

Cultivating Community Through the Third National People of Color Legal Scholarship Conference: A Chair’s Retrospective

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INTRODUCTION

On September 9, 2010, Seton Hall University School of Law welcomed the largest gathering of legal scholars of color the U.S. had ever seen when it hosted almost 500 law professors, deans, judges and practicing lawyers at the Third National People of Color Legal Scholarship (“POC”) Conference. The conference was a four-day event with more than 125 panels, plenaries, workshops, keynote speakers, and cultural and social events. As the Chair of the conference, I remember those four days and the months preceding it fondly and proudly. Nine years later, after participating in the Fourth National POC Conference at American University, Washington College of Law (“AUWCL”),¹ I welcome the opportunity to trace the Third National POC Conference’s

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¹ The Fourth National POC Conference was hosted by American University, Washington College of Law in Washington, D.C. on March 21–24, 2019. *See* <https://www.wcl.american.edu/news-events/special-events-cle/npoc19/>, *archived at* <https://perma.cc/XYR2-LL5T>.

trajectory from the proposal to host, to eighteen months of intensive planning with a stellar committee of scholars and administrators both on and off-site, to the conference itself. Readers may wonder why I waited until now to record this history and my reflections. Admittedly, I did not expect a leading journal to be interested in this history or my perspective given legal academia's narrow definition of scholarship² and the low value accorded to narrative.³ But more importantly, reflections evolve and become richer with time. After nearly two decades in legal academia, and nine long years between the Third and Fourth National POC Conferences, I treasure the community that the national and regional POC Conferences have built more than my younger self could have ever imagined. Thus, this is the perfect time to reflect on the POC Conferences and their role in the lives of faculty of color. The reflections of Dean Anthony Varona, Chair of the Fourth National POC Conference, whose essay *Communion: Envisioning and Executing the Fourth National People of Color Legal Scholarship Conference — The Largest Ever Gathering of Minority Law Scholars*,⁴ follows this essay, are further confirmation that the POC conferences fill a continuing need for a supportive and nurturing environment in which faculty of color can flourish.

This symposium issue demonstrates that student editors—future law professors and leaders of the legal profession—recognize the value of the wide range of work presented and workshopped at POC conferences. In addition to this essay and Dean Varona's reflections on the Fourth National POC Conference, this issue includes transcripts from several panels and three more articles from the conference. Professor Deborah Archer's article, *Exile from Main Street*, examines housing policies that prohibit individuals who have had contact with the criminal legal system from living in public, subsidized, or private rental

² See Stephen J. Werber, *On Defining Academic Scholarship*, 40 CLEV. ST. L. REV. 209, 212 (1992) (critiquing “[t]he academicians’ narrow and jaundiced view of legal scholarship”).

³ See, e.g., Jane B. Baron, *Resistance to Stories*, 67 S. CAL. L. REV. 255, 256 (1994) (examining “the sudden, and rather vehement, resistance to legal storytelling”); Daniel A. Farber & Suzanna Sherry, *Telling Stories Out of School: An Essay on Legal Narratives*, 45 STAN. L. REV. 807, 809 (1993) (critiquing the form of narrative as scholarship); Alex M. Johnson, Jr., *Defending the Use of Narrative and Giving Content to the Voice of Color: Rejecting the Imposition of Process Theory in Legal Scholarship*, 79 IOWA L. REV. 803, 806 (1994) (observing that “the use of Narrative has been relegated to a type of scholarship which limits its applicability and worth in the greater academy”); Jean C. Love, *The Value of Narrative in Legal Scholarship and Teaching*, 2 J. RACE, GENDER, & JUST. 87, 87 (1998) (“[C]ritics are questioning whether storytelling deserves to be classified as a form of legal scholarship.”). *But see* Alan M. Weinberger, *Henry Ford's Wingman: A Perspective on the Centennial of Dodge v. Ford*, 14 N.Y.U. J.L. & BUS. 1013, 1015 n.9 (2018) (arguing that “[a]lthough once a subject of controversy, the value of narrative in legal scholarship and education is no longer a matter of dispute”).

⁴ Anthony E. Varona, *Communion: Envisioning and Executing the Fourth National People of Color Legal Scholarship Conference—The Largest Ever Gathering of Minority Law Scholars*, 55 HARV. C.R.-C.L. L. REV. 762 (2020).

housing.⁵ She proposes decoupling the criminal legal system from housing policy and increasing efforts to stem the tide of mass criminalization to prevent perpetual punishment and exile.⁶ Another article in this issue, *Unconstitutional Food Inequality*, by Andrea Freeman, demonstrates that lack of access to healthy food is a significant obstacle to Black and indigenous peoples' full participation in society and argues that the Reconstruction Amendments provide a constitutional basis for challenging policies that lead to health disparities and food injustice.⁷ The final article from the conference, *Outsourcing Discrimination* by Llezlie Green, explores the discriminatory treatment of low-wage African American workers by temporary staffing agencies and considers possible explanations for a business model that accepts racially discriminatory practices as business necessity.⁸

Part I of this essay briefly describes the foundation of the POC conferences and their significance to its beneficiaries of which I am one. Part II traces the journey to host the Third National POC Conference, our goals, accomplishments, and lessons learned. Part III describes the challenges that resulted in a nine-year lag between the Third and Fourth National POC Conferences and AUWCL's incredible leadership as host of the Fourth National. Part IV concludes with a call for volunteers to host the next national POC Conference.

I. THE POC CONFERENCES: A HOME FOR FACULTY OF COLOR

There is no shortage of conferences in legal academia. Law professors have opportunities to choose from a broad array of conferences each year, ranging from subject-specific and intimate workshops⁹ to meetings with thousands of participants¹⁰ from all subject areas and disciplines.¹¹ Many conferences provide

⁵ Deborah N. Archer, *Exile from Main Street*, 55 HARV. C.R.-C.L. L. REV. 790 (2020).

⁶ *Id.*

⁷ Andrea Freeman, *Unconstitutional Food Inequality*, 55 HARV. C.R.-C.L. L. REV. 843 (2020).

⁸ Llezlie L. Green, *Outsourcing Discrimination*, 55 HARV. C.R.-C.L. L. REV. 918 (2020).

⁹ For example, the Family Law Scholars and Teachers Conference, which takes place in May or June each year, limits participation to approximately 50 participants in order to provide an intimate environment to workshop early drafts. See *Family Law Scholars and Teachers Conference*, <https://sites.google.com/site/familylawscholarsandteachers/Home>, archived at <https://perma.cc/XDR3-99LA> (describing its "supportive and collegial environment").

¹⁰ For example, thousands of law faculty and administrators participate in the Association of American Law Schools' Annual Meeting which takes place in January of each year. See *2020 AALS Annual Meeting*, American Association of Law Schools, <https://am.aals.org/>, archived at <https://perma.cc/L92F-REXZ> (describing the upcoming 2020 Annual Meeting).

¹¹ See, e.g., *Law and Society 2019 Annual Meeting Program*, <https://www.lawandsociety.org/docs/2019ProgramMay10toLSAComplete002.pdf>, archived at <https://perma.cc/ZRG3-Q3UN> (May 29-June 2, 2019).

opportunities for both junior and experienced scholars to obtain feedback on their work and some focus specifically on race-based legal scholarship.¹² Others focus on pedagogy and help law professors become better teachers.¹³ The POC conferences share many of the characteristics of these other conferences. Yet, their main purpose sets them apart: the POC conferences' main goal is to support and nurture faculty of color to ensure their success and, relatedly, increase their representation in legal academia.

The POC conferences began in 1989 when Professor Linda S. Greene of the University of Wisconsin Law School conceived of and organized the first regional—the Midwestern—POC Conference.¹⁴ In her article describing the roots and objectives of the POC conferences, she writes:

I decided to bring together minority scholars in Midwestern states to alleviate my own local isolation as well as that of my colleagues in the region and to provide a nurturing and supportive environment for scholarly development, particularly for untenured legal scholars of color. This would be an intellectual exchange and critique of works-in-progress . . . Most law teachers of color in the region taught at law schools where there were no other teachers of color. My intention was to create a critical and uplifting space in which scholars from divergent racial and ideological backgrounds could share in the rewards of the intellectual camaraderie of a scholarly community beyond the reach of the tokenism and the history of exclusion that marred minority experiences within the dominant academy.¹⁵

In contrast to the Critical Race Theory (“CRT”) Workshops which bring together faculty of color who share certain core beliefs about the relationship between law and racial inequality,¹⁶ the POC conferences embrace “[n]on-ideologically based cooperation.”¹⁷ After that first successful conference at Loyola University Chicago School of Law, the Midwestern POC Conference

¹² See, e.g., *Critical Race Theory and Empirical Methods Conference*, <http://fordhamlawreview.org/symposiumcategory/critical-race-theory-and-empirical-methods-conference/>, archived at <https://perma.cc/J76E-H8GF> (2015); *2019 Critical Race and Digital Studies Conference*, <https://www.nyu.edu/community/government-affairs/study-of-congress/news-and-events/2019-Critical-Race-and-Digital-Studies-Conference.html>, archived at <https://perma.cc/NF6E-HNDA> (May 28, 2019).

