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## CHALLENGES AND OPPORTUNITIES: INTERSECTIONAL LEADERSHIP IN LAW SCHOOLS

SUDHA SETTY<sup>50</sup>

This roundtable on intersectionality and the strengths and challenges in leadership was a wonderful gathering of speakers and attendees,<sup>51</sup> held in March 2019 during a remarkable conference.<sup>52</sup> Reflecting back on the roundtable, I am grateful to have been able to share this platform with a group of amazing women of color who have taken on a variety of leadership roles in their institutions. Each of us has a story to tell that involves challenge, triumph, individual and communal pride in what we have been able to accomplish, and hope for what we—both individually and communally—are able to accomplish in the future.

Our panel reflected many personal stories that should be considered within the larger structural conversation surrounding leadership, achievement, and women of color in law schools and universities around the country. In this regard, essential books examining closely how women of color are perceived and treated in law schools and universities serve as important guideposts.<sup>53</sup> My experiences of serving as the dean at Western New England University School of Law, and the months and years leading up to me taking on that role, have been educational in numerous ways, and have been informed, in part, by dynamics involving race, gender, perceived age, and a number of other human characteristics.

These experiences can sometimes lead to a sense of isolation that we must combat. This roundtable and the resulting collection of essays is one small contribution. They exist as part of the larger effort to grow and sustain community among women of color who are law school leaders and who share a mission to support each other and other women of color considering joining our ranks. We are in a positive moment at which those numbers are growing rapidly,<sup>54</sup> which provides an opportunity to consider new ways in which that community can be supported and grown.<sup>55</sup>

I focused my remarks at the roundtable on three areas: contemplating a leadership role, the value of mentorship, and the profound impact that a woman of color as dean can have, simply by occupying that role.

*A. Contemplating A Leadership Role*

I moved from private practice to legal academia in 2006. I was thrilled with this change in career: I was able to teach; I had space and support for intellectual and scholarly pursuits; and I was serving the cause of social justice in shepherding law students, many of them from nontraditional and underrepresented backgrounds, into being thoughtful and conscientious lawyers. Had anyone

<sup>50</sup> Dean and Professor of Law, Western New England University School of Law. I started as dean on July 1, 2018 and completed writing this piece shortly after the close of my first academic year as dean.

<sup>51</sup> I appreciate Professor M. Isabel Medina's work in reaching out in the development of this panel, coordinating the speakers, and shepherding this roundtable idea to fruition. I also thank my fellow speakers on the panel, who shared stories of strength and of challenge that were both sobering and inspiring.

<sup>52</sup> The Fourth National People of Color Legal Scholarship Conference was the largest gathering of minority law professors in history. See *Fourth National People of Color Legal Scholarship Conference*, American University Washington College of Law, <https://www.wcl.american.edu/news-events/special-events-cle/npoc19/> [<https://perma.cc/DT5R-4RA4>] (last visited May 10, 2019). It seems likely that this roundtable was the largest panel of minority women leaders in legal academia, but I would be thrilled if this were not the case.

<sup>53</sup> See, e.g., Deo, *supra* note 3; Gabriella Gutiérrez y Muhs et al. (eds.), *supra* note 3.

<sup>54</sup> See Rosenblatt, *supra* note 1 (providing a current list of deans, including a record number of women of color).

<sup>55</sup> See Deo, *supra* note 3, at 99-100.

suggested that I would seek a deanship—a job with demands that significantly diminish one’s ability to teach, write, and enjoy time outside of work—some years later, I might have laughed in shock. Part of this was personal (*i.e.*, why would I leave the best job in the world to become an administrator?), but part of it was likely structural: it remains challenging for many people, including women of color, to imagine leaders of color or women as leaders,<sup>56</sup> including women of color as deans.<sup>57</sup> I am the first woman of South Asian descent to serve as dean of an ABA-accredited law school, and so it was not the case that someone who looked like me or had a similar background had been serving as a law school dean and then encouraged me to seek out a deanship.

