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A CRITICAL LOOK AT STUDENT RESISTANCE TO NON-TRADITIONAL LAW SCHOOL PROFESSORS

Kathryn Pourmand Nordick*

I'm not worried about this exam being hard because the professor isn't smart enough, and doesn't know the subject well enough, to write a hard exam. . . . I swear some of the students in our class know the subject better than the professor does. . . . I can't stand the way the professor brings in so many personal and political views. . . . I just wish we could learn the law. I'm tired of all this theory. I don't need theory to pass the bar! . . . I really like the class and find it entertaining, I just wish the professor would teach us some law.¹

* J.D. Candidate, University of Pittsburgh School of Law, 2005; M.H.A., Texas Woman's University, 2002; B.A., Austin College, 1995. I could not have completed this Essay without the support of the academic community at the University of Pittsburgh School of Law. I would especially like to thank the professors and students who spoke with me candidly about this project, the professors who granted me permission to review their evaluations, and Professors Jean Stefancic and Richard Delgado who guided my research. I would also like to thank the Law Review staff at Western New England College School of Law for their input and support, especially Michelle Himes and Luke Shulman-Ryan. Last, I would like to thank Greg Nordick for his support and Carol Headrick for her editorial help on this Essay.

¹ These are paraphrases of comments classmates have made to me or in my presence. In this Essay, I report on both my personal experiences and on those of several
PREFACE

Before I went to law school, I managed call centers. My staff and I would often deal with disgruntled customers who would call to rant and rave. Over time, I realized the most effective way to handle this situation was to ask: “What is really going on here?”

In an effort to find out, I counseled my employees to ask the callers: “What would you like to see happen?” This simple question yielded incredible results because it forced callers to engage in self-reflection and confront the real reasons for their frustration. Callers who accepted the challenge were able to articulate what they wanted, and we were able to find mutually acceptable solutions. Other callers would hang up almost immediately after the question was posed. I am not sure why they hung up, but I know that hanging up did not get them closer to a solution. These encounters only intensified my desire to try to find out “What is really going on here?”

Fast-forward a few years and I find myself in law school amidst a sea of complainers. In my experience, law students complain often and about almost everything. The complaints are not universal in that some students have favorite complaints, and others seem to despise everything that law school has to offer. I opened this Essay with a few of the complaints I overheard during my first and second years in school. Not surprisingly, they led me on a quest to find out “What is really going on here?” I have outlined the results of my quest in this Essay.

INTRODUCTION

The complaints listed above stood out to me because they were all lodged against black professors at our school. Once I recognized the connection between the students’ comments and the mi-

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2. When I wrote this Essay, I was a student in my third year of law school at the University of Pittsburgh.
3. Like Professor Patricia Williams, I wish to recognize that terms like “black” and “white” do not begin to capture the rich ethnic and political diversity of my subject. But I do believe that the simple matter of the color of one’s skin so profoundly affects the way one is treated, so radically shapes what one is allowed to think and feel about this society, that the decision to generalize from such a division is valid . . . [I]n this [Essay] I use most frequently the term “black” in order to accentuate the unshaded monolithism of color itself as a social force. PATRICIA WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS 256-57 (1991). For a dis-
minority status of the professors being critiqued, I could not ignore it. Moreover, this realization made me more sensitive to my surroundings and I began to make other connections. I started hearing more subtle comments, and I started observing other forms of resistance. After some time and reflection, I realized that I had formed the conclusion that students react differently to black and other non-traditional professors than they do to those professors' traditional counterparts.

My goal in writing this Essay is not to convince anyone that my conclusion is accurate. This is not my goal because I am not a social scientist, I have not conducted any empirical research, and I am not an expert on unconscious bias. However, like other law students, I have sat through classes where we studied Village of Arlington

4. But see id. at 257 (noting that "if one adds up all the shades of yellow, red, and brown swept over by the term," minorities are in fact the majority).

5. The resistance that this Essay addresses can be characterized as the unwillingness to recognize the legitimate authority of non-traditional professors. See id. at 97 (discussing "the perceived preposterousness of the authority that [the author], as the first black woman ever to have taught in this particular institution, symbolically and imagistically bring[s] to bear in and out of the classroom").

6. While the comments at the start of this Essay were all made by white classmates, some were made by white women. The fact that non-traditional students (i.e., white women) would resist the legitimate authority of non-traditional faculty testifies to the pervasiveness of prejudice, see Charles R. Lawrence, III, The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism, 39 Stan. L. Rev. 317, 321 (1987) ("The illness of racism infects almost everyone."), and to the lack of solidarity that often exists between and among subordinated groups. See Berta Esperanza Hernandez, Law Professors of Color in the Postmodern World: Panel: The Diversity Among Us, 19 W. New Eng. L. Rev. 19, 21 (1997) (recognizing "the oppositionality caused by wedge issues"). Moreover, while the aforementioned comments lead me to infer that most of the anonymous survey resistance to non-traditional professors came from white students, there is reason to believe that students of color also engaged in resistance. See Richard Delgado & Derrick Bell, Minority Law Professors' Lives: The Bell-Delgado Survey, 24 Harv. C.R.-C.L. L. Rev. 349, 360 (1989) ("Relations [of minority professors] with minority students, as might be expected, were more positive. Yet even here the blessing was mixed: Many reported that minority students made unrealistic demands and expected the professor to be superman or superwoman but did little to reciprocate.").