¹³ See June 2019: “Teaching Today’s Law Students,” INSTITUTE FOR TEACHING AND LEARNING, <http://lawteaching.org/conferences/teaching-todays-law-students/>, archived at <https://perma.cc/9FGC-FEMP>.

¹⁴ Linda S. Greene, *From Sea to Shining Sea: The Midwestern Origins of the First National Meeting of the Regional People of Color Legal Scholarship Conferences*, 20 B.C. THIRD WORLD L.J. 29, 35 (2000).

¹⁵ *Id.*

¹⁶ See KHIARA M. BRIDGES, *CRITICAL RACE THEORY: A PRIMER* 7–15 (2019) (describing the core tenets of CRT).

¹⁷ Greene, *supra* note 14, at 37.

(“MWPOC”) met annually at different law schools in the region, selecting the law school that offered the most generous support for the conference as the host institution and meeting site.¹⁸ Throughout the 1990s, scholars at law schools in different parts of the country created POC conferences in the Mid-Atlantic (“MAPOC”), Northeast (“NEPOC”), Southeast and Southwest (“SE/SWPOC”), and Western (“WPOC”) regions following the model of the MWPOC.¹⁹ These regional conferences provided a safe space for faculty of color, many of whom felt isolated at their predominantly white institutions, in which to present scholarly ideas on any topic “in an environment in which they would receive rigorous but nurturing feedback.”²⁰

In 1999, the regional POC conferences came together for the first time in a joint national meeting at John Marshall Law School in Chicago.²¹ I attended the First National POC Conference whose theme was “Celebrating Our Emerging Voices: People of Color Speak”²² while still a law clerk and trying to figuring out how one becomes a law professor. The participants inspired me and welcomed me even though I did not yet have a research agenda or even know what that might entail.²³ That conference provided me with the encouragement and confidence I needed to move forward and pursue a rare opportunity to enter the legal academy several years earlier than I had planned. When I began teaching at Seton Hall University School of Law less than two years after that First National POC Conference, the regional NEPOC conferences²⁴ provided me with a home and community of scholars of color in which I could ask questions I was too afraid to ask colleagues at my institution who would be evaluating my scholarship, teaching, and service. The NEPOC Conference

¹⁸ Greene, *supra* note 14, at 38; *see also id.* at 36 n.10 (listing the organizers and sites of the Midwestern POC Conferences from 1990–2000).

¹⁹ *See* Greene, *supra* note 14, at 30 n.5; *see also* Neil G. Williams, *Two Men and Twenty Years of Meetings: Norman Amaker, Derrick Bell, and the Midwestern People of Color Legal Scholarship Conference from 1990–2010*, 42 LOY. U. CHI. L.J. i, v (2011) (“The people-of-color meeting model established at Loyola in 1990 spread across the country like ‘wildfire.’”).

²⁰ Williams, *supra* note 19, at iii.

²¹ The First National POC Conference was hosted by John Marshall Law School in Chicago in March 1999. *See* Greene, *supra* note 14, at 30. For discussion of the First National POC Conference and the history of the first regional POC conference, *see also* Linda R. Crane, *Reflections From The Chair—The Road Taken: Honoring the Decade of Scholarship By Law Professors of Color in U.S. Law Schools and the People of Color Movement (1989–1999)*, 20 B.C. THIRD WORLD L.J. 13, 13 (2000); Williams, *supra* note 19, at v; *see generally* Greene, *supra* note 14.

²² Greene, *supra* note 14, at 32.

²³ When I was introduced to Professor Frank Valdes, whose work I had admired for years, I told him that I aspired to become a law professor one day and he assured me that I would be joining the legal academy very soon. Those words of encouragement made me feel that I belonged in this community of scholars.

²⁴ Although Seton Hall University School of Law is located in Newark, New Jersey, which is part of the Mid-Atlantic region, I generally participated in NEPOC conferences which were often hosted by law schools accessible by train from New Jersey.

hosted by the University of Connecticut School of Law in 2004 allowed me to share a very early draft of an article²⁵ without fear that it would confirm the stereotype that people of color cannot write. My experiences with the NEPOC conferences led to my decision to serve as chair of the Budget and Fundraising Committee for the Second National POC Conference hosted by George Washington University Law School in 2004. That experience allowed me to learn from Alfreda Robinson, the conference chair, and gain insight into how these conferences are organized.²⁶ Consequently, when I saw the announcement seeking proposals to host the Third National POC Conference on the AALS-Minority listserv in late 2008, I felt it was my turn to give back to the community that had nurtured me for almost a decade.

II. THE THIRD NATIONAL PEOPLE OF COLOR LEGAL SCHOLARSHIP CONFERENCE

A. *The Decision to Host*

In 2008 Patrick E. Hobbs—then Dean of my institution, Seton Hall Law—created the Dean’s Diversity Council, appointed me as chair, and hired a Diversity Officer to spearhead the institution’s diversity initiatives (making Seton Hall one of the first law schools with such a position).²⁷ Dean Hobbs and I believed that Seton Hall Law’s location in Newark, a predominantly African American and Latinx city with a rich civil rights history,²⁸ and the school’s commitment to increasing diversity in the legal profession,²⁹ made it the perfect site for a conference addressing issues affecting communities of color.

²⁵ Solangel Maldonado, *Beyond Economic Fatherhood: Encouraging Divorced Fathers to Parent*, 153 U. PA. L. REV. 921 (2005).

²⁶ I began teaching in 2001 and served as chair of the Budget and Fundraising Committee for the Second National POC Conference hosted by George Washington University Law School in 2004.

²⁷ The Diversity Council is an advisory body of alumni, faculty, administrators, and student leaders that seeks to promote a diverse and inclusive academic environment through education, inclusiveness, collaboration, and respect and to help increase diversity within the legal profession. *See* Seton Hall Law Proposal to the Third National People of Color Legal Scholarship Conference, Jan. 3, 2009 (on file with author); *see also* Seton Hall Law Strategic Vision for Diversity, Nov. 18, 2009 (on file with author).

²⁸ According to the U.S. Census, in 2000, 53.4% of Newark residents were African American and 29.5% were Hispanic or Latinx. NEWARK, NEW JERSEY POPULATION, <http://censusviewer.com/city/NJ/Newark>, archived at <https://perma.cc/B9JP-MCLR>. In 2010, 52.4% of Newark residents were African American and 33.8% were Hispanic or Latinx. *Id.* For discussion of Newark’s civil rights history including the 1967 riots, *see generally* KEVIN MUMFORD, *NEWARK: A HISTORY OF RACE, RIGHTS, AND RIOTS IN AMERICA* (2008); *see also* *REVOLUTION ’67* (PBS 2007).

²⁹ *See* Seton Hall Law Strategic Vision for Diversity, Nov. 18, 2009 (on file with the author) (discussing the school’s commitment to diversity).

Apparently, several other law schools similarly believed that their institutions and locations provided the perfect site for the conference and expressed interest in hosting despite the significant costs, financial and otherwise, of organizing and hosting a conference of this magnitude.³⁰ This high level of interest in hosting the next national POC conference was not surprising at the time. Legal education was thriving, applications to law school and first-year enrollment were near their peak,³¹ and most law schools were not yet aware of the serious financial concerns that would plague them, and even threaten their survival, in the coming months and years. The representatives of the regional POC conferences created a selection committee to review the proposals from different law schools seeking to host.³² I recognized that Seton Hall would need to submit a strong proposal which, for reasons I have never understood, was due immediately after the new year. Seton Hall Law's Director of Communications Janet LeMonnier and I worked throughout the semester break (while I juggled grading) and submitted a successful ten-page proposal pledging significant resources if selected as the conference site. Although the selection committee's discussions were not shared with the applicants, I believe that our promise to extend the conference outside Seton Hall Law and into the Newark community was a main reason for Seton Hall's selection as the conference site.

B. Planning and Setting Our Objectives

I was both thrilled and overwhelmed when Professor Fabio Arcila of Touro Law School, and a member of the selection committee, informed me that Seton Hall Law had been selected as the site of the Third National POC Conference. As the chair of Seton Hall's Diversity Council and the representative of the host institution, I would be the conference chair and be responsible for overseeing every aspect of the conference planning. After the success of the Second National POC Conference under Alfreda Robinson's leadership, I had huge shoes to fill.