Allies and supporters can take many forms. In fact, the first person who encouraged me to consider a deanship is a white man who then served as dean of another law school and whom I had met on the academic conference circuit early in my career. He invited me to have coffee with him at one point when I was still pre-tenure, and told me I had the qualities that make for a successful dean. I was both surprised and intrigued at the possibility he raised but did not think seriously about it for some years. Still, that moment mattered. Someone who was then serving as a dean had seen potential in me to take on such a leadership position. That type of recognition can only help broaden the horizons of junior faculty members as they look to where their career might develop and grow.<sup>58</sup> It certainly did for me.

I became the Associate Dean for Faculty Development and Intellectual Life at Western New England in 2011. I firmly believe this came about because, even pre-tenure, I met with the dean and pressed him on faculty development matters and increasing support for faculty scholarship. When I became tenured, he appointed me to the associate deanship and told me to get to work on the projects I had been encouraging. I enjoyed that administrative work, which was manageable in terms of its time commitment, and dovetailed nicely with my institutional and professional goals. Although I did not take on the associate deanship as a stepping stone toward a deanship, the change in position shifted the perception of my potential career path among external constituents in a profound way. Legal academic recruiters and colleagues in academia started asking me *when*, not *if*, I would be applying for a deanship. The power of being asked repeatedly to consider a deanship, coupled with an incredibly supportive family and network of friends and colleagues who encouraged me to pursue a deanship,<sup>59</sup> had a significant effect over time.

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<sup>56</sup> See Heather Murphy, *Picture a Leader. Is She a Woman?*, N.Y. TIMES (Mar. 16, 2018), <https://nyti.ms/2Dwi1xJ> [<https://perma.cc/H9J4-76EA>].

<sup>57</sup> See Deo, *supra* note 3, at 105-108. As a personal note, in my brief experience as dean, this occasionally manifests when I introduce myself to a new acquaintance as the dean of my law school, and subsequently being asked one of these questions or a variant: “So you’re an associate dean?” or “Really? The *dean* dean?” An informal survey of several male friends who also serve or have served as law school deans revealed no similar interactions.

<sup>58</sup> Research in social sciences and STEM (science, technology, engineering, and mathematics) fields suggests that this phenomenon affects women across academic disciplines. See Joya Misra et al., *Collaboration and Gender Equity among Academic Faculty*, 6(1) *SOCIAL SCIENCES* 25 (2017).

<sup>59</sup> My deanship has, unsurprisingly, had a significant effect on my work-life balance. I have the unflagging support of my family, for which I am particularly grateful given how much impact the question of work-life balance has on discouraging women, particularly women of color, from pursuing leadership positions in academia and elsewhere. See Deo, *supra* note 3, at 119-138; see also Claire Cain Miller, *Women Did Everything Right. Then Work Got ‘Greedy.’* N.Y. TIMES (April 26, 2019), <https://nyti.ms/2GySffQ> [<https://perma.cc/C93D-CS2A>].

### B. Mentorship

Leadership in the legal academy, like leadership in law firms<sup>60</sup> and various other corporate contexts, remains largely white<sup>61</sup> and male.<sup>62</sup> Women of color are, unsurprisingly, represented at lower rates than men of color and white women.<sup>63</sup> It is essential that women of color be willing to rely on good mentors who may not necessarily share our life experiences, history, or experiences, but who offer valuable guidance and insight nonetheless.

I have been very lucky to find mentors and advisors in various deans, whose demographics and life experiences reflect a broad diversity in terms of race, gender, age, legal academic experience, and management philosophies. I am fortunate that some of those wise colleagues participated in our roundtable at NPOC 2019, including Dean Camille Nelson and Dean Danielle Conway. They serve as representatives of the two ways I found mentors and advisors when I was actively thinking about a deanship: smart people that I knew for a long time and sought out for help, and smart people who I had not known for long, but offered their help nonetheless. I have known Dean Nelson since soon after I entered the legal academy. She asked me, during her first deanship and several times in subsequent years, when I would be ready to think about a deanship. When I was actually contemplating a deanship, I reached out to her and she immediately offered what I needed: candor as to the challenges of the position, support as I considered particular aspects of the work, and encouragement to pursue a deanship despite the challenges.