7. See supra note 3.

8. For a look at scholars who truly are experts in unconscious bias, see Pamela J. Smith, Teaching the Retrenchment Generation: When Sapphire Meets Socrates at the Intersection of Race, Gender, and Authority, 6 Wm. & Mary J. Women & L. 53, 96-103 (1999) (describing a study that showed students deem both younger and older men as more competent than women but they deem older men the most competent of all), Roxanna Harlow, "Race Doesn't Matter, But . . .": The Effect of Race on Professors' Experiences and Emotion Management in the Undergraduate College Classroom, 66 Soc. Psychol. Q. 348 (2003) (reporting results from a study on how race affects black
Heights v. Metropolitan Housing Development Corporation. I was introduced to Arlington when it was assigned to my legal writing class as a brief topic during my first year. I subsequently encountered the case in Constitutional Law, Critical Race Studies, and finally in Land Use and Planning. Although these subjects are diverse, each class recognized that race played a part in motivating Village officials to keep low-income housing out of their community. Arlington is both fascinating and frustrating to me, but not because of its interpretation of the Constitution. Rather, my interest stems from what it implies about human psychology and race-based bias. For me, a thorough understanding of the forces at play in Arlington supplants any need to cite studies, articles, or reports on the existence of unconscious bias. This is because the Supreme Court’s attempt to develop factors that prove invidious intent, and its rationalization of those factors, tells us all we need to know.

I am publishing this Essay because I want to raise awareness, start conversations, and inspire students to seek solutions. Many professors have written on this problem and suggested remedial measures. Ultimately, this is an Essay directed at students. Most scholars agree that if progress is possible, it will require a fundamental shake up of legal academia’s foundations,

and white undergraduate professors’ classroom experiences), and Lawrence, supra note 6.

10. Id. at 254. For the case’s factual background, see id. at 254-58; see also Lawrence, supra note 6, at 366-69 (discussing Arlington and its facts).
11. Compare Arlington Heights, 429 U.S. at 266-68 (discussing the factors a court should use to determine if a facially neutral official act was motivated by racial bias) with Lawrence, supra note 6, at 366-69 (discussing alternative cultural evidence that a court could use to determine if the officials were impermissibly motivated by race).
12. See Reginald Leamon Robinson, Teaching From the Margins: Race as a Pedagogical Sub-Text: A Critical Essay, 19 W. NEW ENG. L. REV. 151, 181 (1997) (commenting that he wrote this very personal essay describing his experiences as a non-traditional professor in legal academia because discussing the treatment of non-traditional professors is crucial); see also Delgado & Bell, supra note 6, 369-70 (concluding that solutions to the problem of low quality of life for minority professors cannot be addressed until the magnitude of the problem is recognized).
13. See, e.g., Trina Grillo, Tenure and Minority Women Law Professors: Separating the Strands, 31 U.S.F.L. REV. 747, 754-55 (1997) (positing that law schools should hire more minorities into tenured positions); see also Donna E. Young, Two Steps Removed: The Paradox of Diversity Discourse for Women of Color in Law Teaching, 11 BERKELEY WOMEN’S L.J. 270, 289 (1996) (suggesting that women and minority faculty should not attempt to conform their behavior to match the majority standard, but should truly celebrate their differences to achieve true diversity).
14. See, e.g., Pamela Edwards, Teaching Legal Writing as Women’s Work: Life on the Fringes of the Academy, 4 CARDOZO WOMEN’S L.J. 75, 103 (1997) (pointing out that legal writing professors, who are mostly women, will continue to be marginalized
necessary because of the problem's pervasiveness. Students are fundamental to legal academia, and if any change is achievable, they must be a part of it.15

I began this Essay with an account of comments that I overheard. I have also included recounts of conversations I had with fellow students and professors. Additionally, I have reproduced a sampling of comments from anonymous student evaluations of faculty at my school. Along the way, I have included conclusions I reached after analyzing this data. Many of these conclusions are similar to those reached by scholars who have addressed this subject, and, when appropriate, I have provided portions of their work. Such samples are valuable because they provide insight into what non-traditional professors experience. They also provide additional evidence that students do hold bias against non-traditional professors and that they often express this bias through various forms of resistance.16 Ultimately, I hope that readers will begin to reflect on their own experiences and ask themselves: "What is really going on here?"

I. The Non-Traditional Professor

Despite recent pushes to hire women and minority professors into tenure-track positions in law schools,17 the majority of law
school professors are white males who graduated from the same twenty law schools. Much of the recent growth in the number of women and minority faculty members has been in lower level, non-tenured positions, such as legal writing instructors or clinical professors. Additionally, the mid-1960s push to recruit minority law professors quickly leveled off and stalled by the mid-1980s. Affirmative action programs that many believe are necessary to rectify the problem have been largely unsuccessful with women and minorities still struggling to obtain the coveted tenure-track positions. To make matters worse, minority professors often do not remain in legal academia because of the hostile conditions and negative treatment. The result is a largely homogeneous group that consists of white, middle-aged males who were highly successful graduates from "producer schools."

The homogeneous nature of the group coupled with expectations formed by popular culture essentially creates a model for a traditional law professor. Naturally, the antithesis to the traditional professor would be a non-traditional professor. Whereas traditional professors generally have similar backgrounds, non-traditional professors come from diverse backgrounds and cannot be easily classified. The non-traditional category includes racial minorities, women, and homosexual professors. This category also includes professors who have a combination of these qualities and those who would be traditional except for their creative teaching style and/or the unconventional subject matter they teach. For the purposes of this Essay, a non-traditional professor will be defined as anyone who is not a middle-aged white man with the "right" credentials and/or anyone who teaches in a way that is non-conventional. Non-conventional teaching methods are either non-Socratic or deviate from teaching the straight black letter of the law.