In March 2009, the Steering Committee which, as agreed by the organizers of the First National POC Conference,³³ was comprised of the conference chair

³⁰ Email from Solangel Maldonado to Camille Nelson, Sept. 26, 2016, 8:47 PM (on file with author) (summarizing conversations with members of the Selection Committee).

³¹ There were 49,414 first-year students enrolled in 2008–2009. *Data from the Annual Questionnaire*, AMERICAN BAR ASSOCIATION, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/enrollment_degrees_awarded.xls, archived at <https://perma.cc/E9YW-BLV6>. Law school enrollment reached its peak in Fall 2010 when 52,488 first-year law students began law school. *Id.*

³² Email from Solangel Maldonado to Camille Nelson, Sept. 26, 2016, 8:47 PM (on file with author) (summarizing conversations with members of the Selection Committee).

³³ See Greene, *supra* note 14, at 31 (explaining that when representatives from the regional POC conferences met in 1998 and agreed to organize a joint national POC conference, they

and representatives from each of the regional POC conferences, agreed to invite representatives of other organizations that support law professors of color, specifically Latina and Latino Critical Legal Theory, Inc. (“LatCrit”), the Society of American Law Teachers (“SALT”), and the Conference of Asian Pacific American Law Faculty (“CAPALF”) to join the Steering Committee and help organize the conference. They all accepted. Shortly thereafter, the Steering Committee held its first conference call. The first order of business, after persuading L. Darnell Weeden (then a professor at Texas Southern University Thurgood Marshall School of Law) to serve as Vice-Chair, was to select a date. The participants of the First National POC Conference in 1999 had agreed to hold a national conference every five years which would require holding the Third National POC Conference in 2009.³⁴ However, the Steering Committee soon realized that it would be impossible to organize a conference of this size in six or seven months. Moreover, to maximize participation, we needed to ensure that the organizers of the regional POC conferences which took place each year would “stand down” and not organize a conference in the same academic year as the Third National POC Conference. By March 2009, plans for several of the regional POC conferences scheduled to be held in Fall 2009 or Spring 2010 were well underway. As a result, the Steering Committee decided to hold the Third National POC Conference in early September 2010 when all the regional POC conferences could stand down and faculty would have not yet spent their annual travel budgets.

The Steering Committee’s second task was to select the theme. President Barack Obama had only been in office for two months and many Americans, especially people of color and legal academics (a group that tends to be more progressive than the rest of the legal profession or the public at large³⁵) were still celebrating his historic election as the 44th President of the United States.³⁶

agreed to create a steering committee to represent all the regional POC conferences and to organize the First National Meeting).

³⁴ See Alfreda Robinson, *Second National People of Color Legal Scholarship Conference at George Washington University Law School: Panel on “Upcoming Challenges in Employment Discrimination Law,”* 26 BERKELEY J. EMP. & LAB. L. 319, 320 (2005) (noting the promise at the First National POC Conference in 1999 to hold a national conference every five years).

³⁵ See Jonathan H. Adler, *How “Ideologically Uniform” is the Legal Academy?*, WASH. POST: VOLOKH CONSPIRACY (Apr. 17, 2017), <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/04/17/how-ideologically-uniform-is-the-legal-academy/>, archived at <https://perma.cc/3PP7-LYSD> (discussing study’s finding that “[t]he legal academy is significantly more liberal than the legal profession, which is notable because the legal profession itself is more liberal than the public at large”); Adam Bonica et al., *The Legal Academy’s Ideological Uniformity*, 47 J. LEGAL STUD. 1, 32 (2018); Adam Bonica et al., *The Political Ideologies of American Lawyers*, 8 J. LEGAL ANALYSIS 277, 296 (2016) (finding that law professors are more liberal than the general attorney population).

³⁶ President Barack Obama was elected in November 2008 and was sworn into office on January 20, 2009. Adam Nagourney, *Obama Wins Election*, N.Y. TIMES, Nov. 4, 2008, <https://www.nytimes.com/2008/11/05/us/politics/05campaign.html>, archived at

Weeks later, the Steering Committee, along with many of our colleagues, celebrated the Supreme Court of Iowa's recognition of marriage equality³⁷ and President Obama's nomination of then-Judge Sonia Sotomayor as the first Latina Justice to the U.S. Supreme Court.³⁸ The Steering Committee recognized, however, that people of color continued to be disadvantaged in relation to white people on every measure, even while the country seemed to be moving in a progressive direction. In 2009, as throughout U.S. history and today, white people were significantly more likely than African Americans and Latinos/as to have incomes above the poverty line,³⁹ to complete high school⁴⁰ and to attend and complete college.⁴¹ White people were also significantly less likely to be the

<https://perma.cc/DR5E-P8JZ>; Carl Hulse, *Obama is Sworn in as the 44th President*, N.Y. TIMES, Jan. 20, 2009, <https://www.nytimes.com/2009/01/21/us/politics/20web-inaug2.html>, archived at <https://perma.cc/EVY3-Y5MT>.

³⁷ *Varnum v. Brien*, 763 N.W.2d 862, 862 (Iowa 2009); see also Monica Davey, *Iowa Court Voids Gay Marriage Ban*, N.Y. TIMES (Apr. 3, 2009), <https://www.nytimes.com/2009/04/04/us/04iowa.html>, archived at <https://perma.cc/7W8N-3X3B>.

³⁸ Charlie Savage, *Sotomayor Confirmed by Senate, 68-31*, N.Y. TIMES (Aug. 6, 2009), <https://www.nytimes.com/2009/08/07/us/politics/07confirm.html>, archived at <https://perma.cc/L6PR-ZNY4>.

³⁹ In 2009, 25.8% of Blacks and 25.3% of Latinos/as as compared to 9.4% of non-Latino/a Whites were living below poverty line. U.S. CENSUS BUREAU, INCOME, POVERTY, AND HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2009 14 (2010), <https://www.census.gov/prod/2010pubs/p60-238.pdf>, archived at <https://perma.cc/5MFB-NDF8>.

⁴⁰ In 2009, the high school drop-out rate for Whites was 5.2% as compared to 9.3% for Blacks and 17.6% for Latinos/as. U.S. DEPARTMENT OF EDUCATION, TRENDS IN HIGH SCHOOL DROPOUT AND COMPLETION RATES IN THE UNITED STATES: 1972-2009 38 (2011), <https://nces.ed.gov/pubs2012/2012006.pdf>, archived at <https://perma.cc/LJR8-WUKR>.

⁴¹ More than 40% of white 18- to 24-year-olds in 2008 were enrolled in college as compared to 26% of Latinos/as and 32% of Blacks of the same age. PEW RESEARCH CTR., COLLEGE ENROLLMENT HITS ALL-TIME HIGH, FUELED BY COMMUNITY COLLEGE SURGE 7 (2009), <https://www.pewsocialtrends.org/2009/10/29/v-college-enrollment-by-race-and-ethnicity/>, archived at <https://perma.cc/9DRV-N33C>. At the time of the Third National POC Conference, 53% of Asians and 39% of Whites ages 25-29 had a college degree as compared to 19% of Blacks and 13% of Latinos/as. PEW RESEARCH CTR., WOMEN SEE VALUE AND BENEFITS OF COLLEGE, MEN LAG ON BOTH FRONTS 2 (2011), <https://www.pewsocialtrends.org/2011/08/17/iv-by-the-numbers-gender-race-and-education>, archived at <https://perma.cc/9B2H-H74S>.

victims of a hate crime,⁴² be incarcerated,⁴³ be unemployed,⁴⁴ or lose their home as a result of foreclosure.⁴⁵ They were also less likely to be killed by the police.⁴⁶ Despite these racial disparities, some pundits and scholars argued that President Obama's election was proof that race no longer mattered in the United States and that we had become a "post-racial" society.⁴⁷

⁴² "[T]here were 4,057 victims of racially motivated hate crimes in 2009. 71.5 percent were victims because of an offender's anti-black bias [and] 16.5 percent were victims because of an anti-white bias." U.S. DEP'T JUSTICE, HATE CRIME STATISTICS 2009 1 (2010), <https://www2.fbi.gov/ucr/hc2009/documents/victims.pdf>, archived at <https://perma.cc/364V-Z3CA>.

⁴³ In 2009, the incarceration rate of Black (non-Hispanic) males was more than six times higher than the rate for White (non-Hispanic) males. U.S. DEP'T JUSTICE, BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2009 9 (2011), <https://www.bjs.gov/content/pub/pdf/p09.pdf>, archived at <https://perma.cc/ANJ9-T9UA>.

