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ESSAYS*

LEGAL EDUCATION AND THE TWENTY-FIRST CENTURY: OUR CALLING TO FULFILL

DAVID HALL**

When I think of all the distinguished people who have graced this luncheon¹ with their presence, I am deeply honored to be asked to speak. When I reflected upon the lives of numerous educators of color, like my former colleague Denise Carty-Bennia,² who breathed life into this Section when our numbers were minuscule,³

* Essays were submitted by participants of the First Annual Northeastern People of Color Legal Scholarship Conference.

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1. This Article is taken in great part from a Keynote Address delivered at the Annual Luncheon of the Minority Section of the American Association of Law Schools (AALS) Conference in San Antonio, Texas, on January 6, 1996. I would like to thank Professor Odena Neal for inviting me to speak. I would also like to thank my research assistant, Chaumtoli Huq, for her excellent and dedicated assistance under extreme time pressure. This Article is dedicated to my wife, Marilyn Braithwaite-Hall, who continuously encourages me to share my ideas with the world.

2. Denise Carty-Bennia was a law professor at Northeastern University School of Law who passed away on September 11, 1990. Throughout her lifetime, she fought to increase rights and opportunities for women and people of color. In 1985, she co-founded the National Center for Fair and Open Testing in Cambridge, Massachusetts, which opposed the use of standardized tests to measure students' academic potential. Given her specialty in constitutional law, she co-authored a brief submitted to the United States Supreme Court in the 1989 landmark abortion rights case, *Webster v. Reproductive Health Services*, 492 U.S. 490 (1989), on behalf of 900 law professors nationwide. From 1979 to 1981, she was the co-chair for the National Conference of Black Lawyers. A 1969 Barnard College graduate, Ms. Carty-Bennia received her law degree from Columbia University in 1973. She joined Northeastern's faculty in 1973. She served as an unofficial mentor for countless faculty members of color within the legal academy.

3. The AALS is unable to give a precise record of the size of the Minority Section at the time that it began. But, through conversations with Professor Robinson of the University of Virginia Law School and Professor Ruud of the University of Texas Law School, it was determined that the Section was comprised mostly of faculty of color at

and at the same time prepared the way so that I and others could become deans of law schools, I felt morally compelled to accept this invitation even with twenty-four hours notice.

So I treasure this special opportunity to speak to those who have been my friends, role models, and colleagues on this legal education journey. Because it is often difficult for us to see ourselves in the collective mirror of the legal academy, I want to briefly paint a portrait of this Section as we stand presently and as I imagine us in the future. Thus, my theme is, "Legal Education and the Twenty-First Century: Our Calling to Fulfill."⁴

One of this Section's most distinguished leaders, J. Clay Smith, professor and former dean of Howard Law School, in response to a question about the challenges facing traditionally black institutions of higher learning, stated in essence, "it is time for us to stop being defensive about our position and role in society, and begin to systematically, collectively, and boldly define the unique contributions that these institutions have made to the field of higher education."⁵ I believe that his wisdom and admonition are not only applicable to traditionally black institutions of higher learning, but are equally applicable to faculty members of color in the legal academy as we face the dawning of the twenty-first century.

Our vision and understanding of this Section is in need of a paradigm shift.⁶ This Section,⁷ which was created as a lifeboat for

that time and few non-minority faculty who were supportive of the Section. Rough estimates indicate that around 15 to 20 persons attended the early meetings of the Section.

4. This theme is inspired by a religious hymn that reads: "A charge to keep I have, A God to glorify. A never dying soul to save and fit it for the sky. To serve the present age my calling to fulfill. And may it all my powers engage to do my master's will."