Lawyer: "The Empirical Research on Legal Education, 34 CREIGHTON L. REV. 73, 141 (2000); see also Olsen, supra note 15, at 938; Delgado & Bell, supra note 6, at 351.
18. Ogloff, supra note 17, at 129-30.
19. Id.; see also Olsen, supra note 15, at 938.
20. Delgado & Bell, supra note 6, at 351.
22. Smith, supra note 8, at 84-85.
23. Ogloff, supra note 17, at 133.
25. Id.
26. Id. at 103.
27. From a student's perspective, Professor Robinson asserts, deviating from
II. NARRATIVES OF NON-TRADITIONAL PROFESSORS

I read scholarly works from numerous professors when I researched this Essay. Some of the professors told stories of student resistance that could only be explained by racial or gender bias, and others told stories that could have innocuous explanations. For this Essay, I have focused on the more innocuous-seeming narratives. I made this decision because I believe most law students do not pose resistance to non-traditional professors as a result of conscious prejudices. Instead, I believe that most law students resist non-traditional professors as a result of unconscious bias.

In her article *Just My 'Magination*, Professor Okianer Christian Dark described her experiences with students both inside and outside the classroom. As a new teacher, Professor Dark spent countless hours preparing for her classes because she knew she would be challenged with comments like: "Professor, your point doesn’t make any sense because I have a law review article that takes the opposite position." Even after she had several years of

On a literal level, it means: first, that the teacher is not stating clearly what are the rules and holdings; second, that the teacher is not targeting rule analysis to the bar examination; and third, that the teacher is not telling them how to desegregate rules for analytical approaches. On a metaphorical level, however, it means: first, that students are getting a perspective that challenges the dominant discourse (thus, fear, anger, or guilt might arise); second, that students are receiving policy analysis that questions the court’s rationale (e.g., destabilizing and revealing a court’s racial, gender, or class bias); and third, that the students are suffering through an intellectual discourse only minimally relevant to traditional law school pedagogy.

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28. But see Smith, *supra* note 8, at 87 (describing how she received a racial flyer, racial hate mail, and experienced a racially-toned meeting with students who sought to have their grades changed); see also Delgado & Bell, *supra* note 6, at 360 (reporting that one black female professor who responded to their survey explained that her students at a southern law school had never seen a black woman who was not dressed in a uniform of domestic service and how visitors to the school often mistook her for a maid even though she wore a suit).

29. See, e.g., Leland Ware, *People of Color in the Academy: Patterns of Discrimination in Faculty Hiring and Retention*, 20 B.C. THIRD WORLD L.J. 55, 75 (2000) (discussing how modern racism consists mostly at a subconscious level); David Benjamin Oppenheimer, *Negligent Discrimination*, 141 U. PA. L. REV. 899, 899 (1993) ("[R]ecent studies support the assertion that most discrimination is not the result of malice, hatred, ill will, or bigotry: it is the result of unintended and unconscious stereotyping.").

30. Dark, *supra* note 16, at 21-28. Professor Dark is a black female professor who was teaching at the University of Richmond when she wrote her article.

31. *Id.* at 22.
teaching experience and made consistent, concerted attempts to control her classes through focused discussions, Professor Dark was confronted with the following student feedback: “I would . . . suggest that to keep us focused on your question so that we do not wander back and forth, you might make the statement, 'Mr./Ms.____, make a case for the plaintiff/defendant.’”

Additionally, she received the following comment on an evaluation: “She goes off on too many tangents. We don’t just discuss the law because she wants to talk about gender, class and race in the law school classroom.” In describing situations where students challenged her in the classroom and questioned her understanding of the law, Professor Dark stressed that these sessions often included students who interrogated her at length and were unwilling to accept the answers she gave. Finally, she recalled an encounter she had with a group of students after she had mistakenly misused a word during class. After discussing it amongst themselves and referencing a dictionary, the students decided to trap Professor Dark by asking her to explain the word’s meaning.

Professors Richard Delgado and Derrick Bell conducted a survey of minority law professors in 1986-1987, and they published the results in *Minority Law Professors’ Lives: The Bell-Delgado Survey*. One section of their report highlights responses they received concerning minority professors’ relations with their students. Seventy-five percent of the professors reported satisfactory or good relationships with their white students. However, 10.5 percent of the respondents reported strong resistance to the point where nothing they did was right. Professors Delgado and Bell provide some particularly illustrative examples.

In one such example, a student sought out a black professor who had transitioned into teaching after amounting impressive cre-

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32. *Id.* at 23.
33. *Id.*
34. *Id.* at 24-25.
35. *Id.* at 27.
36. *Id.* C.f. Robinson, supra note 12, at 178-79 (recalling how “visitors from the Personnel Committee” disagreed with a statement the author made in class, “went to the library” to compare the statement with “what they had learned in law school,” and accused him (months later) of making a mistake during a subcommittee meeting).
37. Delgado & Bell, supra note 6, at 352.
38. *Id.* at 359.
39. *Id.*
40. *Id.*
dentals in private practice. The student had prepared a memorandum on the professor’s teaching, including notations on his deficiencies and suggestions for improvement. The professor responded by asking the student to state his basis for the criticism. The student said that “he was taking Torts from a well-known professor, Contracts from another famous teacher, and that he had unfortunately been assigned to the black professor and so was bent on making the best of the situation.”