⁴⁴ In 2009 the unemployment rate for Whites was 8.5% as compared to 14.8% for Blacks and 12.1% for Latinos/as. U.S. DEP'T OF LABOR, U.S. BUREAU OF LAB. AND STAT., LABOR FORCE CHARACTERISTICS BY RACE AND ETHNICITY, 2009 1 (2010), https://www.bls.gov/opub/reports/race-and-ethnicity/archive/race_ethnicity_2009.pdf, <https://perma.cc/6ZTB-D9SY>.

⁴⁵ Carlos Garriga et al., *The Homeownership Experience of Minorities During the Great Recession*, 99 FED. RESERVE BANK OF ST. LOUIS REV. 139, 148 (2017) (finding that "28.6 percent and 31.7 percent of mortgage loans for Black and Hispanic borrowers, respectively, had entered foreclosure" at the end of the Great Recession "in sharp contrast to the 13.9 and 11.3 percentage shares for Asian and White borrowers, respectively"); *see id.* at 139 (finding that during the Great Recession, "college-educated Black and Hispanic families fared worse than non-college-educated Black and Hispanic families").

⁴⁶ *See* Ryan Gabrielson et al., *Deadly Force, in Black and White*, PROPUBLICA (Oct. 10, 2014) <https://www.propublica.org/article/deadly-force-in-black-and-white>, archived at <https://perma.cc/J45V-U6VK> (reporting that African American males ages 15–19 are 21 times more likely than their white counterparts to be killed by the police). The successful film *Fruitvale Station* documented the killing of Oscar Grant, an unarmed African American male shot by a police officer on January 1, 2009, a mere two months before the Steering Committee began its work. A.O. Scott, *A New Year and a Last Day Alive*, N.Y. TIMES, July 11, 2013, <https://www.nytimes.com/2013/07/12/movies/fruitvale-station-is-based-on-the-story-of-oscar-grant-iii.html>, archived at <https://perma.cc/TY9E-D6TT> (providing review of *Fruitvale Station* and noting that the subject of the film, Oscar Grant, was killed by a police officer on January 1, 2009). One study found that when police officers kill unarmed African Americans, it negatively impacts the mental health of African Americans in those states. *See* John Eligon, *Police Killings Have Harmed Mental Health in Black Communities, Study Finds*, N.Y. TIMES (June 21, 2018), <https://www.nytimes.com/2018/06/21/us/police-shootings-black-mental-health.html>, archived at <https://perma.cc/ZY3A-TS45>.

⁴⁷ *See* Mario L. Barnes, *Reflection on a Dream World: Race, Post-Race and the Question of Making It Over*, 11 BERKELEY J. AFR.-AM. L. & POL'Y 6, 7 (2009) (noting that some commentators believe that President Obama's election was evidence that "America has, in fact, substantially overcome the longstanding effects of racism, and perhaps, its national obsession with race"); Ian F. Haney López, *Post-Racial Racism: Racial Stratification and Mass Incarceration in the Age of Obama*, 98 CAL. L. REV. 1023, 1024 (2010) ("The election of Barack Obama to the presidency has inspired many to marvel at the seeming evaporation of race as a basis for social ordering in the United States, a euphoria often expressed in proclamations that we now live in a "post-racial" America."); Angela Onwuachi-Willig & Mario L. Barnes, *The*

Recognizing that nothing could be further from the truth, the Steering Committee decided that the Conference would examine and debunk these arguments through the theme “*Our Country, Our World in a ‘Post-Racial’ Era.*” Brainstorming, the Committee generated a list of potential keynote speakers who had devoted their lives to racial justice and would bring broad perspectives as a result of their work in different areas. We were delighted when the Honorable Cory A. Booker, Mayor of Newark, New Jersey; Gay J. McDougall, United Nations Independent Expert on Minority Issues; Kathleen Martinez, Assistant Secretary of Labor for Disability Employment Policy; and Keith M. Harper, Former Appellate Justice, Mashantucket Pequot Tribal Nation, accepted the invitation to deliver keynote addresses at the conference. Although the Steering Committee sought to schedule prominent speakers during elaborate meals at the Newark Club, the New Jersey Performing Arts Center, and the Newark Museum, there was one key speaker who did not confirm until shortly before the conference. This speaker was Reverend Jesse Louis Jackson, Sr., the African American civil rights leader who sought the Democratic presidential nomination more than two decades before Barack Obama was elected President.⁴⁸ We created a special session for Reverend Jackson, facilitated by Professor Michele B. Goodwin (then a professor at University of Minnesota Law School), in the auditorium at Seton Hall Law but had to simulcast the session throughout several classrooms to accommodate the overflow from the auditorium which was filled to capacity.

As noted, the main purpose of the POC conferences is to support faculty of color. To that end, during our monthly conference calls and frequent emails, the Steering Committee discussed the resources that were crucial to our success and the information we wish we had known before going on the teaching market and as junior faculty. All of us stood on the shoulders of the founders of the POC conferences and recalled those workshops in which we were told to start preparing our tenure file from day one,⁴⁹ advised on how to manage requests to

Obama Effect: Understanding Emerging Meanings of “Obama” in Anti-Discrimination Law, 87 IND. L.J. 325, 325–26 (2012) (“The election of Barack Obama to the U.S. presidency . . . prompted many declarations from journalists and commentators about the arrival of a post-racial society, a society in which race is no longer meaningful.”); John McWhorter, *Racism In America Is Over*, FORBES (Dec. 30, 2008), https://www.forbes.com/2008/12/30/end-of-racism-oped-cx_jm_1230mcwhorter.html#139afa9c49f8, archived at <https://perma.cc/9P2P-8DVP> (stating that “America [is] past racism against black people,” and that the election of President “Obama proved, as nothing else could have, that” racism is no longer a serious problem).

⁴⁸ See *Jesse Jackson*, ENCYCLOPAEDIA BRITANNICA, <https://www.britannica.com/biography/Jesse-Jackson>, archived at <https://perma.cc/WNF9-VI7M>.

⁴⁹ I have never forgotten Deborah Post’s (professor at Touro Law Center) advice to new teachers to keep a tenure folder and slip in every single email in which a student complimented our teaching or mentoring, and a record of every presentation in which we participated and task we engaged in that we would likely forget. This could include everything from meetings

assume greater teaching and administrative responsibilities when there are few or no other faculty of color to share the load,⁵⁰ and provided with strategies to protect our time for scholarship when tasked with more than our fair share of student mentoring and administrative work.⁵¹ We recalled the invaluable advice we received at POC conferences on educating our deans about the racial and gender biases that impact student evaluations⁵² and on dealing with students who challenge the authority of faculty of color in the classroom.⁵³ To pay it forward, the Steering Committee created a Junior Faculty Development Committee (“JFDWC”) that organized a Pipeline Program and Junior Faculty and Development Workshop to help junior scholars and lawyers seeking to enter legal academia develop research agendas and stronger teaching skills.⁵⁴ Given the dearth of faculty of color (then and now), the Pipeline Program sought to demystify the process of obtaining a faculty position — a process that

with students about their journal notes to participating in an ad hoc committee — tasks that are often invisible because they are not regular faculty committees.

⁵⁰ See Meera E. Deo, *Looking Forward to Diversity in Legal Academia*, 29 BERKELEY J. GENDER L. & JUST. 352, 367–75, 383, 384 (2014) (discussing underrepresentation of minority faculty and unique challenges in work-life balance); Jane Murphy & Solangel Maldonado, *Reproducing Gender and Race Inequality in the Blawgosphere*, 41 HARV. J. L. & GENDER 239, 258 (2018) (noting that “the majority of law schools employ few faculty of color and even fewer in tenure-track positions” and “[a]s a result, faculty of color often have significantly heavier teaching and administrative burdens than white men”).

⁵¹ See Devon W. Carbado & Mitu Gulati, *Tenure*, 53 J. LEGAL EDUC. 157, 170 (2003) (“[U]ntenured minority faculty likely end up doing more service work than their white male competitors for tenure, and that, in turn, means that they have relatively less time for scholarship and teaching preparation.”); Meera E. Deo, *The Ugly Truth About Legal Academia*, 80 BROOK. L. REV. 943, 988–89 (2015) (“[M]any female faculty of color spend a great deal of time mentoring students, especially students of color, women students, and other underrepresented or marginalized students who seek them out.”); Kellye Y. Testy, *Best Practices for Hiring and Retaining a Diverse Law Faculty*, 96 IOWA L. REV. 1707, 1715 (2011) (noting that often a minority “faculty member bears a disproportionate responsibility for student advising and mentoring and is often stretched thin due to the school’s otherwise worthy goal of having diverse faculty well represented on committees and other important institutional assignments”); LawProfBlawg, *Racism in Academia (Not a Breaking Story)*, ABOVE THE LAW (Feb. 21, 2017), <http://abovethelaw.com/2017/02/racism-in-academia-not-a-breaking-story/>, archived at <https://perma.cc/AVT2-9QP5> (discussing the disproportionate burdens placed on faculty of color).