5. Professor J. Clay Smith, Speech at a meeting of the Deans of Color, AALS Conference (Jan. 5, 1996).

6. The term "paradigm shift" is borrowed from the philosophy of science as developed by Thomas Kuhn. See THOMAS S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTION* (2d ed. 1970). According to Kuhn, a paradigm is a set of assumptions about the world by which individuals define their reality. Ideas or problems outside of that paradigm are either dismissed or harmonized with the paradigm. However, some ideas remain irreconcilable with the paradigm simply because the paradigm lacks the vocabulary to articulate those ideas. Those who follow the paradigm are accepted within the community because of their consensus with the paradigm. However, those who oppose it or raise problems outside of the paradigm are made outcasts because their method attacks the foundational order. Thus, Kuhn argues that a shift from one paradigm to another occurs by revolution. See *id.* at 12. This is because often the existing paradigm may not be able to explain the problems raised by those outside of the paradigm. As a result, a new paradigm may emerge that is in competition with the existing paradigm, and the battle ensues for the new paradigm's acceptance. Evoking

those of us who were alienated and drowning in the sea of this white male-dominated academy, must now become a lifeboat for the entire academy and the profession. I believe that this Section has buried within our collective experiences and methodology what legal education needs in order to survive and prosper in the twenty-first century.⁸ It is not just our scholarship and teaching; it is our social vision and leadership. We must no longer see ourselves as

the concept of the paradigm is an invitation or an indication for the want of a "fresh approach, one unmoored from the constraints of a flawed preceding system." Jeffrey W. Stempel, *New Paradigm, Normal Science, or Crumbling Construct? Trends in Adjudicatory Procedure and Litigation Reform*, 59 BROOK. L. REV. 659, 696 (1993).

While Kuhn developed the concept of paradigm shift to explain the development of scientific thought, he does draw analogies to the development of legal principles. He writes: "In a science, . . . a paradigm is rarely an object for replication. Instead, like an accepted judicial decision in the common law, it is an object for further articulation and specification under new or more stringent conditions." KUHN, *supra*, at 23.

Legal academics agree that "[l]aw is more receptive to paradigm shifts in that its different mission, mixed social and intellectual role . . . make law a tinderbox for new ideas." Stempel, *supra*, at 700. Accordingly, legal scholars have utilized the concept of paradigm shift as developed by Kuhn in a wide variety of contexts, ranging from health care to litigation and the environment. See Robert F. Blomquist, *Developing a Long-Term Waste Management Strategy—Beyond the EPA and OTA Reports: Toward a Comprehensive Theory and Approach to Hazardous Waste Reduction in America*, 18 ENVTL. L. 817 (1988) (environment); Michael H. Cohen, *A Fixed Star in Health Care Reform: The Emerging Paradigm of Holistic Healing*, 27 ARIZ. ST. L.J. 79 (1995) (health care); James C. Dugan, *The Conflict Between "Disabling" and "Enabling" Paradigms in Law: Sterilization, the Developmentally Disabled, and the Americans with Disabilities Act of 1990*, 78 CORNELL L. REV. 507 (1993); Philip A. Hostak, *International Union, United Mine Workers v. Bagwell: A Paradigm Shift in the Distinction Between Civil and Criminal Contempt*, 81 CORNELL L. REV. 181 (1995); Stempel, *supra* (changes in litigation practice).

7. The AALS has not maintained any historical record on the origins of the Minority Section. The Section's memory is preserved by the faculty of color that have remained in the Section since its beginnings. Professor Robinson identified two main goals of the Section: (1) recruitment and retention of students of color; and (2) recruitment, retention, and nurturing of faculty of color in the legal academy. Prior to the Section's formation, the AALS's Admissions Council identified increased representation of students of color in law schools as being an important goal and supported the Section's initiatives. But it was not until the Section formed that the issue of the low numbers of faculty of color was raised in any structured manner. As a result, retention and support of faculty of color became one of the main focuses of the Minority Section. To that end, one of the earlier projects of the Section was to create a directory of faculty of color.

8. Two issues have been identified as requiring attention by legal academics as we approach the twenty-first century. First, there is a need to inculcate in the next generation of lawyers a strong foundation of ethics and professional responsibility. In a seminar on problems facing law schools sponsored by the American Bar Association, panelists emphasized that "schools should do more to teach professionalism and ethics." M.A. Stapleton, *Seminar Spotlights Problems Facing Law Schools*, CHI. DAILY L. BULL., Aug. 9, 1996, at 3. Second, there is a concern that given the recent rise in conservatism as evidenced by the attacks on affirmative action, that the diversity of the stu-

marginal players in somebody else's game, but as major stakeholders in the destiny of the profession.