In another example, a group of students confronted an Hispanic professor who was new to their school. This professor had received good teaching evaluations at his previous institution. The students let him know the reasons they wanted to take the course and the methods he should use to teach them. Additionally, they pointed out specific criticisms—“his pace was too slow; he was belaboring the obvious; he was covering ground too quickly, being too superficial”—and suggested that he “incorporate the southern point of view in the course” on Civil Rights.

When I read the above accounts, and those of Professor Dark, I could relate to them because I have experienced similar events at my school. Yet, if read in isolation, these stories could lead others to wonder whether they represent student resistance toward non-traditional professors. Instead, might not any of the above examples be instances of students seeking clarification or sharing constructive criticism? For Professors Delgado and Bell, these sorts of encounters occurred too often to be rationalized with non-racial explanations. Their finding gives statistical credence to Professor Dark’s impression that students did treat her differently than they treated her traditional counterparts, that they were quicker to criticize and question her, and that they approached her differently than they would have if she had been a white male.

41. Id.
42. Id.
43. Id.
44. Id.
45. Id.
46. Id.
47. Id.
48. Id. at 360.
49. See discussion infra Part III.A.
50. See Delgado & Bell, supra note 6, at 360 (acknowledging it is possible that negative criticisms and resistance may have a neutral explanation).
51. Id.
52. Dark, supra note 16, at 24. See also Young, supra note 13, at 275-76 (describing her experience as a young black teacher and the difficulty she experienced when she
In 1996, Professor Christine Haight Farley conducted a comprehensive study of women in the legal academy.\(^{53}\) Her research showed that student evaluations of women faculty tended to be more hostile than evaluations of male faculty.\(^{54}\) She found that not only did students give women professors more negative evaluations, but that the content was also different.\(^{55}\) Ultimately, her research indicated that students viewed female professors as women first and law professors second.\(^{56}\) As a result, students had difficulty appreciating the positive traits that individual professors brought to the classroom.\(^{57}\) Professor Farley found that students forced female professors into an impossible predicament by criticizing them both for not being "man" or "woman" enough.\(^{58}\) Furthermore, Professor Farley asserted that:

[L]aw professors are men, and women do not act in the way law professors are supposed to act. It is dangerous to deviate from either standard too much. In order to succeed, therefore, a woman must walk an impossibly fine line. She must be masculine, but not too masculine. She also must be feminine, but not too feminine. On the one hand, women frequently are criticized for not exerting the proper amount of control over the classroom. Specifically, students complain that women professors let other students speak too much and let the discussion get off track. Women professors are also criticized for being unprepared and disorganized. Sometimes they are criticized as being unclear and confusing, or even confused. In addition, students are dissatisfied with women professors' ability to be tough, demanding, and challenging. They are seen as lacking objectivity and being too political or having a strong agenda. The harshest criticisms women receive are that they are "inappropriate" or "unprofessional."

And yet on the other hand, women professors are criticized for being too harsh, curt, or condescending to students. They are

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\(^{54}\) Id. at 334, 336-37.

\(^{55}\) Id. at 336.

\(^{56}\) Id.

\(^{57}\) Id.

\(^{58}\) Id. at 337. Cf. Price Waterhouse v. Hopkins, 490 U.S. 228, 235 (1989) (citing the following advice given to a female candidate for partnership who had refused to conform to gender stereotypes: "walk more femininely, talk more femininely, dress more femininely, wear make-up, have . . . hair styled, and wear jewelry").
criticized for not being empathetic or supportive enough. Women are also criticized for being inflexible and lacking a sense of humor. And they are criticized for being too strict or for being "task-masters." Although any of these criticisms could turn up on a man's evaluation, they were over-represented on women's evaluations.59

Professor Farley went on to explore the positive feedback that students gave professors. There, she found that students complimented women and men differently.60 Specifically, they praised women "for being approachable, accessible, helpful, interested, concerned/committed, enthusiastic, and creating a congenial atmosphere."61 On the other hand, students praised men "for being knowledgeable and masters of their subject matter."62

Like Professors Delgado and Bell, Professor Farley conceded that the students' negative comments could have been valid criticisms.63 Indeed, they could even be called true in the sense that the students who wrote them actually perceived flaws.64 However, Professor Farley looked deeper in an attempt to discover "What is really going on here?" and surmised that the comments were indicative of something else. As stated above, Professor Farley found that students see women professors as women first and professors second.65 Due to this fact, students expect women to act like women and to be nurturing, attractive, and agreeable, while at the same time they do not want them to be aggressive, powerful, or forceful.66 Individually, the evaluations that Professor Farley studied could represent innocuous student criticisms of female faculty. After all, the administration invited the students to offer their opinions when it asked them to fill out the surveys. However, when taken as a whole, it became clear to Professor Farley that the students who responded to the surveys were exhibiting gender-based resistance to their non-traditional professors.67

Professor Joyce Hughes is also a non-traditional professor and she chose to write an article on the problems that black women law

60. Id. at 339-40.
61. Id.
62. Id. at 340. See also Grillo, supra note 13, at 753-54 (describing how teaching evaluations send mixed messages to minority women).
63. Farley, supra note 53, at 339.
64. Id.
65. Id. at 336.
66. Id. at 338.
67. Id. at 357-58.
professors encounter when they select non-Socratic, non-traditional teaching methods. Professor Hughes pointed out that when a black professor explores the role of race in the law, she inevitably teaches in a non-traditional way. She noted that this is true even when race played an integral part of developing the law because many professors tend to ignore race altogether. Additionally, Professor Hughes asserted that black women law professors who do choose non-Socratic methods do so at the risk of receiving poor teaching evaluations from students. Moreover, they risk not achieving tenure if their respective schools place a high value on student evaluations.

