



**HARVARD LAW SCHOOL
STUDENT BODY
SPRING TERM
TWO THOUSAND TWENTY-ONE**



RESOLUTION NO. R.-205-008

AUTHORED BY: Austin Powell

SUPPORTED BY: Faith Jackson

A RESOLUTION TO: REQUEST THE UNIVERSITY HIRE ITS FIRST LATINA FACULTY

THE STUDENT BODY OF HARVARD LAW SCHOOL ENACTS:

WHEREAS, Harvard Law School Student Government and individual students have raised concerns about Harvard Law School not having hired a tenure-track Latina professor in all of its history (Appendix 1); and

WHEREAS, HLS's history with hiring women of color is dubious, with the handful of Black women on the faculty hired only after a prominent Black professor left due to the lack of female faculty of color; and

WHEREAS, even amongst existing Latinx professors at HLS and across Harvard, Student Government recognizes the persisting challenges of colorism and how the University may implicitly or explicitly steer towards white-identifying or white-passing Latinx professors who have more comfortably navigated elite institutions; and

WHEREAS, Deputy Deans have also raised the issue that diverse candidates must be qualified and that the long-term recruitment effort must include meaningful mentorship and encouraging more Latinx and specifically Latina students to pursue the scholarship at HLS today that could prepare them to be professors tomorrow; and

THEREFORE, BE IT RESOLVED, Harvard Law School Student Government recognizes that there are limitations on targeting recruitment efforts at Latina professors including their preferences and the legal requirements of not hiring based on race, but demand that the law school set a strategic goal of thinking more comprehensively about how to recruit faculty that is more diverse in both background and scholarship; and

BE IT FURTHER RESOLVED, Student Government members believe that Harvard Law School and Deputy Deans can overcome the challenges of recruiting a Latina professor while complying with legal requirements; and

BE IT FURTHER RESOLVED, Student Government members believe there are qualified Latina professors around the country and we encourage the Deputy Deans to recruit outside of the ivy league in regions that may have more Latina legal scholars; and

BE IT FURTHER RESOLVED, Student Government encourages the Deputy Deans to further pursue creative solutions used to recruit other professors, including leveraging Visiting Professor or Lecturer law professor roles to attract Latina professors who are subsequently transitioned to full faculty members; and

BE IT FURTHER RESOLVED, Student Government encourages the Deputy Deans to couple creative solutions that may allow for more immediate recruitment of a Latina professor with a more comprehensive process to hire HLS' first tenure-track Latina professor and offer tenure to HLS' first Latina professor.

PASSED IN THE STUDENT COUNCIL: March 23, 2022

VOTE TOTALS:

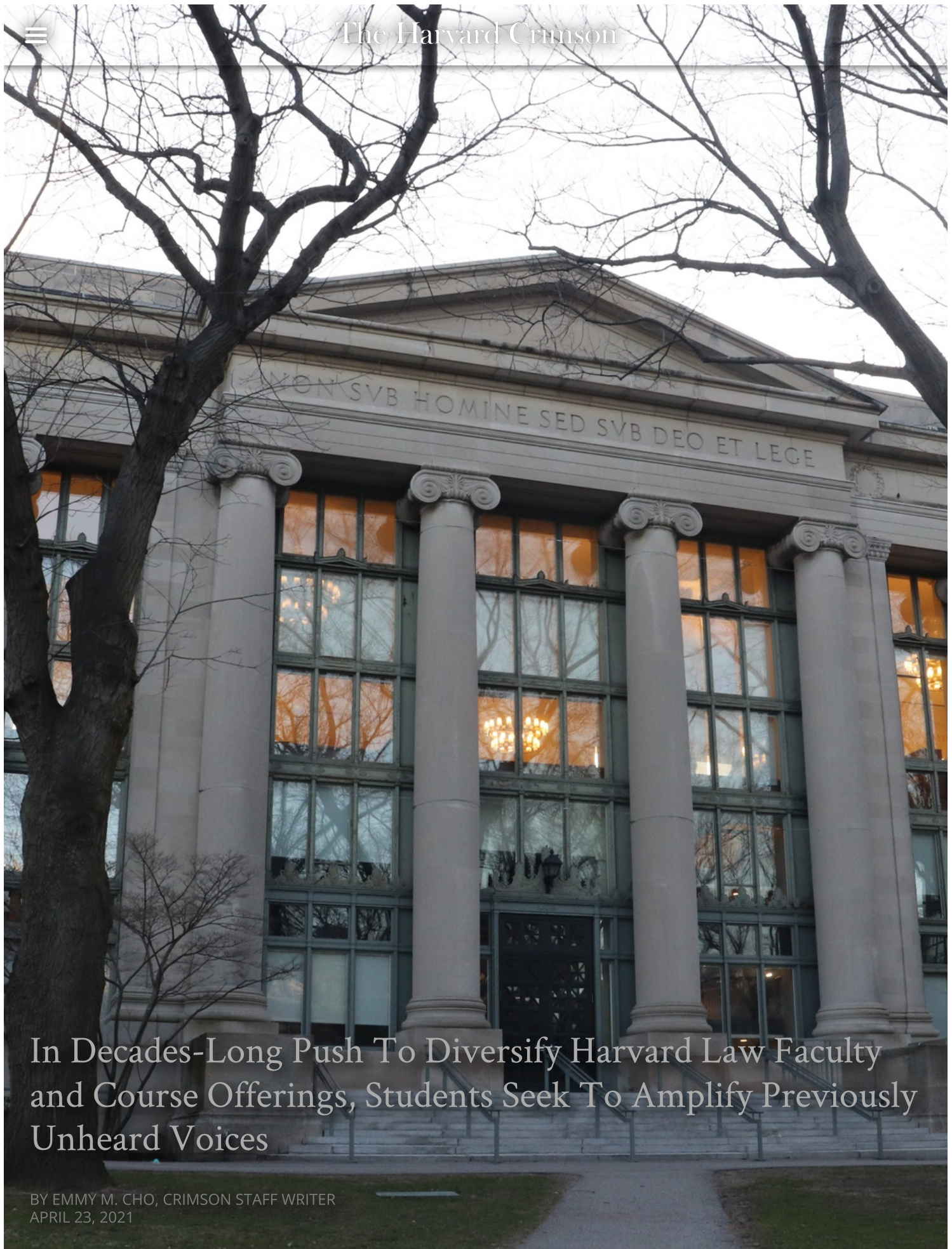
__12__ YES

__0__ NO

__0__ ABSTAIN



The Harvard Crimson



In Decades-Long Push To Diversify Harvard Law Faculty and Course Offerings, Students Seek To Amplify Previously Unheard Voices

BY EMMY M. CHO, CRIMSON STAFF WRITER
APRIL 23, 2021

By **Truong L. Nguyen**

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In 2015, Juan A. Espinoza, a current third-year student at Harvard Law School, spent his summer participating in one of the Law School's enrichment programs. Espinoza recalled walking through a famous hall where the portraits of professors were displayed. He remembers asking himself how it was possible there was so little representation.

"How crazy is it that there isn't a single Latino up on these walls?" Espinoza said. "I remember having a very visual image of custodial staff — two Latino immigrants — cleaning the portraits of these professors and yet, there being no one from my community or any Latino immigrants represented on the faculty."

"They just don't represent us here," Espinoza said. "It's true in the curriculum, it's true in the classrooms, it's true in the faculty, it's true across all course offerings, it's true in every resource office — we're not represented here. We just are not, and they know it."

Throughout his time as a student at the Law School, Espinoza — alongside peers, legal scholars from outside the University, and organizers — have dedicated themselves to shedding light on the lack of faculty diversity at the Law School and what they see as its harmful effects on students of color.

Though student advocacy efforts to hire more faculty of color and introduce a more diverse curriculum to the Law School continue today, these efforts are by no means exclusive to the present moment. Advocates have pushed for decades to reimagine and restructure the Law School's approach to inclusive legal education.

Harvard Law School spokesperson Jeff Neal wrote in an emailed statement the Law School is "deeply committed" to continuing to increase diversity within faculty, staff, and the student body.

"There cannot be excellence without diversity, especially not in a law school," Neal wrote. "Training great lawyers and leaders requires a community of people who bring different approaches, backgrounds, lived experiences, and perspectives to their work and their studies."

Student Calls for Increased Faculty Diversity

On March 25, Harvard Law Today published an article about Nina Perales — vice president of litigation for the Mexican American Legal Defense and Educational Fund — agreeing to teach the Latino civil rights course, “a history her work is helping to write.” Focusing on an interview with Perales herself, the article shed light on her fundamental values as both the vice president of litigation at the Mexican American Legal Defense and Educational Fund and an educator.

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Less than 24 hours after the article’s publication, Espinoza — a key organizer on behalf of increased course diversity at the Law School — posted a statement on Facebook which argued the “erasure of student advocacy (and our community) is loud and clear.”

“We fought for this class to be taught at Harvard Law School — but Harvard Law Today — the news organization for the school — refused to acknowledge or frame this story in terms of how much work we put behind this effort — and how excluded we are from these spaces of power,” Espinoza wrote.