The academy and the profession, like the nation, are in a crisis mode,⁹ and at a turning point. Many of the policies, programs, and people that we care about are threatened; the legal profession is being publicly criticized more than it ever has before.¹⁰ There are

dent body and future lawyers is threatened. See Roger Abrams, *The Post-Hopwood Syndrome*, N.J. L.J., Aug. 12, 1996, § 1A, at 27.

Legal academics will have to make an even better case for the educational benefits of diversity. Anyone who has taught in an almost exclusively white environment and then in a diverse environment can testify to the educational difference the context makes. The issues of race that are the core text of modern law school come alive only when the mix of students reflects the population served by the law school.

Id.

9. Legal education and the profession are forced to confront: the lack of a diverse cadre of professionals; a potential threat that higher education will become resegregated; a marred public image that views lawyers as malleable agents or "hired guns" to those who are able to pay; and a perception that the profession and therefore the lawyers lack moral substance or a sense of social responsibility. For example, it has been argued that "without affirmative action, reliance on number credentials would bring to our institutions of higher learning pristine all-white student bodies." Abrams, *supra* note 8, at 27.

10. One of the recurring criticisms of the profession is that lawyers lack ethics and morals. "These days, the public sometimes thinks of lawyers as sharp operators who care more about making a buck than representing clients." Erik Milstone, *Beefing Up Lawyer Ethics, Competence is Main Goal: Critics Challenge New York Proposal to Open Up Discipline Process, Force Arbitration in Fee Disputes*, 82 A.B.A. J. 32 (1996). Although the public's lack of confidence in lawyers is alarming, what is more disturbing is that the criticisms are now coming from within. Professional and legal academics are beginning to publicly make sharp criticism of the legal profession. Professor Daniel Coquillette, former dean of Boston College Law School, recently wrote a text that is to be used to supplement a course on professional responsibility. See Merle Ruth Hass, *Lawyers & Morality*, MASS. LAW. WKLY., Jan. 8, 1996, at B11 (book review). His position in essence is as follows:

[M]any lawyers are morally impoverished. Law schools have lost or abandoned their mandate to protect the rule of law and to serve the system of justice. Lawyers are trained instead to argue any cause and to fight blindly for a client without any concomitant emphasis on an ideal of justice.

Id.

General Motors' Counsel Thomas Gottschalk's speech to trial lawyers encapsulates some of the main criticisms of lawyers and the legal profession. See Mike Magan, *GM General Counsel Slams Trial Lawyers During Speech to Indy Rotarians*, IND. LAW., Feb. 21, 1996, at 13. According to Mike Magan, Gottschalk stated that "lawyers themselves are to blame for the erosion of public trust in the legal system because of the methods they employ in representing their clients." *Id.* In addition, Gottschalk commented that "[t]he legal profession cannot escape the significant responsibility for contributing to the contentiousness and distrust that has discolored . . . contemporary culture," and that "[t]he bar has perverted the American civil justice system too often into a mechanism for the involuntary transfer of wealth, through which the successful lawyer exacts a very substantial commission." *Id.*

strains and tensions within the academy that the presence of these new entrants has created.¹¹ This challenge provides a unique opportunity for those of us who entered with a special "calling" and purpose to seize the moment and help chart the direction for the twenty-first century. I believe that we have been purposefully nurtured and uniquely positioned to sound the call for a new model of legal education.¹²

There is often a direct connection between our cultural and social experiences, and our philosophy of legal education. Growing up in the segregated¹³ schools of Savannah, Georgia, I learned early

11. The significant increase in the number of faculty members of color and women have required the legal academy to make numerous adjustments. Appointment decisions are more complex because concerns of diversity are generally being considered in a formal or informal manner. The scholarly interests of these faculty members are broader and include approaches and sources that have not been included in the past. Students of color have placed new demands upon law school administrators to offer courses on race and racism that were not offered in the past. These factors and many others have created tensions which for numerous years the academy was able to ignore.