Professor Hughes recounted one experience she had when she took the risk of using a non-Socratic teaching method. Ultimately, it demonstrated that when a black professor teaches using an example of a black defendant, the students will perceive that she is teaching about how race affects the law, even if it is not her intention to do so. Professor Hughes came to this conclusion after closely following the O.J. Simpson criminal trial so she could use current events to help teach her Evidence class. She carefully collected materials and made files that she could use in the future. However, after the verdict came down, and Mr. Simpson was acquitted, Professor Hughes realized she had wasted her time and that she would no longer be able to use this case in her classes. “What a difference it made that this Black defendant had been acquitted!” she wrote.

No longer could I use evidence in the O.J. Simpson criminal case for instructional purposes. Students seemed unable to trust my statements of what the rules actually were or any discussion of their misapplication or correct application or any comments

69. Id. at 30.
70. Id. at 32-33. See also Robinson, supra note 12, at 153 (“[M]ost white students by and large reject minority law professors as purveyors of any legal knowledge, especially if our teaching deviates from standard institutional fare, or what one of my colleagues called ‘a dramatic reading of Gilbert’s.’”).
71. Hughes, supra note 68, at 33. See also Olsen, supra note 15, at 943 (describing how some schools manipulate student evaluations in relation to tenure decisions based on the circumstances).
73. Id.
74. Id. at 31.
about the policy factors involved. There was an assumption that because I am Black, my view would automatically be in favor of the Black defendant, O.J. Simpson, on any evidence issue. As one Black student complained to me after the criminal verdict, “the presumption of innocence” and the need for prosecutors to prove a criminal charge “beyond a reasonable doubt” were viewed by white students as simply not applicable to a Black defendant. Some Black students deliberately stayed away from the law school the day the criminal verdict was to be announced so as not to encounter racially skewed analyses. While this was before anyone knew what the verdict would be, it is understandable for students to act on the reality of the Black experience.\textsuperscript{75}

While Professor Hughes does not provide an explicit account of the resistance that her students posed to her use of the O.J. Simpson evidentiary materials, it is clear from her account that she questioned: “What is really going on here?” It is equally clear that Professor Hughes concluded that both she and the black students in her class experienced race-based resistance from students when she attempted to teach using the O.J. Simpson case.\textsuperscript{76}

These non-traditional professors tell different stories as a result of their experiences with different forms of resistance. Professor Dark and the professors from the Bell-Delgado Survey all experienced resistance from students who criticized their teaching styles and offered them suggestions for improvement.\textsuperscript{77} Professor Farley described how the results of her survey indicated that students put female professors in an impossible situation by viewing and evaluating them as women rather than as professors.\textsuperscript{78} Professor Hughes also discussed the different forms of resistance\textsuperscript{79} directed at professors who choose use non-traditional teaching methods\textsuperscript{80} and minor-

\begin{itemize}
\item \textsuperscript{75} Id.
\item \textsuperscript{76} Id.; see also Robinson, supra note 12, at 152 (describing how his experiences as a professor led him to the conclusion that his white male students “marginalized me because they saw my race in every aspect of my teaching”); see also Farley, supra note 53, at 336 (describing how students see women law professors as female, “first and foremost”); see also Dark, supra note 16, at 23 (describing the comment she received from students who felt she brought gender into their discussions too much). Furthermore, I suspect that students would resist women law professors for the same reasons that Professor Hughes describes. Hughes, supra note 68, at 30-31. Namely, they would criticize them for “bringing in the female perspective” anytime the case involved a “woman’s issue” even if it were a remote connection.
\item \textsuperscript{77} Dark, supra note 16, at 23; Delgado & Bell, supra note 6, at 359.
\item \textsuperscript{78} Farley, supra note 53, at 336.
\item \textsuperscript{79} Hughes, supra note 68, at 32.
\item \textsuperscript{80} Id. at 32. Female professors are likely to find themselves in a similar position because teaching with the Socratic Method would probably yield criticisms that they are
ity professors who teach subjects that implicate race.81

To conclude this section, I include the following excerpt from Professor Patricia J. Williams's book, *The Alchemy of Race and Rights*, where the author eloquently expresses the frustrations she experienced as a black female professor during an encounter with a group of students who helped her answer: “What is really going on here?”82:

It is the end of a long academic year. I sit in my office reviewing my students' evaluations of me. They are awful, and I am devastated. The substantive ones say that what I teach is “not law.” The nonsubstantive evaluations are about either my personality or my physical features. I am deified, reified, and vilified in all sorts of cross-directions. I am condescending, earthy, approachable, and arrogant. Things are out of control in my classroom, and I am too much the taskmaster. I am a PNCNG (Person of No Color and No Gender) as well as too absorbed with ethnicity and social victimhood. My braids are described as being swept up over my “great bald dome of a skull,” and my clothes, I am relieved to hear, are “neat.” I am obscure, challenging, lacking in intellectual rigor, and brilliant. I think in a disorganized fashion and insist that everyone think as I do. I appear tired all the time and talk as if I'm on speed, particularly when reading from texts. My writing on the black board is too small.