Dean Conway, on the other hand, became my advisor much more recently. At the 2017 Association of American Law Schools (AALS) annual meeting, my immediate predecessor at Western New England, Dean Eric Gouvin, organized a panel entitled “So... You Want to be a Dean? Why Considering a Deanship Matters,”<sup>64</sup> in which Dean Conway participated. It was an engaging and thought-provoking discussion, thanks in large part to the candid and good-humored conversation among the participating deans. Dean Conway saw me in the audience and, when we crossed paths in the hallway later that day, introduced herself. In that first conversation, she encouraged me to seek out particular opportunities that would bolster my managerial skillset, and to consider applying for a deanship seriously. One year later, when I was contemplating a deanship

<sup>60</sup> See, e.g., Deborah L. Rhode, *Law is the least diverse profession in the nation. And lawyers aren't doing enough to change that*, WASH. POST (May 27, 2015), <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/> [<https://perma.cc/HR5A-CGFH>]; Amy Kolz, *Women Leaders of the Am Law 100: The Law of Small Numbers*, LAW.COM (Dec. 28, 2012), <https://www.law.com/almID/1202582210298/Women-Leaders-of-The-Am-Law-100-The-Law-of-Small-Numbers/> [<https://perma.cc/4RLK-4JYM>].

<sup>61</sup> See, e.g., Gillian B. White, *There are Currently 4 Black CEOs in the Fortune 500*, THE ATLANTIC (Oct. 26, 2017), <https://www.theatlantic.com/business/archive/2017/10/black-ceos-fortune-500/543960/> [<https://perma.cc/FH68-7EPE>]; Rick Seltzer, *The Slowly Diversifying Presidency*, INSIDE HIGHER ED (June 20, 2017), <https://www.insidehighered.com/news/2017/06/20/college-presidents-diversifying-slowly-and-growing-older-study-finds> [<https://perma.cc/CM9M-4F55>] (noting that 13% of college presidencies in the United States were held by people of color).

<sup>62</sup> See, e.g., Claire Zillman, *The Fortune 500 Has More Female CEOs Than Ever Before*, FORTUNE (May 11, 2019), <http://fortune.com/2019/05/16/fortune-500-female-ceos/> [<https://perma.cc/Q3AG-ZT88>] (noting that 6.6% of CEOs of Fortune 500 companies are women); Seltzer, *supra* note 61 (noting that 30% of college presidencies in the United States were held by women).

<sup>63</sup> See Julia Carpenter, *Forget the 'glass ceiling.' Women of color face a 'concrete ceiling.'* CNN MONEY (Aug. 8, 2018), <https://money.cnn.com/2018/08/06/pf/women-of-color-ceos/index.html> [<https://perma.cc/Z84A-GE5V>] (referring to the challenges facing women of color seeking corporate leadership positions in the United States).

<sup>64</sup> Association of American Law Schools, *111<sup>th</sup> Annual Meeting: Why Law Matters 26* (Conference Program), [https://www.aals.org/wp-content/uploads/2016/12/AM2017\\_Program.pdf](https://www.aals.org/wp-content/uploads/2016/12/AM2017_Program.pdf) [<https://perma.cc/7UF8-JNC7>].

offer, she sat with me for over an hour, offering sobering, helpful, and affirming advice. Both Dean Nelson and Dean Conway were incredibly generous with their time and wisdom.

They are not the only ones. I spoke with over a dozen sitting deans during the time that I was contemplating a deanship. All of them shared advice that was incredibly helpful. Many of the women with whom I spoke shared stories of microaggressions, outright aggression, and other challenges that they faced during the job search and while on the job. These stories would never be included in a glossy press release announcing a new dean or new accolade for a sitting dean, even though the work involved in managing those challenges was likely extraordinary. That makes me all the more grateful that these individuals were willing to share those stories privately to help me understand the structural barriers that women, and particularly women of color, often face as law school deans. These stories did not demoralize me; instead, I felt empowered by them. I participated in the roundtable at NPOC partly to remind aspiring deans and academic leaders that there is a community of people committed and willing to serve as mentors and advisors, and to give candid advice when needed. There is tremendous power in that community, and I hope others take advantage of that.