⁵² See Robert S. Chang & Adrienne D. Davis, *An Epistolary Exchange: Making Up Is Hard To Do: Race/Gender/Sexual Orientation in the Law School Classroom*, 33 HARV. J.L. & GENDER 1, 39–40 (2010); Therese A. Huston, *Race and Gender Bias in Higher Education: Could Faculty Course Evaluations Impede Further Progress Toward Parity?*, 4 SEATTLE J. FOR SOC. JUST. 591, 602–05 (2006); Deborah J. Merritt, *Bias, the Brain, and Student Evaluations of Teaching*, 82 ST. JOHN’S L. REV. 235, 235–40 (2008).

⁵³ For an excellent discussion of all of the challenges faced by faculty of color in law schools, see MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019).

⁵⁴ Organized by a committee led by Fabio Arcila (professor at Touro Law Center) and Evelyn Wilson (then a professor at Southern University Law Center).

is opaque for most first generation lawyers who do not know while still in law school that they might want to be law professors or what opportunities they must pursue during law school and early in their legal careers to be competitive faculty applicants.⁵⁵ The five-hour Pipeline Program⁵⁶ included panels on the nuts and bolts of becoming a law professor⁵⁷ and the importance of clerkships and writing law review articles. It also included sessions on fellowships and positions as visiting assistant professors and their role when seeking a permanent position as well as a session for “late bloomers” — individuals seeking to enter the legal academy after a number of years in practice who may not be seen by law schools as attractive hires.

In addition to the Pipeline Program, the JFDWC organized numerous panels during the conference that focused on junior faculty development, including advice for new faculty, publishing in traditional and alternative venues (such as books, peer-reviewed journals, and mass media), and opportunities for visiting positions and lateral moves.⁵⁸ It also organized panels on getting tenure and ensuring success post-tenure (a period during which some faculty are at a loss as to what to do next), alternatives to tenure, including long-term contracts and non-tenure track opportunities, and opportunities for deanships and other administrative positions.

Although the JFDWC expected that emerging and junior faculty would attend the Pipeline Program and junior faculty development workshops, it also sought to facilitate their participation as speakers on other panels and workshops. It invited junior scholars and post-graduate fellows, to participate on panels and present their scholarship in workshops. To incentivize participation by emerging scholars, the JFDWC organized a Student Writing Competition with \$1000 and \$500 cash prizes for the first and second place winners, respectively, along with the opportunity to present their paper at the

⁵⁵ For example, faculty hiring committees look favorably on candidates who were law review editors, clerked for federal or state supreme court judges, or practiced in prestigious firms, public interest organization, or government agencies.

⁵⁶ The Pipeline Program took place before the official conference starting time — a pre-conference program — to ensure that participants in the Pipeline Program could attend all the Pipeline sessions without missing any of the plenaries, panels, and other programming at the conference.

⁵⁷ This included a discussion of the AALS Faculty Hiring Conference known as the “meet market,” the screening interview, the call-back interview, the job talk, and how to complete the Faculty Appointments Register form to attract the attention of faculty reviewers. *See* Third National POC Conference Program (“POC Program”) (Sept. 7, 2010) (on file with author).

⁵⁸ These sessions were labelled JFDW in the program for ease of identification. *See* POC Program (on file with author).

conference and obtain feedback.⁵⁹ It organized a similar Junior Faculty Writing Competition.⁶⁰

The Steering Committee also sought to include law students of color—the future generation of academics of color—in the Conference. Law students participated in the Student Writing Competition, attended sessions, and participated on panels that spoke directly to their experiences as students. For example, student representatives from several Seton Hall Law student-affinity organizations participated on a panel with law school faculty, administrators, and recent law school graduates titled “Bridging the Gap Between Law School Professionals and Minority Students in a Post-Racial Society.”⁶¹ There is no substitute for students’ voices if we are to address their concerns. After the Third National POC Conference, the regional NEPOC began inviting law students to its conference and even provided them with opportunities to participate on panels and workshops at times.

The Steering Committee also wished to secure the participation of the senior scholars whose work had been foundational to our scholarship and identity as faculty of color. It created a Program Committee⁶² that organized five plenaries that focused on issues that everyone participating in the conference would deem too important to miss and invited leading scholars to participate in each of these plenaries. It kicked off the conference with a plenary exploring whether the U.S. had progressed to a post-racial era. The speakers were Deans Kevin Johnson⁶³

⁵⁹ The winner of the Student Writing Competition First Place Award was Rina Wang from the University of Michigan Law School for her paper titled “Using Jury Instructions to Correct Implicit Racial Bias.” See POC Program (on file with author).

⁶⁰ The winner of the Junior Faculty Writing Competition First Place Award was Deirdre Bowen of Seattle University School of Law for her paper titled “Grutter’s Regrets: An Empirical Investigation of How Affirmative Action is(n’t) Working.” See POC Program (on file with author).

⁶¹ Student panelists included Husain Gatlin (Black Law Students Association), Naureen Jaffery (Muslim Law Students Association), and Sebastian Sanchez (Latin American Law Students Association). Several other panels at the conference focused on students, such as panels titled “The Decline in African-American & Latino/a Law Students: Pipelines, Practices & Policies to Increase Minority Admissions” and “Stereotype, Stigma, Education & Law.” See POC Program (on file with author).

⁶² The Program Committee was co-chaired by two junior faculty members, Deleso Alford Washington (then a professor at Florida A&M University School of Law) and Kamille Wolff (then a professor at Texas Southern University Thurgood Marshall School of Law). See POC Program (on file with author).

⁶³ Dean Kevin Johnson, UC Davis School of Law, is one of the most prolific immigration scholars in the country. For a list of Dean Johnson’s extensive publications, see *Kevin R. Johnson*, UC DAVIS SCH. OF LAW, <https://law.ucdavis.edu/faculty/johnson>, archived at <https://perma.cc/T4C3-Y8NR>.

and Camille Nelson⁶⁴; Professor Francisco Valdes,⁶⁵ one of the founders of LatCrit⁶⁶; Professor Robert Chang,⁶⁷ the founder of the Fred T. Korematsu Center for Law and Equality⁶⁸; Professor Kimberlé Crenshaw,⁶⁹ one of the founders of the Critical Race Theory Workshops (and who coined the concept of “intersectionality” to describe the experiences of women of color who experience discrimination on the basis of race and gender⁷⁰); and Professor Jenny Rivera, founder of the Center on Latino and Latina Rights and Equality (“CLORE”),⁷¹ and currently a judge on the New York Court of Appeals.⁷² The second plenary focused on the legacy of Derrick Bell, the first tenured African American professor at Harvard Law School and one of the creators of Critical Race Theory in the 1970s.⁷³ Professor Bell’s groundbreaking theory of interest convergence, which posits that “[t]he interest of blacks in achieving racial

⁶⁴ Dean Camille Nelson was the Dean of Suffolk University Law School at the time and is currently the Dean of American University, Washington College of Law, the host of the Fourth National POC Conference. For discussion of Dean Nelson’s trailblazing leadership, see *Camille Nelson*, WASH. COLL. LAW, <https://www.wcl.american.edu/community/faculty/profile/canelson/bio>, archived at <https://perma.cc/KFX6-GET3>.

⁶⁵ Professor Francisco Valdes teaches at the University of Miami School of Law. For a summary of Professor Valdes’s work, see *Francisco Valdes*, UNIV. OF MIAMI SCH. OF LAW, <https://www.law.miami.edu/faculty/francisco-valdes>, archived at <https://perma.cc/7CGJ-5R7E>.

⁶⁶ For information about LatCrit, see *LatCrit*, LATINA & LATINO CRITICAL LEGAL THEORY, INC., <http://www.latcrit.org/index/>, archived at <https://perma.cc/KJ5F-4ZHX>.

⁶⁷ Professor Robert Chang teaches at Seattle University School of Law. For Professor Chang’s impressive social justice work, see *Robert S. Chang*, Seattle Univ. Sch. of Law, <https://law.seattleu.edu/faculty/profiles/robert-s-chan>, archived at <https://perma.cc/PFA3-4KZG>.

⁶⁸ For information about the Fred T. Korematsu Center, see *Korematsu Center*, SEATTLE UNIV. SCH. OF LAW, <https://law.seattleu.edu/centers-and-institutes/korematsu-center>, archived at <https://perma.cc/MUL7-KFSM>.