12. I have labelled this new approach as a "holistic model of legal education." Holism is a method of scientific inquiry that posits that the whole of any object or idea is greater than the sum of its parts. Presently, legal education is "made up of various components or parts which have their individual relevance and reverence." David Hall, *A Holistic Model of Legal Education* 10 (April 25, 1985) (unpublished manuscript on file with the Harvard University Law School Library). The holistic model posits that: (a) law does not exist in a vacuum and thus can only be mastered by understanding those disciplines and ideas that influence it and give it life; (b) within the part (doctrine) is the whole (life) and one of the lawyer's responsibilities is to identify and extract the life principles and ideas; and (c) law cannot be fully understood or appreciated by analyzing it from just one perspective or school of thought. The goal of this model of legal education is to systematically insert values, ethics, spirituality, and meaning into the study of law. The holistic model seeks to develop individuals who are reflective about the role of law in society and their role as lawyers within that vision. A holistic legal education seeks to produce critical thinkers, unique problem solvers, and students who are concerned about the moral and economic bases of legal doctrine. *Id.* This model forces legal educators to focus on the student as a whole, and assist them in maintaining balance in their lives. Legal educators are not the only professionals that have begun to look at ways to incorporate a holistic view into their profession. Physicians have begun to espouse holistic healing which believes that the body, mind, spirit, society, and environment are interconnected, and that diseases and illnesses are caused by imbalances between the individual and society. See Cohen, *supra* note 6.

13. While many educators criticize efforts at building all black schools or maintaining all black universities and colleges, Derrick Bell cites some of the benefits of all black schools. See DERRICK BELL, *RACE, RACISM AND AMERICAN LAW* § 7.6.9 (3d ed. 1992). Bell argues that given the integrative mandate of *Brown v. Board of Education*, 347 U.S. 483 (1954), which emphasizes assimilation, black students are sent to white schools that either make no mention of their experiences or devalue their contributions to American history. This, he argues, can be equally harmful to black children. He writes, "[t]o be immersed in and judged by a system which fails to recognize the culture and needs of black students may be worse than being left out entirely." BELL, *supra*,

that successful educators had to be excited about what they taught; they had to be more concerned with learning than with teaching, for they believed that they could not lose any of us. Teachers felt compelled to instill values as well as dates and places, because they knew that they were part of a mission that transcended dates and places. In a nutshell, they cared about what they were teaching, but cared even more about who they were teaching. Segregation had produced a laboratory where race pride could be cultivated and instilled. Teachers had a direct investment in the future of each student they taught. Every success story was a victory over a system that discriminated against the teachers as well as the students. These students were the teachers' ammunition against a hostile and racist world that did not value black life or culture. These teachers were also risk-takers¹⁴ because they knew nothing would change

§ 7.6.9, at 610. Separate schools seek to ameliorate this problem by gearing their curriculum to the needs of black children and by responding to issues that resonate for the black community—discrimination, poverty, and dim employment prospects. Supporters of single-race schools argue that “segregation is already a reality in most school systems” and therefore, “single race schools with special curricula are an attempt to make black schools an affirming rather than stigmatizing experience for black students.” Marlon Wade, *A Segregated Reality*, NEWSDAY, Feb. 5, 1991, at 95.

14. “Those who profess to favor freedom and yet deprecate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its waters. The struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle”

Okianer Christian Dark, *Just My 'Magination*, 10 HARV. BLACKLETTER J. 21, 37 n.39 (1993) (quoting Frederick Douglass, *British West Indies Emancipation Speech Commemoration Freedom in 1834*, in THE FREDERICK DOUGLASS PAPERS 204 (John W. Blassingame ed., 1985)). In his speech, Douglass powerfully conveys the need for active struggle and risk in order to achieve an eventual good. This is no less true for educators. Legal scholars, conservative and radical alike, have commended the value of risk-taking in teaching. “A member of the organization who is risk averse will continually repeat the same process without improvement.” Alexander J. Bolla, Jr., *Reflections from the TQM Casefile in Legal Education*, 43 EMORY L.J. 541 (1994) (discussing the viability of using Japanese management techniques in legal education). Although Bolla takes a functional and business management oriented view of teaching, his comments are nevertheless useful. He states that

[t]eaching is a process, and every process is subject to variation which directly affects the quality of performance and conformance. Law educators need to understand the critical impact that variation has on teaching outcomes and adjust their methods accordingly. The typical law classroom activity involves the Socratic method. Used by even the most skillful instructor, the results vary somewhat from day to day.

Id. at 561-62. Bolla further states that “[i]f change is to occur in the law classroom process, then professors must be trained in methods of bringing about change.” *Id.* at 567.