One of the reasons why Espinoza said he is “constantly upset” with the lack of faculty and course diversity is because there exists a “huge gap” between the Law School’s understanding of its own efforts to heed student concerns and the reality of the situation.

“It’s not about getting recognition for the labor that we do, but rather that they actually address what’s happening,” Espinoza said. “That we get some sort of result.”



Third-year law student Juan A. Espinoza has been pushing for Harvard Law to diversify its course offerings and faculty. By [Angela Dela Cruz](#)

Perales acknowledged students' continuous organizing efforts.

“I would love to see Harvard bring more to its curriculum that focuses on the Latino experience,” Perales said. “But it’s the students who’ve been working on this issue for all of these years and alumni as well, who bring the real expertise to the issue.”

Margaret E. Montoya, a member of the Law School class of 1978, said that during her time as a student, the “culture of the institution” was “unrelentingly white,” and she frequently experienced microaggressions from peers — comments they believed were “complimentary,” but Montoya describes as actually exposing their personal biases.

“For most of us who were there in those early days, it was a matter of survival,” Montoya said. “Our advocacy was around increasing the number of students.”

Montoya — who was also a member the Law School’s Board of Student Advisors — said she engaged in “constant debates” with the board about affirmative action and the importance of bringing diverse viewpoints to the University.

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Near her graduation, when Montoya was the vice president of the board, she said members organized a banquet where the dean of the Law School was also present. Their parting gift to Montoya, she said, included a doll-house high chair because she was “a crybaby for affirmative action.”

“I still have that high chair,” Montoya said. “I cherish this idea that I was a crybaby for affirmative action, because I really think that I’ve never stopped.”

Massiel Leiva — co-president of La Alianza, a Latinx student organization at the Law School dedicated to Latinx issues — said in order to understand the lack of diverse faculty, it was critical to understand the hiring process and incentives themselves.

Leiva said she believes many elite law schools’ hiring committees — including Harvard — will generally favor candidates with prestigious distinctions and ties to the Law School.

“The unofficial thing that everyone knows is that they pretty much just look at people from Harvard, Yale, and Stanford that also were on Law Review, and also might have a PhD, and are also published, and also have incredible grades,” Leiva said. “As you can imagine, that really narrows the pool of who is being considered.”

Leiva said a prevalent pattern in the 70s and 80s — one she said that continues to this day — was that despite Harvard making several offers to faculty of color, those individuals chose other institutions largely because of the dearth of diversity.

“They were like, ‘This environment is hostile, we don’t want to teach at a place where I am the token or the only, and the faculty at large doesn’t feel like it’ll be

supportive to me, my scholarship, and my development,” Leiva said. “Sure, I could do this because the students really want me here, but at what cost [to] my own professional development and reputation?”

With few faculty or hiring staff who can tell prospective candidates what the experience of being a person of color is at the Law School, Leiva said there is no “person on the inside” who can help “assuage” the anxieties of incoming professors who may be unsure of the environment.

Neal, the Law School spokesperson, wrote in an emailed statement that the Law School's hiring "actively seeks and recruits" scholars who "bring a wide variety of backgrounds and approaches," including Professors Guy-Uriel Charles, Christopher Lewis, and Alan Jenkins — scholars who specialize in race and the law — in recent years.

The Present Fight for Course Diversity

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Beth S. Feldstein, the lead organizer for the People’s Parity Project and a third-year student at the Law School, said she attended at least two of the Law School’s curriculum committee meetings between 2019 and 2020, during which students can provide feedback and suggestions on courses.

“I attended both of those because I cared a lot about the demands that various student organizers were bringing,” Feldstein said. Several key concerns among students included hiring more professors of color, increasing the student spots for “black letter” or more standard legal courses, and offering more courses on critical race theory.

Feldstein said these once-per-semester meetings were not well-advertised by the administration, with the onus ultimately falling on students to proactively seek out and attend sessions. After the transition to online learning, students were required to register for Zoom meetings, which they felt offered less opportunity for open conversation, she said.

Neal wrote that the Law School values student input, and “regularly gathers thoughts and feedback” from students regarding curriculum and courses, citing student focus groups which have held four meetings in this semester alone.

“These focus groups are designed to enable robust discussion, are widely-advertised, and we were able to accomodate all who wished to attend this spring,” Neal wrote. “In addition, the faculty hiring committees also welcome and solicit input from students about excellent teaching and mentoring they’ve experienced from faculty who have visited at HLS.”