My head hurts. In nine years of teaching I have never felt less like a law professor. Who wants to be the worst so-called law professor who ever lived anyway?

Two students come to visit me in the wake of the evaluations, my scores having been published in the student newspaper. They think the response has to do with race and gender, and with the perceived preposterousness of the authority that I, as the first black woman ever to have taught in this particular institution, symbolically and imagistically bring to bear in and out of the classroom. Breaking out of this, they say, is something we all suffer as pawns in a hierarchy, but is particularly aggravated in the confusing, oxymoronic hierarchic symbology of me as black female law professor.

That, I tell them in a grateful swell of unscholarly emotionalism,
feels like truth to me.\textsuperscript{83}

III. Students at the University of Pittsburgh School of Law

As noted above, I interviewed my peers and talked to them about my research. Additionally, I gained access to the anonymous comments on evaluation forms of selected faculty members.\textsuperscript{84} I also talked to different professors about my research; during these encounters, I asked my peers and professors to share their experiences and opinions about student interaction with non-traditional professors in our academic community. Conducting first-hand research at my school was necessary for me because I knew that without it, I would never be able to find out: "What is really going on here?"

A. Interviews with Students and Professors

When I first started interviewing my peers, I asked them why they thought more students at the University of Pittsburgh School of Law tended to complain about black professors. As I gained more information from my outside research, I asked my peers new questions. For example, I asked them to reflect on their experiences with non-traditional professors. Next, I asked if they thought it was possible that they held unconscious bias toward these professors. During the last phase, I asked them to take time to reflect on our conversation and then to come back to me with their thoughts. Their answers bolstered my conclusion that unconscious bias does exist at the University of Pittsburgh and that students act on that bias by resisting non-traditional professors. Indeed, much of what the students described mirrored non-traditional professors' accounts from the academic literature. I have summarized my findings below.

Some of the students I spoke with liked certain non-traditional professors very much, while they despised some traditional profes-

\textsuperscript{83} Id. at 97.

\textsuperscript{84} I had to complete several steps before I was allowed to look at student evaluations of faculty members. First, our Dean of Academic Affairs gave me permission to pursue my research. Next, I compiled a list of professors whose evaluations I wanted to compare. I wanted to ensure that I had a representative sample of traditional and non-traditional professors. Moreover, I made sure I had both men and women represented in my sample. Last, I requested permission from the individual professors and many granted their permission in exchange for my promise to keep the information confidential.
sors. In fact, I noticed that this schematic approach provided a chief defense mechanism for the students: whenever they criticized a non-traditional professor, they could always point out a traditional professor they disliked or a different non-traditional professor that they liked.

Additionally, I noticed that students criticized non-traditional professors differently. I primarily noticed the difference when I listened to the words the students used in their critiques. The words they used to describe the flaws of non-traditional professors were often harsh and condescending, while the criticisms of traditional professors were almost backward compliments. For example, common criticisms of non-traditional professors were that they are incompetent, unintelligent, ignorant in their subject matter, disrespectful, and not credible. In fact, some students questioned the credentials of some non-traditional professors by either claiming “there is no way they did all that” or “I heard Professor X was a terrible attorney so there is no way the story he told in class was true.” Moreover, students would often support their criticisms with specific examples from class when the professor made a minor mistake.85 Students would reference such missteps to justify broad claims that the professor was incompetent or disorganized. I got the impression that students gave non-traditional professors almost no margin for error, and when they did find a weakness or mistake, their criticisms were cruel and personal.

In contrast, criticisms against traditional professors were quite different. First, I noticed that students did not focus on minor mistakes or specific incidents when they talked about the shortcomings of traditional professors. Instead, their criticisms were less personal and more general in that they tended to focus on the professor’s style of teaching or the casebook he used. Often students would simply chalk shortcomings up to eccentricity or aloofness. Interestingly, many students would almost blame themselves for the professor’s shortcomings. For example, they would say that the professor’s main weakness is that students cannot relate to him because he is too smart. None of the students I spoke with questioned the validity of the traditional professor’s credentials; at most, they criticized him for being too arrogant.

As I listened to my peers, Professor Farley’s conclusion that female professors are in a “no win” situation really resonated with

85. Cf. Dark, supra note 16, at 27 (recounting her experience with students who confronted her after class for misusing a word).
We are lucky to have many talented female professors at the University of Pittsburgh, and for the most part, students are complimentary. However, student compliments do seem to focus on the traits that are commonly characterized as "feminine." For example, one student told me that she liked a female professor because she was nurturing. This same student approached me later and told me that after reflecting on our conversation, she realized that she would never compliment a male professor for being nurturing and that her expectations for female professors were higher because they had to be good professors and good women.

I should also note that students consider many of the female professors at the University of Pittsburgh to be very professional and intelligent with great credentials. In fact, many students who complained about other non-traditional professors would defend themselves against a charge of bias by referencing the great female professors at our school. However, I noticed that students resisted even these female professors in subtle ways. For example, one student complimented Professor Y for being very organized and for always being prepared for class. However, the same student followed by saying: "I only wish she would not spell everything out for us; I mean, we can read the text ourselves."

I observed another example of gender-based resistance in one class where the professor used a form of the Socratic method. One day she called on a male student who later said he "felt stupid" after the exchange. While I do not remember the details of the encounter, the incident stands out in my memory because it has been over a year since it occurred, and my classmates are still talking about it. For the most part, these students seem to respect the professor, but they refuse to forget the day that she "made a student feel stupid" in class. This incident leads to three thoughts that "feel[ ] like [the] truth to me." First, no matter how competent a female professor is, students will find, and focus upon, a flaw. Second, both male and female students are likely to resist a woman professor who exerts power over a male student. Last, I suspect the result would be the same if the professor was not female, but otherwise non-traditional.