⁶⁹ Professor Kimberlé Crenshaw teaches at both Columbia Law School and UCLA Law School. For a summary of Professor Crenshaw’s work, see *Kimberlé Crenshaw*, THE AFRICAN AMERICAN POLICY FORUM, <http://aapf.org/kimberle-crenshaw>, archived at <https://perma.cc/5LL8-7JC5>.

⁷⁰ For Professor Crenshaw’s TedTalk on intersectionality, see Kimberlé Crenshaw, *The urgency of intersectionality*, TED, https://www.ted.com/talks/kimberle_crenshaw_the_urgency_of_intersectionality. Fusion/discussion, archived at <https://perma.cc/C2S7-GXZV>.

⁷¹ For information about CLORE, see *Ctr. on Latino and Latina Rights and Equity*, CUNY SCH. OF LAW, <http://www.law.cuny.edu/academics/social-justice/clore/>, archived at <https://perma.cc/5TP4-VCQ5>.

⁷² Then-professor Jenny Rivera was appointed to the New York Court of Appeals in 2013. *Honorable Jenny Rivera*, STATE OF NEW YORK COURT OF APPEALS, <https://www.nycourts.gov/ctapps/jrivera.htm>, archived at <https://perma.cc/J4W3-7SSU>.

⁷³ Adrien K. Wing, *Is There A Future for Critical Race Theory?*, 66 J. LEGAL EDUC. 44, 46 (2016). For the tenets of CRT, see *id.* at 47–49; see also KHIARA M. BRIDGES, *CRITICAL RACE THEORY: A PRIMER* (2019).

equality will be accommodated only when it converges with the interests of whites,⁷⁴ is still applied widely today.⁷⁵ The plenary was a tribute to Professor Bell's work and his mentorship of countless students. The conference participants still treasure the opportunity to have heard from Professor Bell one last time.⁷⁶ In furtherance of the conference theme, the Program Committee organized a plenary on the media's role in construction of the concept that the U.S. was post-racial and wisely included perspectives from outside the legal academy on this plenary.⁷⁷

In accordance with the POC Conference's commitment to providing a safe space for scholars to present their ideas and obtain critical but supportive feedback, the Steering Committee agreed that anyone who wished to participate

⁷⁴ Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 3 HARV. L. REV. 518, 523 (1980). Some of Professor Bell's other works include DERRICK A. BELL, JR., *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACES* (1993); DERRICK A. BELL, JR., *SPACE TRADERS* (1992); DERRICK A. BELL, JR., *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1989); Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. 470 (1976). He was also the editor of the widely used casebook, DERRICK A. BELL, JR., *RACE, RACISM & AMERICAN LAW* (6th ed. 2008), first published in 1973.

⁷⁵ See generally Mary Crossley, *Black Health Matters: Disparities, Community Health, and Interest Convergence*, 22 MICH. J. RACE & L. 53 (2016); Mitchell F. Crusto, *Right to Life: Interest-Convergence Policing*, 71 RUTGERS U.L. REV. 63 (2018); Richard Delgado, *Why Obama? An Interest Convergence Explanation of the Nation's First Black President*, 33 LAW & INEQ. 345 (2015); Neo Khuu, *Obergefell v. Hodges: Kinship Formation, Interest Convergence, and the Future of LGBTQ Rights*, 64 UCLA L. REV. 184 (2017); Philip Lee, *A Wall of Hate: Eminent Domain and Interest-Convergence*, 84 BROOK. L. REV. 421, 421 (2019).

⁷⁶ Professor Bell passed away thirteen months after the conference. See Fred A. Bernstein, *Derrick Bell, Law Professor and Rights Advocate, Dies at 80*, N.Y. Times, Oct. 6, 2011, <https://www.nytimes.com/2011/10/06/us/derrick-bell-pioneering-harvard-law-professor-dies-at-80.html>, archived at <https://perma.cc/5CVZ-S5ZH>.

⁷⁷ For example, the plenary included Roberto Lovato who was then a journalist with New American Media. *About*, ROBERTO LOVATO, <http://www.robertolovato.com/about.html>, archived at <https://perma.cc/4VL8-NFUM>. The other panelists were Imani Perry, a former law professor who left law school teaching to join the Department of African American Studies at Princeton University; Raymond M. Brown, the co-host of the NJN Due Process, an award-winning weekly program on law and justice issues, and two law professors Akilah Folami (professor Hofstra Law School) and Sheryll Cashin (professor at Georgetown University Law Center). Two other plenaries rounded out the conference: one on "The Jurisprudence of Justice John Paul Stevens" with The Honorable Joseph A. Greenaway, Jr. (U.S. Circuit Court of Appeals, Third Circuit) and Professors Michelle Adams (professor at Cardozo Law School), Margaret Lemos (then a professor at Cardozo Law School), and Baher Azmy (professor at Seton Hall School of Law), and a closing plenary titled "Next Steps: Where Do We Go from Here" with the chairs of the First and Second National POC Conferences, Linda Crane (then a professor at John Marshall Law School) and Alfreda Robinson (professor at George Washington University Law School), Linda Greene (discussed in *supra* notes 14 and accompanying text), Margaret Montoya (then a professor at University of New Mexico Law School), and Devon Carbado (professor at UCLA Law School). See POC Program (on file with author).

on a panel or present their work should have the opportunity to do so. Once the plenary speakers were tentatively confirmed, the Program Committee posted a call for papers and panels on any topic related to the conference theme. The Works in Progress/Thoughts in Progress Committee, which was tasked with matching scholars with early drafts and abstracts with commentators who would provide rigorous feedback, posted a call for papers or abstracts on any topic.⁷⁸ However, the Steering Committee was not prepared for the unprecedented response which resulted in sixty-nine concurrent panels, forty works and thoughts in progress, and more than 350 conference speakers.⁷⁹

C. *The Conference: Nurturing Our Community Over Four Days*

After eighteen months of planning and much anticipation, the Third National POC Conference surpassed my expectations. It featured several social events that provided much needed spiritual nourishment⁸⁰ and rich cultural and historic programs that focused on the City of Newark. After dinner at the New Jersey Performing Arts Center in which the young and energetic Mayor of Newark, the Honorable Cory A. Booker,⁸¹ delivered the keynote address, the first day of the conference ended with a screening and discussion of *REVOLUTION '67*, a documentary about the riots that erupted in Newark in 1967 as a result of racial, economic, and political inequality.⁸² The second day of the

⁷⁸ Wendy Greene (Cumberland School of Law at Samford University), Mary Dolores Guerra (Arizona Summit Law School, known then as the Phoenix School of Law), and Olympia Duhart (Nova South Eastern University—Shepard Broad College of Law) organized the Works in Progress and Thoughts in Progress sessions and found commentators for each of the presenters, in some cases two commentators.

⁷⁹ See POC Program (on file with the author).

⁸⁰ For example, the LatCrit Hospitality Suite is legendary at LatCrit Conferences and was no less so at the Third National POC Conference for providing conference attendees the space to decompress and enjoy the freedom to be themselves in a manner that faculty of color at predominantly white institutions rarely enjoy at their home institutions.

⁸¹ Cory A. Booker was elected to the U.S. Senate in 2013. Elizabeth Titus, *Booker Wins New Jersey Senate Seat*, POLITICO, Oct. 16, 2013, <https://www.politico.com/story/2013/10/cory-booker-new-jersey-senate-election-098436>, archived at <https://perma.cc/V9UQ-Q8RA>. In 2019, he sought the Democratic Nomination for the 2020 Presidential election. Nick Corasaniti & Shane Goldmacher, *Cory Booker Announces Presidential Bid, Joining Most Diverse Field Ever*, N.Y. TIMES, Feb. 1, 2019, <https://www.nytimes.com/2019/02/01/us/politics/cory-booker-2020.html>, archived at <https://perma.cc/HL9Z-EC3P>.