Recognizing that changes in the classroom are necessary, Angela P. Harris and Marjorie M. Shultz discussed the benefits of creating a space in the classroom for the

unless they took risks. They would often shatter the boundary between student and pupil. They used whatever techniques they could think of to get students to believe in themselves and in the importance of education. Their ideals and images have shaped my perspective as an educator, a lawyer, and a dean.

I submit to you that the methodology and values of these teachers are the things that this legal academy desperately needs in order to face the future. And the seeds for this transformation have already been planted by many of you in this room. Through your scholarship, critical race theory,¹⁵ and otherwise, the boundaries of intellectual understanding of law have been expanded. You have infused the classroom with new styles,¹⁶ rhythms, and innovative

expression of emotions at a symposium on Civic Legal Education. See Angela P. Harris & Marjorie M. Shultz, "*A(nother) Critique of Pure Reason*": *Toward Civic Virtue in Legal Education*, 45 STAN. L. REV. 1773 (1993). Concurrently, their insistence that the classroom allow for the expression of emotion is a critique of the supremacy of pure reason and logic. An oft made criticism of permitting the expression of emotion in the law school classroom is the potential risk of emotional injury. In response, they write "the risk of injury . . . is outweighed by the potential benefits of truly engaged, passionate, and rich intellectual debate." *Id.* at 1804. Conversely, risk-taking should be encouraged by students as well. "[A]mong those students who flee the school or who allow themselves to be swept along without taking risks or making much of an effort, few graduate with the necessary courage and self-knowledge to exercise independent professional judgment." B.A. Glesner, *Fear and Loathing in the Law Schools*, 23 CONN. L. REV. 627, 628 (1991).

15. Critical race theory emerged onto the scene of legal academia in the early eighties. See *Introduction*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT, at xiii, xix (Kimberlé Crenshaw et al. eds., 1995). The editors of the book *Critical Race Theory* aptly describe the critical race theory position within legal theory when they write that "Critical Race Theory sought to stage a simultaneous encounter with the exhausted vision of reformist civil rights scholarship, on the one hand, and the emergent critique of left legal scholarship on the other." *Id.* Critical race theorists brought to the surface the failings and limitations of the construction of race by liberal legal thinkers, where they equated racism with color blindness. The consequence of this construction is the inability to stand upon a solid ground as they advocated for affirmative action. While leftist legal scholarship provided much of the theoretical underpinning of the race theorists, they failed to recognize race in their critiques of law. The editors describe race theorists' relationship with liberal and leftist legal scholarship as follows: "In short, [critical race theorists] intend to evoke a particular atmosphere in which progressive scholars of color struggled to piece together an intellectual identity and a political practice that would take the form both of a left intervention into race discourse and a race intervention into left discourse." *Id.* For further writings on critical race scholars, see RICHARD DELAGADO, CRITICAL RACE THEORY: THE CUTTING EDGE (1995).

16. Critical Race and feminist scholars use stories or storytelling as a way to analyze a problem. See, e.g., Dark, *supra* note 14; Henry W. McGee, Jr., *Symbol and Substance in the Minority Professoriat's Future*, 3 HARV. BLACKLETTER J. 67 (1986) (discussing the obligation of minority law professors to use their special viewpoints gained from historical experience). "[T]he stories, chronicles, tales, parables, and auto-

teaching techniques. Our mere entrance has expanded the definition of excellence, since many of us came without the traditional trappings. We have broken up what was once a closed club by merely being in the clubhouse.

But the twenty-first century requires us to pull together these dangling threads of progress and change, and weave them together into a quilt of legal education that can keep the entire academy warm. We must be the consistent bridge between scholarship and activism,¹⁷ the unbreakable connection between teaching and community service,¹⁸ and the nexus between excellence and fairness.

biographical narratives of minority scholars may perform powerfully and affectively, may 'get at the curve of someone else's experience and convey at least something of it to those whose own bends quite differently.'" Milner S. Ball, *The Legal Academy and Minority Scholars*, 103 HARV. L. REV. 1855, 1858-59 (1990) (quoting CLIFFORD GEERTZ, *LOCAL KNOWLEDGE: FURTHER ESSAYS IN INTERPRETIVE ANTHROPOLOGY* 156 (1983)); see also Michael A. Olivas, *The Chronicles, My Grandfather's Stories, and Immigration Law: The Slave Traders Chronicle as Racial History*, 34 ST. LOUIS U. L.J. 425 (1990) (discussing how his grandfather would relate lessons of the past through stories, and how this perspective showed how "everything was connected, and profound"); Frances Lee Ansley, *Race and the Core Curriculum in Legal Education*, 79 CAL. L. REV. 1511 (1991) (arguing that the rewards of integrating the issue of race into the core curriculum are indispensable for the lawyers of the future).

