have begun to withdraw their investment, their early investments in in the prison industry, we do not see, an equitable or equal as assertiveness to invest in the communities that surround them.

And so, I think there needs to be some accountability. And then law schools, and this is not just applicable law schools, schools in general really need to begin to not think about themselves as stepping into a situation as though they're there to fix it but rather step into a situation in which they can help and listen, help in the processing of it, and help provide the tools for the community to find adequate responses for themselves—not to be co-opted into, for a law review article and that's only place where it lives. So, it's a matter of coming to terms for law schools and actually, literally putting your foot in it, walk the talk, and put your money where your mouth is.

You do these do two things, that would open the door and a lot of other these things that we're talking about, will emerge. But without beginning to address those things, that question mark will always be there, that question of distrust—or are they just doing this for a moment because

we had some uprisings last year, so we just want to be on the right side of justice because George Floyd, our protests or are we real about unpacking long term structural racism.

David Pozen: Well, we've hit time, but I can't think of a better way to close this panel.

So, I thank all the panelists for wonderful and probing remarks. I understand that next on the agenda are the concurrent workshops and that you should check out your conference agenda, or I think coming up soon in the chat will be the links to the specific zoom workshops.

So, it just came in the chat.

So, let me just close again with my thanks to this wonderful panel, and I hope everyone has a good rest of the day, and conference. Thank you.