86. See Farley, supra note 53, at 336.
87. Cf. Williams, supra note 3, at 96 (recalling "the ex-pro-football player/student whom I had told in class to read the cases more carefully; he came to my office to tell me I had humiliated him in front of everyone").
88. Id. at 97.
B. Comments from Student Evaluations of Professors

Reviewing the anonymous comments that students write on faculty evaluations always felt like it would be an important part of my research. Nevertheless, I undertook the task with some trepidation. My concerns intensified when I decided to publish this Essay. As I noted in the introduction, I am not a social scientist. When preparing my research, I took steps to randomize the sample of professors I studied, but I was limited in what I could do because I was not able to look at evaluations of all faculty members. Moreover, I did not have the resources to set up a proper protocol that would have ensured that my results would be scientific. Still, I remained convinced the evaluations were an integral component to my research. Without the evaluations, I would have been limited to observing student behavior, reading scholarly literature, and interviewing my peers. Reading the evaluations gave me a completely different perspective; they allowed me to be a "fly on the wall" of anonymous student critiques. I feel very privileged to have read them because at the University of Pittsburgh, the comments are not public knowledge, and the professors control access to them. As a result, I am grateful to the professors who allowed me to read their evaluations.

Once I cleared the hurdle of obtaining access to the evaluations, I had to decide what to do with them. So far, my research for

89. The faculty evaluations at the University of Pittsburgh are written anonymously, before the exam is administered. The form provides a space for the students to numerically rank the professor and the class in numerous categories. The back of the form provides space for the students to provide written feedback. There are three sections that provide space for students to write what they liked about the class including the professor's technique, what they did not like as much, and general comments. I sought permission from several different professors to look at their evaluations. They granted permission in return for a promise that I would keep their identities anonymous in my Essay. I compared evaluations of several different professors, some traditional and several non-traditional. I drew my conclusions based on my observations.

90. I chose to review evaluations of different types of non-traditional professors and more than one traditional professor for comparison.

91. The University of Pittsburgh does publish each professor's numerical ranking. At first, I was going to look at this data and compare different traditional professors to non-traditional professors to see if students gave higher numerical rankings to either group. I quickly abandoned this idea for two reasons: (1) I did not think Pitt had enough professors in different categories to get results that would be statistically significant, and (2) I did not think determining a numerical ranking or determining if students are more critical of one group was very significant. This is mainly because my research shows that students exhibit bias through resistance in many different ways. Moreover, the assumption is that most students resist professors as a result of unconscious bias; therefore, it is unlikely that the bias would show up in such an obvious or conventional way.
The Essay had been relatively straightforward: I heard comments around school that gave me an uneasy feeling and asked my peers to reflect on their experiences with non-traditional professors. However, reading these evaluations would be different. I had read what some scholars thought about student evaluations and knew the opinions of some University of Pittsburgh professors. Still, I did not know what to expect. Unlike my other research, which began when I heard the comments that opened this Essay, I would be starting from scratch.

Ultimately, I decided to start by reading as many evaluations as I could. After the first pass, I waited a day and then returned to them. This time, I read the evaluations more critically. I looked for trends based on the research I had already conducted and I looked for written comments that correlated with the comments I had heard. Additionally, I looked for anything that made me feel uneasy and that prompted the question: “What is really going on here?”

When I first started this project and considered looking at the student evaluations, I thought I would try to prove (or disprove) my theory that students criticize non-traditional professors more than traditional ones. However, by the time I started reviewing the evaluations, I was not surprised to find that students criticize (and praise) traditional and non-traditional professors in roughly equal proportions. This finding did not surprise me because my research and conversations had already convinced me that the problem was not straightforward.

A few evaluations included attacks that were personal and hurtful, while a couple included statements that clearly indicated bias. However, most of the negative comments were more general and did not consist of personal attacks on the professors. After I heard students say so many hurtful things about our professors, I was a little surprised to see that the written evaluations contained more objective criticisms. Similarly, I was surprised to find that the majority of students did not provide written comments at all. For

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92. Most of the professors I spoke with did not read their evaluations because most students do not write comments and those who do give conflicting advice. A few professors mentioned that they wanted to shield themselves from any comments that may be unnecessarily mean, personal, or hurtful. A few others stated that they read the evaluations carefully and glean at least some helpful information from them.

93. I cannot list the specifics here because they would identify the recipients of the evaluations.
example, in several large classes, almost all of the students ranked their professors numerically, but only 20-30% wrote comments. Moreover, most of the students who did write something wrote comments like "good class" or "good book," which failed to provide valuable criticism. For my research, I focused primarily on the students who wrote provided substantive feedback.

After reviewing hundreds of such comments, a common theme emerged. Students wrote to non-traditional professors in a very different way than they did to traditional professors. In particular, their attempts at constructive criticism were quite different. For example, one student wrote to a non-traditional professor, "Do MORE problems and examples, don't focus on the facts of each case - the reasoning is more important." In contrast, student comments to traditional professors looked more like this example: "Sometimes [Prof. Z] uses words and terms he hasn't yet defined. A little slower for some difficult areas would have been helpful."