17. Derrick Bell's life as a scholar is an example of the mutual reinforcing link between scholarship and activism. He, like many critical race theorists, was active in the civil rights movement. The civil rights movement informs the critical race theorists' current scholarship, which, in turn, provides a perspective to the political landscape today. The various risks Bell has taken because of his principled beliefs keep the spirit of activism alive in the academy.

Duncan Kennedy insists that professors must make links between academia and activism. See Duncan Kennedy, *Politicizing the Classroom*, 4 S. CAL. REV. L. & WOMEN'S STUD. 81 (1994). While keeping in mind the possibility of losing students in pursuing new teaching strategies, Kennedy provides the following concrete example. He sees his role of a professor as being part of a larger goal of debunking the supposed neutrality of legal studies, and through this process encourages the students to define themselves as "political actors in their professional lives." *Id.* at 88. For example, he said that when he uses several cases dealing with battered women who kill in self-defense, he notices that law students grapple with the cases. The students, he discovered, found that often "judges and juries are resolving these things in a context of neutrality when they're so obviously deep political issues." *Id.* This simple method of teaching, according to Kennedy, is a "radical-left strategy, not a liberal strategy, but one that tries to honor the liberal commitment to academic freedom." *Id.*

18. In order for law school to truly meet the challenges of the twenty-first century, we must use more of our intellectual resources in the service of humanity and communities that surround our institutions. Public service can no longer be restricted to working on pro bono cases. Law schools must develop a vision that permits and encourages faculty members and students to provide legal and personal services to various organizations and community leaders. Mentoring programs, child advocacy and domestic violence clinics, prisoner assistance projects, and community fellowship programs are a few examples of how the connection between teaching and community service can exist.

Our critique must be more than a critique of law and the identification of racism and sexism. It must be a critique of the formation of ideas and the development of theories of learning.¹⁹ We must cultivate a discourse that addresses the fundamental reason for law and lawyers in society. We must nurture a methodology that combines intellect, spirit, and body. I believe this goal is accomplished through a holistic model of legal education.²⁰

In my role as dean at Northeastern University School of Law, I strive to lead the institution according to this model and these val-

19. Traditional legal educators emphasize the value of "school-centered learning." Brook K. Baker, *Beyond MacCrate: The Role of Context, Experience, Theory, and Reflection in Ecological Learning*, 36 ARIZ. L. REV. 287, 288 (1994). The underlying premise of school-centered learning is the belief that "to know something requires the learner to be separated, or distanced from the situated experience. . . . Schools are often referred to as places where people learn out of context, learn general concepts, or are to be prepared for the world outside school." Jen Lave, *Word Problems: A Microcosm of Theories of Learning*, in CONTEXT AND COGNITION: WAYS OF LEARNING AND KNOWING 74, 76 (Paul Light & George Butterworth eds., 1993). Even those who urge for the reform of legal education by encouraging active student participation and criticize the Socratic method in the classroom continue to adhere to the school-centered model where learning still is assumed to take place within a formal setting.

"Education in law does not consist essentially of items of information to be transferred from the teacher's head to the student's. It is a participatory process aimed at developing the student's ability to think The student must come to live with the inevitable pains of reasoning, and be able to cope with the frustrations of being wrong."

Michael L. Richmond, *Teaching Law to Passive Learners: The Contemporary Dilemma of Legal Education*, 26 CUMB. L. REV. 943, 951 n.33 (1996) (quoting Robert S. Summers, *Fuller on Legal Education*, 34 J. LEGAL EDUC. 8, 16 (1984)); see also Vernellia R. Randall, *The Meyers-Briggs Type Indicator, First Year Law Students and Performance*, 26 CUMB. L. REV. 63, 65 n.3 (1996).