⁸² Marylou Tibaldo-Bongiorno & Jerome Bongiorno, *REVOLUTION '67* (PBS 2007). Bernard K. Freamon (Seton Hall University School of Law) provided commentary after the documentary and facilitated discussion. Professor Freamon was the founding director of Seton Hall Law School's Center for Social Justice in Newark and served for five years as board chairperson of the Essex-Newark Legal Services Corporation in Newark. *Bernard Freamon*, SETON HALL UNIV. SCH. OF LAW, <https://law.shu.edu/faculty/full-time/bernard-freamon.cfm>, archived at <https://perma.cc/9QNW-R73M>.

conference featured a pre-dinner exhibit on folk and outsider art at the Newark Museum. The third day featured a panel titled “Newark & the Perpetual Renaissance” with speakers who were working to address the racial, economic and social inequality in New Jersey’s largest city⁸³ and culminated with a reception celebrating deans of color at Rutgers School of Law–Newark.⁸⁴

A conference of this size is costly and the Finance Committee⁸⁵ soon realized that it would need to raise significant funds to keep the conference registration fee affordable and award need-based scholarships for students and emerging scholars. It also hoped to have surplus funds to help support the regional POC conferences the following year and provide seed funding for the next national POC Conference in five years. Reginald Robinson, the Chair of the Finance Committee, and I contacted the deans of every law school in the country, as well as casebook publishers, bar associations, local law firms, the Law School Admissions Council, and social justice organizations to request financial support. These letters emphasized the contributions of the POC conferences to faculty of color and to increasing diversity in legal academia.⁸⁶ We received funding from forty-six institutions and organizations for a total of \$103,500 in cash contributions and an additional \$15,000 in indirect contributions.⁸⁷ As a result, we had \$43,525.60 in surplus funds at the end of the

⁸³ The panelists were Professor David Dante Troutt (professor at Rutgers School of Law-Newark); the late Clement Alexander Price (then a professor at Rutgers University-Newark, Department of History and later appointed as City of Newark Historian); Maria Vizcarrondo (then the director of the Newark Department of Child and Family Wellbeing); Charles Auffant (professor at Rutgers School of Law-Newark); and Mark Denbeaux (professor Seton Hall University School of Law). In 2013, Professor Troutt founded the Rutgers Center on Law in Metropolitan Equity (“CLiME”). *Rutgers CLiME, CENTER ON LAW, INEQUALITY & METROPOLITAN EQUITY*, <https://clime.newark.rutgers.edu/>, archived at <https://perma.cc/VP63-84C3>.

⁸⁴ The reception was co-sponsored by Rutgers School of Law–Camden.

See Third National POC Conference Program (“POC Program”) (on file with author).

⁸⁵ The Finance Committee was chaired by Reginald Leamon Robinson (professor at Howard University School of Law). See POC Program (on file with author).

⁸⁶ For example, the letter to law school deans noted that, as a result of past POC conferences, “many professors of color became better scholars and teachers” and obtained tenure, and that the JFDWC would “support the research agendas of emerging scholars.” See Letter from Solangel Maldonado & Reginald Robinson to Dean Camille Nelson (Oct. 9, 2009) (on file with author).

⁸⁷ For example, Rutgers–Newark and Rutgers–Camden hosted and paid for the reception celebrating deans of color. Michele Goodwin and the University of Minnesota School of Law covered the costs of bringing Rev. Jesse Jackson to the conference. Catherine E. Smith, in her role as Associate Dean of Institutional Diversity and Inclusiveness at the University of Denver Sturm College of Law created the Emerging Legal Scholars Initiative and covered the travel and lodging costs for four emerging scholars. Our sponsors and sponsorship levels were:

EXECUTIVE (\$20,000 or more): Dean Patrick E. Hobbs & Seton Hall Law School; Law School Admission Council.

GOLD (\$10,000): Gibbons P.C.

conference.⁸⁸ The Steering Committee agreed to set aside \$10,000 for the next national POC Conference in five years and distribute the remainder to the five regional entities to help fund their annual conferences.⁸⁹

By all objective criteria, the Third National POC Conference was a success. The panels, workshops, and events were engaging, the level of participation was unprecedented, and our fundraising efforts enabled us to support future conferences. However, the true value of the POC Conferences is not measured by their programming but rather by the opportunities they provide to faculty of color and the community they build and sustain. As Professor Greene has explained, her vision when she organized the first POC Conference in 1989 was “to provide a nurturing and supportive environment for scholarly development, particularly for untenured legal scholars of color.”⁹⁰ In determining whether the Third National POC Conference served its purpose, we must look at the unique challenges faced by faculty of color and the strategies we implemented to

SILVER (\$5,000): Fordham Law School; New York Law School; University of Denver Sturm College of Law; University of Minnesota Law School.

BRONZE (\$3000): American University, Washington College of Law; Beveridge & Diamond, PC; Cardozo Law School; Hofstra Law School; Rutgers School of Law–Camden; Rutgers School of Law-Newark; Suffolk University Law School.

GENERAL (\$1,000-\$2,999): Catholic University, Columbus School of Law; Capital University Law School; Center for Global Justice, Seattle University School of Law; Florida Coastal School of Law; Florida International University, College of Law; Fred T. Korematsu Center for Law and Equality, Seattle University School of Law; Howard University School of Law; LatCrit, Inc.; LexisNexis; Ronald H. Brown Center for Civil Rights and Economic Development; St. John’s University School of Law; Society of American Law Teachers; St. Mary’s University School of Law; The University of Michigan Law School; Thurgood Marshall School of Law, Texas Southern University, Thurgood Marshall School of Law; Touro Law Center; University of California, Davis School of Law; University of California, Hastings School of Law; University of Alabama School of Law; University of Baltimore School of Law; University of Kentucky College of Law; University of Maryland School of Law; University of Miami School of Law; Wake Forest University School of Law; Widener University School of Law; University of Las Vegas, William S. Boyd School of Law.

FRIENDS (\$250-\$999): Aspen; Carolina Academic Press; Center on Latino and Latina Rights and Equality (CLORE), CUNY School of Law; CAPALF; Hispanic Bar Association of New Jersey; University of Iowa College of Law.

See POC Program (on file with author).

⁸⁸ *See* Email from Rosa Alves-Ferreira to Solangel Maldonado, Nov. 4, 2010, 4:01 PM (on file with author).

⁸⁹ Email from Solangel Maldonado to the Steering Committee, Nov. 19, 2010, 4:38 PM (on file with author). Each of the regions received a check in the amount of \$6,705.12 to help fund their regional conference the following year. *See* Email from Rosa Alves-Ferreira to Solangel Maldonado, Feb. 10, 2011, 5:43 PM (on file with author). *See also* Email from Solangel Maldonado to Rosa Alves-Ferreira & Terry DeAlmeida, Sept. 22, 2016, 12:24 PM (“[W]e had \$43,525 left over from the People of Color Conference. We distributed \$6,705.12 to each of the 5 regional conferences . . . and kept \$10,000 in an account for the next national conference.”).

⁹⁰ Greene, *supra* note 14, at 35.

address them. As Professor Greene explained shortly after the First National POC Conference:

The People of Color Legal Scholarship Conference movement provides peer support and the “critical space” necessary for the flowering of intellectual potential. We worked to create this critical space to nurture minority scholars who endured disproportionate pressures and demands due to their scarcity in academia. These token professors were compelled to serve as signs and symbols of equality on a wide range of law school and university committees and to perform as role models for both majority and minority students. Simultaneously, we worked incessantly to disprove assumptions of group inferiority. These extracurricular responsibilities often left minority law professors with little or no space for individual intellectual growth and exploration.⁹¹

The Third National POC Conference provided “peer support and “critical space” for faculty of color to share rough drafts and even half-baked ideas without judgment, in sharp contrast to other academic spaces, where they are sometimes presumed less competent than their white peers⁹² and work “incessantly to disprove assumptions of group inferiority.”⁹³ It also provided a “supportive environment for scholarly development” by partnering with law journals to publish scholarship generated by the Conference. A Westlaw search produced more than fifty articles presented at the Conference, many of which were published by one of the journals that partnered with the Conference.⁹⁴

⁹¹ Greene, *supra* note 14, at 40.

⁹² Kelly Y. Testy, *Best Practices for Hiring and Retaining a Diverse Law Faculty*, 96 IOWA L. REV. 1707, 1714–15 (2011) (“[F]aculty of color are often subject to a presumption of incompetence by both students and colleagues.”).

⁹³ Greene, *supra* note 14, at 40.