In the same vein, students made comments to non-traditional professors that read as if they were writing to their peers, whereas the comments to the traditional professors were more professional. For example, students paid the following "compliments" to non-traditional professors: "I loves me some [Prof. Q]!"; "[Prof. Y] is so very fine."; and "Prof. [Z] is the best dressed faculty member at the law school. He is an outstanding professor and invaluable asset to this institution." On the other hand, students wrote the following words of praise on evaluations for traditional professors: "Professor [Q] obviously has an abundance of knowledge and interest in this area. His materials are up to date and reflect the current legal and political situations regarding the [relevant subject matter]", and "Prof. [W] conducted an intellectually stimulating course. He was easy to understand, and stimulated my interest in [subject] matters. It was a great course and he is a most effective teacher!"

The comments students wrote describing their classroom experience bolstered my conclusion that students see themselves on the same level as non-traditional professors, but perceive their traditional professors as being on a higher level. For example, one student wanted a non-traditional professor to pay more attention to students and pleaded for him "[n]ot to be so destructive of student's comments. Listen to the entire answer and give feedback on what is good before stating what the best answer is without hearing the students out." On the other hand, students appreciated it when

94. Classes with approximately 75-120 students.
non-traditional professors heard them out: "[The professor] promoted class discussion, doing problems and examples in class helped my understanding of the material, very responsive to questions, his enthusiasm for the subject increased my interest in the course and the material." With traditional professors, the reaction was almost the opposite: "[Professor X] knows more than anyone should be allowed to know and he just lectures. His lecture is so much better than listening to people try to answer questions or have discussions about this stuff." Another comment to a traditional professor went like this: "Some people ask too many questions and take time from the rest of the class."

Additionally, one student wanted her non-traditional professor to "focus [more] on [the] actual law and less on [the] policy behind it." Another asked a professor to "limit the personal views and give a more objective presentation." On the other hand, students seemed to appreciate the views of the traditional professors and urged one to "[p]erhaps find/write a textbook with which you are in greater agreement. It is difficult to follow two conflicting sets of lessons – one from the book and the other from the professor."95

Although the most obvious trend I noticed in reading the evaluations was that students write differently to non-traditional professors than they do to traditional ones, I also noticed a few examples of coded language.96 To me, this language is indicative of unconscious bias or stereotypes.97 For example, a few students commented that female professors were either "too aggressive" or "too nice." Another student cautioned a female professor to "reign [sic] in the class." Students criticized other non-traditional professors as being "too political" and felt that they "share their personal views too much."98

Last, one student wrote to a non-traditional professor: "Don't

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95. This criticism reveals the privilege traditional professors possess to challenge a text. Note that the problem, as far as the student is concerned, is not that the traditional professor's views were illegitimate, but that equally compelling understandings of law were presented, and the student had a hard time figuring out which one was "correct." Cf. Lisa Chiyemi Ikemoto, Some Tips on How to Endanger the White Male Privilege in Law Teaching, 19 W. NEW ENG. L. REV. 79, 82 (1997) (discussing the need for "[r]eady materials that raise the same questions I do [in order to] legitimize my efforts to address these questions"). But see Robinson, supra note 12, at 176-77 (revealing how the right to choose, or write, a text consistent with one's "pedagogical goals" is often not afforded to non-traditional professors).

96. See Robinson, supra note 12, at 171 (discussing how terms such "'civil rights'... serve as proxies (or metaphors) for race").

97. See also Farley, supra note 53, at 336-39.

ignore students when you see them in passing and they make an attempt to speak to you. Putting your head down and mumbling is not polite and alienates the students.”99 After I read this comment, I went from A to Z thinking of possible explanations. “Maybe the other professors are more friendly?” or “Maybe the student had a personal beef with this professor?” However, by the time I got to the “Zs,” I realized this comment is simply one more that leaves me asking: “What is really going on here?”

CONCLUSION

Researching and writing this Essay sent me on quite a journey. I started with a set of blatantly offensive and downright mean comments that my peers made against black professors at my school. I assumed that I could do some research and prove that students dislike non-traditional professors more than traditional ones. Along the journey, I learned more than I thought was possible about unconscious bias, stereotypes, hierarchy, and law school politics. In the end, I chose to present this Essay as an exposition of my discoveries. It is my hope that readers will seek honest answers through self-reflection and analysis next time they encounter a situation that makes them ask: “What is really going on here?” Additionally, I hope that they will resist the urge to “explain it away” or crutch on a “rational explanation.”

I know this is the part of the Essay where I should suggest solutions, but I am reluctant to do so because I am not sure real solutions are possible. Moreover, I do not want to trivialize the complexity of the psychology, emotions, and cultural influences that provide an undercurrent to everything I have discussed. However, I have chosen to end this Essay with a passage from an early edition of Walt Whitman’s Leaves of Grass, and I am directing it towards law students. I encourage my peers to “re-examine” the world they toil in and to work toward “dismissing” the bias and prejudice they will uncover during that examination.

This is what you shall do: Love the earth and sun and the animals, despise riches, give alms to every one that asks, stand up for the stupid and crazy, devote your income and labor to others, hate tyrants, argue not concerning God, have patience and indulgence toward the people, take off your hat to nothing known or unknown or to any man or number of men, go freely with power-

ful uneducated persons and with the young and with the mothers of families, read these leaves in the open air every season of every year of your life, re-examine all you have been told at school or church or in any book, dismiss whatever insults your own soul, and your very flesh shall be a great poem and have the richest fluency not only its words but in the silent lines of its lips and face and between the lashes of your eyes and in every motion and joint of your body . . . .