In contrast, recent learning theories have begun to veer away from the school-centered based learning to argue that human beings are able to learn contextually and experientially, and outside of formal schooling. One major proponent of this learning theory is Howard Gardner. See generally HOWARD GARDNER, *FRAMES OF MIND: THE THEORY OF MULTIPLE INTELLIGENCES* (1983). The move away from school-centered learning reveals the various ways in which students learn, including the fact that "[s]ome students learn better by doing." Stephen T. Maher, *The Praise of Folly: A Defense of Practice Supervision in Clinical Legal Education*, 69 NEB. L. REV. 537, 566 (1990). Those students' learning style, therefore, is not the passive absorption of concepts from professors which the school-centered model emphasizes. Baker, *supra*, at 293 n.21.

20. Civil rights lawyer Anthony Griffin defined public interest law synonymously with holistic lawyering when he said: "Public interest law is about challenging the assumption, posing the question, and daring not to remain silent. And finally, it is about viewing law as a collective whole (sort of like holistic medicine)" Delida Costin, Profile, *Anthony P. Griffin*, 4 B.U. PUB. INT. L.J. 107, 111 (1994) (emphasis added) (quoting Letter from Anthony P. Griffin to Sharon M.P. Nicholls, Topics Editor, *Boston University Public Interest Law Journal* (Apr. 4, 1994) (on file with the *Boston University Public Interest Law Journal*)).

ues. We have created an Urban Law and Public Policy Institute²¹ that places the resources of the law school at the center of the storm of urban crisis in Boston, so that we may aid in the long-term solution to these problems. This process has not only enriched the scholarship and lives of faculty members of color, but has served as a catalyst for scholarly collaboration and community service among numerous white men and women on the faculty.

As dean, I write and read poetry²² to my faculty and staff, and

21. The Urban Law and Policy Institute is a resource center and information clearinghouse that focuses on issues arising from urban living. The Institute is a partnership among academics, community activists, and government representatives committed to developing solutions to problems including high crime rates, political disempowerment, and poor health care. In 1995, the Institute received a grant from the United States Department of Education to implement a Community Partnership program that intends to focus on violence prevention and community economic development. In addition, the Institute sponsors a variety of conferences and symposia. For example, the Institute recently held a national conference for advocates handling affordable housing.

22.

A POEM FOR THE SEASON

*Can we write a poem for the season that captures the essence of who we are,
Can we write a poem for the season that celebrates the life and beauty within us
all*

*Could that poem remind us of our commonalties and our pain
Could it be our comforter, our spiritual blanket that keeps us sane
A poem that not only remembers the purification of the temple,
But inspires us to purify our lives, legacies and dreams*

*Could we write a poem that not only proclaims peace on earth and good will to
men, But make us peacemakers in our homes, where so many women are in
pain*

*If this is a season of hope, and lights and values, can a poem be our only gift to
the world.*

*Shall we sit in somber reflections of days gone by, while the children in our
midst continue to die*

*In this season of Chanukah, Christmas and Kwanzaa, can we renew our vows
to humanity*

*Can we see through the lens of our religion and culture and find a common
ground of renewal*

*Where joy is more than an ornament, and our principles stand taller than candle
sticks*

*Can we write a poem of a miracle that happened in our lives,
A miracle of courage that keeps the eternal light of love alive*

*Can we write a poem for the season that rises from the page, that greets us in the
morning*

Call us to do good each day.

Can we write a poem of a people who transcended themselves.

Who found within this season a source of hope and faith

That was buried within their heart to be found for this age

Write a poem for the season through the way you live each day

Write a poem for the season that makes someone's pain go away

Write a poem for the season that helps us find joy in the midst of despair

preach sermons to the student body and graduates, because those segregated schools and the black church taught me, through example, that people must be inspired in order to excel. They must believe in themselves and the institution in order to forge a vision that goes against the grain. Those lessons which were instilled within me are now the foundation upon which a diverse faculty and staff build the future of an institution. I am merely the carrier of a legacy that this society pushed aside in our swift move toward integration.²³ I believe that similar legacies are alive within each of us.