### *C. Representation Matters*

I have enjoyed many aspects of my first year as dean, but one incredibly moving aspect has been to understand the profound impact on various groups of having a dean who is a woman of color. Like many of my colleagues on the roundtable, I am the first woman of color to serve as dean at my law school. In fact, I am the first person of color to serve in that role, and only the second woman to do so. On a surprisingly frequent basis, I am reminded by a student, colleague, community member, alumnus/a, high school or college student, or someone else, that they are incredibly proud and happy to see me as the dean. These interactions are particularly meaningful given some of the more banal and mundane aspects of the deanship (e.g., budget reviews, looking at spreadsheets for lengthy periods of time), and given that being a woman of color in the role of dean has—on occasion—elicited disbelief and other negative responses as well.

At the roundtable, I shared two brief anecdotes that reminded me of how important representation is. First, when Western New England University announced my deanship in early 2018, I received many expressions of congratulation from different groups. Perhaps the most surprising were conversations with and voicemails from alumni across races, ages, ethnicities, and genders—some of whom I had never met—who were audibly emotional about me being the next dean of the law school. Their emotion stemmed from what it meant to them and their perception of the institution from which they graduated to have a woman of color in the position of the dean. I would not have predicted this reaction, but it was echoed in any number of conversations I have had with alumni—particularly alumni of color—since then.

Second, one week after I became dean, I spoke to high school students who were participating in one of the pipeline programs in which Western New England is involved. Most of the young people in these programs are students of color and/or from a household with a lower socio-economic status. When I was first introduced to the students as the dean of the School of Law, there was little visible reaction in the group. Later that day, I was approached by an Indian-American girl in the program. She thought she must have misheard when I was introduced as the dean. She asked me, “Are you really the dean?” I replied, “Yes, I am really the dean.” She started crying and asked for my business card so she could take it home and show her parents that the dean was Indian American, just like her. I found (and still find) this particular conversation to be incredibly moving,

but it also evidences the profound challenge that we face as we try to make the legal profession, legal academy, and legal academic leadership reflect the diversity of our country. The fact that teenagers in 2018 were shocked to see a woman of color in the deanship is a sobering reminder of how much we still need to do.<sup>65</sup>

Serving in the role of dean is the type of representation that can have a disruptive and positive effect on our current students, future students, and everyone else who sees us. We make a statement simply by occupying that position and being who we are. It is a hyper-visible, demanding, and sometimes thankless job. Yet it is an incredible opportunity that has so much potential for effecting transformative change inside and outside of an educational institution.

At the roundtable and in these short essays, each of the panelists selected a small slice of our own experiences to share. There are a multitude of other complex topics that my fellow panelists or I could have discussed. I closed my remarks at the roundtable by inviting anyone, regardless of background, to get in touch with me if they would like to chat as they consider a deanship. I was pleased that two women of color approached me for those conversations immediately after the panel. I invite readers of this essay to do the same.<sup>66</sup>

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<sup>65</sup> The scholarly literature on the importance of same-race and same-gender role models for younger people is thought-provoking. See, e.g., Michael S. Kofoed and Elizabeth McGovney, *The Effect of Same-Gender or Same Race Role Models on Occupation Choice: Evidence from Randomly Assigned Mentors at West Point*, 54(2) JOURNAL OF HUMAN RESOURCES 430 (2017); Muriel Niederle and Lise Vesterlund, *Do Women Shy Away from Competition? Do Men Compete Too Much?*, 122(3) THE QUARTERLY JOURNAL OF ECONOMICS 1067 (2007); see also Kristina Meier et al., *The Impact of Role Models on Women's Self-Selection in Competitive Environments* (Working Paper, Mar. 2020), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3087862](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3087862) [<https://perma.cc/8GKT-FGNW>].

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