Hiring faculty of color to teach critical race theory has been another popular demand among students. Derrick A. Bell Jr., the first tenured African American professor at HLS, was one of the founders of the discipline itself and left the Law School due to a lack of Black female faculty.

“I remember somebody saying that Berkeley has ten different critical race theory professors,” Feldstein said. “I am not sure if that’s true, but if it is, it is an indication of Harvard being really behind the other comparable schools.”

Feldstein said a common, years-old administrative response during the curriculum meetings is that they are “trying.” She explained that when students request more “concrete details” or “measures of accountability,” however, the explanations they receive are more elusive than clarifying.

“Students have been bringing up these same issues for years at every curriculum committee meeting,” Feldstein said.

When students mentioned that the Law School only had two Latinx professors with tenure despite Latinx people making up 20 percent of the United States’ population, administrators responded that they were “looking at one or two people,” which Feldstein said she thought was insufficient.

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“They didn’t answer my question about whether they’d actually made any offers to either Latinx professors or critical race theory professors,” Feldstein said. “They talked about their hiring process generally, the goals that they focus on when they bring people back for interviews and the differences between their entry-level hiring for professors and their lateral hiring.”

Megan G. Jones ’16, the co-president of the Law School’s Alliance for Reproductive Justice, said during her first year, there were no course offerings on reproductive rights or justice. Jones said she was caught by surprise considering how “central” the topic of abortion is during “every Supreme Court term.”

“Given how fundamental a role reproductive rights and abortion specifically play in Supreme Court decision-making and in law and politics more broadly, I was stunned that the HLS curriculum is missing that piece,” Jones said.

Including reproductive rights and justice courses, Jones said, was both “personally and professionally” pertinent.

Neal wrote that the Law School offered two courses in reproductive rights this year, “Reproductive Rights and Justice” and “Reproductive Technology and Genetics: Legal and Ethical Issues.”

“The issue is also covered in other courses, including ones that focus on areas such as constitutional law, health law, and comparative law,” he added.

Nicole M. Rubin, the incoming co-president of the Law School’s Alliance for Reproductive Justice, said she understood why the leading scholars on the subject would be reluctant to accept a job offer at Harvard considering the lack of reproductive rights scholars present.

“When other schools have these incredible reproductive justice programs, I understand why as a scholar, you’d rather be in the company of these incredibly accomplished people and the schools that are willing to fund your research and really put effort into it,” Rubin said.

“It felt devaluing to me that I wasn’t able to learn about the system that constantly tries to keep me out of the economy and the political world,” Rubin added.

Emily B. Marcus — the other incoming co-president of the Law School’s Alliance for Reproductive Justice — said that, according to a research project which was presented to the dean, one in three law schools offer reproductive rights courses. Many of such schools are Harvard’s top competitors.

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“Most of these schools have classes, and they also have clinics,” Marcus said. “Meanwhile at Harvard, we not only have no clinical offerings but we also have Federalist Society members who come to every curriculum meeting, insisting that we start a pro-life clinic — the landscape is just very different.”

David J. McKenna, a third-year student and steering committee member of the Law School’s Critical Race Theory conference, said that there is only one critical race theory course offering — an “always oversubscribed” reading group which “allows 10 students out of a student body of 1600.”

“There’s this huge demand to engage with what’s happening with the police murders and like, ‘What do we do about this, what does the law have to say about it?’” McKenna said. “The law had nothing to say about it in the first-year curriculum, it doesn’t exist.”

Espinoza described creating reading groups to be the “bare minimum” the Law School could do to increase course diversity.

“At Yale, you could make your own reading group as a student and you come up with a topic,” Espinoza said. “We don’t want that, we want actual courses, we want actual faculty to be hired that represent our community, we want Latinos to be embedded into the curriculum.”

“We want there to be an actual, institutional effort that has teeth, support, and funding behind it,” Espinoza added. “Which has not been put in writing, which has not been committed to, and the school clearly and blatantly will not do.”

Zoe Russell, a founding member of the Law School’s Bell Collective for Critical Race Theory alongside fellow law students McKenna and Olivia M. Castor ’17, said her organization is hoping to “implement more institutionalized spaces,” including co-education groups where students can teach and learn various aspects of critical race theory.

“We’re hoping that this model will let HLS know that critical theory is something that is valuable and important to every part of legal practice and application, regardless of whether you’re going into a firm or you’re dedicating your life to public interest,” Russell said. “That this is something that they need to invest more in.”

Neal wrote that the Law School was “committed” to teaching courses about race and racial justice, “subjects that are woven into the fabric of countless courses.”