There is no better time than now to be within the legal academy. The winds of change and prophecy are blowing. And the stone, this precious gem, which the builders of the legal academy once rejected, shall become the head and heart of the corner.²⁴ You, we, this powerful, creative collection of Black, Latino, Asian, and Native American legal scholars are being called by the twenty-first century to fulfill our ultimate mission in the legal academy. We are not called because we are so righteous or always right. But history, our constant quest for justice, and God have placed within our

Write a poem for the season that changes the air, and allows all of us to breathe deeply again

A poem for this season lies dormant inside us all, let the words and the rhythm come alive once and for all

A poem for the season

David Hall, Dec. 13, 1995.

23. In recent years, legal scholars have begun to critically examine integration and honestly speak about some of its downsides. See Drew S. Days, III, *Brown Blues: Rethinking the Integrative Ideal*, 34 WM. & MARY L. REV. 53, 55-56 (1992) (arguing that integration of faculty has often meant that black students are exposed to fewer role models from their own race); Alex M. Johnson, Jr., *Bid Whist, Tonk, and United States v. Fordice: Why Integrationism Fails African-Americans Again*, 81 CAL. L. REV. 1401 (1993) (arguing that the integrationist premise of *Brown v. Board of Education*, 347 U.S. 483 (1954), and subsequently of *United States v. Fordice*, 505 U.S. 717 (1992), was erroneous); Gary Peller, *Race Consciousness*, 1990 DUKE L.J. 758 (discussing integrationist and black nationalist images of racial justice and the eventual tacit approval of the integrationist vision at the price of devaluing the importance of race consciousness among the African-American race).

The problem with integrationism, then, is not the societal message that *Brown* eliminated, but the message that supplanted it. The notion of an ideal society in which race is an irrelevant characteristic became displaced when that notion failed to reflect social reality, which is that integration as a process has never achieved true success, and that integration as an ideal has not been accomplished.

Johnson, *supra*, at 1428.

24. Paraphrased from *The Bible*: "Did ye never read in the scriptures, The stone which the builders rejected, the same is become the head of the corner; this is the Lord's doing, and it is marvelous in our eyes?" *Matthew* 21:42 (King James).

collective memory a balm that can heal these institutions of learning.

However, we must not—nor need not—do it alone. Throughout the academy are those of like mind, spirit, and vision, who desire the same transformation.²⁵ Together we can develop a model of legal education that trains lawyers to care about their clients; lawyers who see themselves as servants of humanity, who have the ability and willingness to communicate with the powerful and commune with the powerless, and who know that their ultimate charge is to leave this society better than they found it. This is the philosophy and tradition that Charles Hamilton Houston cultivated and of which we are heirs.²⁶ What we do with this legacy is our great challenge.

When the history books are written about this Section, let them say that we came together not only to save our souls, but to save and transform the academy and the profession. When we do that, then future generations of legal scholars of color will pour libation²⁷ to our memory and say out loud to the world: “There once lived gallant and caring educators who pulled the best from their traditions and culture and shared it with the world.” Knowing you as I do, I have no doubt that we will answer the call of the twenty-first century. I will look for you in the whirlwind of change.

25. Critical legal scholars such as Duncan Kennedy, Alan Freeman, and Karl Klare have been credited for their groundwork for much of the critical race scholarship. Many white male scholars from the New Left urged for the transformation of the legal academy. Similarly, feminist jurisprudence by many white women scholars has been instrumental in making the academy not only sensitive to gender issues, but more aware of how our views about “sameness” and “difference” affects how we structure legal education.

26. Charles Hamilton Houston was the mentor of Thurgood Marshall and of a number of other black lawyers who were important figures in the civil rights movement. He was instrumental in the development of Howard University Law School. After Marshall graduated from Howard Law School in 1933, Houston inspired him to work with the NAACP and to help challenge the separate but equal doctrine. The cases litigated by Houston and his disciples represent a critical history of the civil rights movement. For further information on Charles Hamilton’s life, see GENNA RAE MC-NEIL, *GROUNDWORK: CHARLES HAMILTON HOUSTON AND THE STRUGGLE FOR CIVIL RIGHTS* (1983).

27. Libation is an African ritual where people pay homage to their ancestors and also ask the ancestors to bless them as they begin a new venture.