Castor, a second-year student and steering committee member of the Law School’s Critical Race Theory conference, said that Harvard should introduce more “context-rich courses,” unlike many of the standard classes where professors actually instruct students to disregard background information and personal experiences when approaching a case.

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“That is not at all how the law works,” Castor said. “You have judges who are deciding the law, you have legislators who are writing a law — all these people are human beings. The idea that they go in and they’re able to somehow strip themselves of context when they’re deciding which way they want to enshrine doctrines makes absolutely no sense.”

Harvard Law School’s Generations-Long History of Student Advocacy

Espinoza said there have been countless incidents where individuals of color at the Law School have expressed discontent over a lack of diversity reflected both in faculty and curriculum.

In one case, Professor Derrick Bell left Harvard due to a lack of female faculty of color in 1990 and never returned. Thirty years ago, Espinoza said that students — including members of La Alianza — were still staging sit-ins and protesting due to a lack of professor diversity.

Montoya, the chair of the inaugural Critical Race Theory conference and a graduate of Harvard Law School, wrote about the various difficulties of navigating the legal space as a Latina scholar in the *Chicano-Latino Law Review* back in 1994.

“[My class cohort] is the first generation of Latinas to be represented in colleges and universities in anything approaching significant numbers,” Montoya wrote. “But, for the most part, we find ourselves isolated.”

HISPANIC FACULTY PHOTO

1989



HARVARD LAW SCHOOL

In 1989, La Alianza, a Latinx student organization at the Law School dedicated to Latinx issues, called attention to the lack of Hispanic faculty by recreating the annual Harvard Law faculty photo shoot on the steps of Langdell Library. By [Courtesy of La Alianza](#)

“Rarely has another Latina gone before us. Rarely is there another Latina whom we can watch to try and figure out all the little questions about subtextual

meaning, about how dress or speech or makeup are interpreted in this particular environment,” she added.

In her 2002 article published by the Harvard Latino Law Review titled “Challenging a Tradition of Exclusion: The History of an Unheard Story at Harvard Law School,” Luz E. Herrera provides a “historical account and analysis” of student advocacy to hire Latino faculty and “critiques the criteria” of the Law School when hiring faculty.

From the development of the Chicanos at Harvard Law School in the fall of 1970 to students’ efforts to “press the faculty” at a faculty forum in 1983, efforts to increase both student and faculty diversity have stretched on for decades. Despite then-Chairman of the Faculty Selection Committee Alvin C. Warren’s claims that the Law School’s 15-year effort to hire minorities was hindered by “the size of the pool of applicants,” students argued the Law School was “not doing enough.”

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“For almost thirty years, Latino students at Harvard Law School have been telling a story that warns the institution of a poisonous element,” Herrera wrote. “Their story addresses the need for mentors, role models, curriculum development and institutional support in an institution that prides itself on excellence.”

Espinoza still clearly remembers an exchange during the Law School’s admitted students week in 2017, when he was still considering whether to commit to Harvard. Martha L. Minow, the then-dean, was speaking about the school’s focus on diversity and how administrators had ensured that no individual felt they were the “one of their community.”

“I raised my hand in front of the 200 or so admits that were there and said, ‘Well, there’s one Latino now, Andrew Crespo,’” Espinoza said, referring to a professor of the Law School. “How do you feel about that and the fact that we’re not very represented here?”

Neal wrote that the Law School recognizes it must continue to improve diversity at the school.

“While this has been a challenging year, we believe these efforts have allowed us to continue to deepen our community and the sense of belonging among those within it,” Neal wrote. “But there is much work still to do, and we will continue working to foster the sense among all members of our community that this is their Harvard Law School.”

Many programs and initiatives of the Law School, Neal wrote, also reflect the “considerable resources” the institution invests into addressing questions of race and social justice, including Professor Andrew Crespo’s Institute to End Mass Incarceration and the development of the American Journal of Law & Equality, spearheaded by Professors Randall L. Kennedy, Cass R. Sunstein ’75, and Minow.

Espinoza — who is also organizing on behalf of Latinx in his own county in California, where Latinx have experienced the highest level of death rates as a result of the pandemic — said he has largely “let the school go” in regards to his advocacy.

Espinoza wrote in his Facebook statement that despite the lack of acknowledgement from the Law School’s administration, he was glad that “amazing people like Nina Perales” have been acknowledged, and was grateful to have read important legal cases concerning Latinx civil rights during the reading group, such as *Hernandez v. Texas* and *Serna v. Portales*.

“Harvard Law School never planned on giving us these tools,” Espinoza wrote. “We fought for them at every step of the way.”

—Staff writer Emmy M. Cho can be reached at emmy.cho@thecrimson.com.

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