⁹⁴ For example, the Arizona State Law Journal published the papers from two panels, *Immigration and Race in a ‘Post Racial’ U.S.: Examining Contemporary Challenges and Post-Racial Policing & the Politics of Punishment*. See *Race & Immigration Symposium*, 44 ARIZ. ST. L.J. 1 (2012). The Iowa Journal of Gender, Race and Justice similarly published a symposium issue from several panels. See *Symposium, Race, Gender, and Class at a Crossroads: A Survey of Their Intersection in Employment, Economics, and the Law: Third National People of Color Conference Articles*, 14 J. GENDER RACE & JUST. 601 (2011). The Columbia Journal of Race and Law published the papers from the panel on *Post-Marxism, Post-Racialism & Other Fables of the Dispossession*. See, e.g., Anthony Paul Farley, *When the Stars Begin to Fall: Introduction to Critical Race Theory & Marxism*, 1 COLUM. J. RACE & L. 226 (2012); Anthony Paul Farley, *Critical Race Theory and Marxism: Temporal Power*, 1 COLUM. J. RACE & L. 247 (2012); Neil Gotanda, *Beyond Supreme Court Anti-Discrimination: An Essay on Racial Subordinations, Racial Pleasures and Commodified Race*, 1 COLUM. J. RACE & L. 273 (2012); Pantea Javidan, *Global Class and the Commercial-Sexual Exploitation of Children: Toward A Multidimensional Understanding*, 1 COLUM. J. RACE & L. 365 (2012); SpearIt, *Why Obama Is Black: Language, Law and Structures of Power*, 1 COLUM. J. RACE & L. 468 (2012); Christian B. Sundquist, *Signifying on Passing: (Post) Post-Racialism, (Post) Post-Modernism, and (Post) Post-Marxism*, 1 COLUM. J. RACE & L. 482 (2012); Donna E. Young, *Post Race Posthaste: Towards an Analytical*

Like the POC conferences that preceded it, the Third National POC Conference provided participants with a safe space in which to openly discuss how race affects our experiences at our respective institutions and the legal academy more broadly. As Rachel Moran has expressed, faculty of color at predominantly white institutions experience isolation and a sense that we do not belong as a result of being “a society of one.”⁹⁵ We experience microaggressions from both our colleagues and students and have few allies at our institutions who understand the stress and burdens we experience or the invisible work and emotional labor we do to serve students of color who are just as underrepresented as we are.⁹⁶ The people of color conferences provide a respite from an environment that negatively impacts the health of many scholars of color.⁹⁷ They remind us that we are not alone and provide sustenance and the comfort that comes from being around other scholars who understand our perspective without requiring explanation or education. They provide a home where faculty of color can feel free to be themselves — to speak Spanish in the halls, to wear our hair natural,⁹⁸ to discuss any issue without the self-imposed

Convergence of Critical Race Theory and Marxism, 1 COLUM. J. RACE & L. 499 (2012). The Cardozo Law Review published papers from the panel on *Post-Racialism in Law and Politics*. See Mary D. Fan, *Post-Racial Proxies: Resurgent State and Local Anti-“Alien” Laws and Unity-Rebuilding Frames for Antidiscrimination Values*, 32 CARDOZO L. REV. 905 (2011); Gilda R. Daniels, *Racial Redistricting in A Post-Racial World*, 32 CARDOZO L. REV. 947 (2011). The Seton Hall Law Review published the paper from the panel *Ending the Revolving Door Syndrome in Law*. See Luis J. Diaz & Patrick C. Dunican Jr., *Ending the Revolving Door Syndrome in Law*, 41 SETON HALL L. REV. 947 (2011). The SMU Law Review published papers from the panel on *Intellectual Property, Innovation, and Justice: Past, Present and Future*. See Chester S. Chuang, *Unjust Patents & Bargaining Breakdown: When Is Declaratory Relief Needed?*, 64 SMU L. REV. 895 (2011); Llewellyn Joseph Gibbons, *Do As I Say (Not As I Did): Putative Intellectual Property Lessons for Emerging Economies from the Not So Long Past of the Developed Nations*, 64 SMU L. REV. 923 (2011); Peter K. Yu, *Six Secret (and Now Open) Fears of Acta*, 64 SMU L. REV. 975 (2011); Danielle M. Conway, *Promoting Indigenous Innovation, Enterprise, and Entrepreneurship Through the Licensing of Article 31 Indigenous Assets and Resources*, 64 SMU L. REV. 1095 (2011). The Wyoming Law Review published a paper from the panel on *Decolonizing American Indians and Federal Indian Law*. See Justice Raymond D. Austin, *American Indian Customary Law in the Modern Courts of American Indian Nations*, 11 WYO. L. REV. 351 (2011).

⁹⁵ Rachel Moran, *Commentary: The Implications of Being a Society of One*, 20 U.S.F. L. REV. 503, 512 (1986).

⁹⁶ See DEO, *supra* note 53, at 36–78.

⁹⁷ See Roy L. Brooks, *Life After Tenure: Can Minority Law Professors Avoid the Clyde Ferguson Syndrome?*, 20 U.S.F. L. REV. 419, 419 (1986).

⁹⁸ For discussion of the law’s treatment of natural hairstyles in the workplace, see Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365 (1991); Angela Onwuachi-Willig, *Another Hair Piece: Exploring New Strands of Analysis Under Title VII*, 98 GEO. L.J. 1079 (2010); D. Wendy Greene, *Black Women Can’t Have Blonde Hair . . . in the Workplace*, 14 J. GENDER RACE & JUST. 405, 408 (2011); D. Wendy Greene, *Title VII: What’s Hair (and Other Race-Based Characteristics) Got to Do with It?*, 79 U. COLO. L. REV. 1355 (2008).

ensorship created by the fear of making our majority white colleagues and students uncomfortable.

After almost two decades in academia, I have participated in more than 100 conferences, listened to dozens of phenomenal speakers and participated in numerous engaging workshops. But there are two poignant moments from the Third National POC Conference that I shall always remember. First, Neil Williams' (professor at Loyola University Chicago School of Law) recitation of the history of the POC conferences reminded me that the founders of the POC conferences made it possible for scholars like myself to join the ranks of law professors across the nation and to successfully navigate the challenges that are inherent in being a society of one, or one of few.⁹⁹ Second, and related to the first moment, was the Steering Committee's public recognition of the founders of the First National POC Conference with a plaque that read:

**THE THIRD NATIONAL PEOPLE OF COLOR
LEGAL SCHOLARSHIP CONFERENCE**
SEPTEMBER 9-12, 2010
SETON HALL UNIVERSITY SCHOOL OF LAW

*Thanks you for your vision, leadership, and support of the People of
Color Legal Scholarship Conferences and for founding*

**THE FIRST NATIONAL PEOPLE OF COLOR
LEGAL SCHOLARSHIP CONFERENCE**
MARCH 27-29, 1999
THE JOHN MARSHALL LAW SCHOOL

Linda R. Crane	Linda Greene
Leonard M. Baynes	Reginald L. Robinson
Margaret Chon	Bryan Fair
Sheila Foster	Tanya K. Hernandez
Steven Hobbs	Darren Hutchinson
Rogelio A. Lasso	George A. Martinez
Laura M. Padilla	Antoinette Sedillo Lopez
Norman Amaker	Kent D. Lollis
Gerald Torres	James Jones
Beverly Moran	Beverly McQueary Smith
Andrew W. Haines	Yvette M. Barksdale
Neil G. Williams	Jon H. Sylvester
Leslie Espinoza	Peter C. Alexander
Dennis Greene	Cynthia Hawkins-Léon
Michael Middleton	Kimberly Jade Norwood
Lisa Ikemoto	

⁹⁹ For the history of the POC conferences, *see* Greene, *supra* note 14.

The Steering Committee asked Linda Crane, the Chair of the First National POC Conference, to bring the plaque to John Marshall Law School, the site of the First National POC Conference, and display it proudly. This tribute to the founders of the POC conferences was a powerful symbol of the continuing significance of the POC conferences.

My one regret from the Third National POC Conference was our failure to anticipate that so many people would want to attend; as a result, we were forced to cap registration. Some people called Seton Hall when online registration closed only to learn that we could not accommodate them.¹⁰⁰ A few people who lived within driving distance attempted to register on site but we had to turn them away (and they were not pleased). A conference that sought to examine and address the concerns of people of color should not have had to deny access to people who would not have such an opportunity for years to come. Fortunately, nine years later the organizers of the Fourth National POC Conference were prepared to welcome all 600 people who wished to attend.

III. THE (LONG) ROAD TO THE FOURTH NATIONAL POC CONFERENCE

The Third National POC Conference was held only eighteen months after President Obama was sworn into office. At the time, a naïve observer might have dared to dream that by the end of President Obama's time in office, especially after he was elected for a second term, the U.S. might finally be a "post-racial" society and the POC Conferences would no longer be necessary. The last nine years, however, demonstrate that these conferences are just as necessary today as they were thirty years ago when the first POC Conference—the Midwestern People of Color Legal Scholarship Conference—was organized in 1989.¹⁰¹

The years after the Third National POC Conference proved that the U.S. is not a post-racial nation. While an African American man held the highest office in the country, incidents of racial bias on college campuses did not abate,¹⁰² racial

¹⁰⁰ See Email from Rosa Alves-Ferreira to Solangel Maldonado, Sept. 2, 2010, 2:48 PM (on file with author).

¹⁰¹ See Greene, *supra* note 14, at 59 (discussing the First Midwestern POC Conference).

¹⁰² See, e.g., Ben Trachtenberg, *The 2015 University of Missouri Protests and their Lessons for Higher Education Policy and Administration*, 107 KY. L.J. 61, 74–79 (2018–2019); Anemona Hartocollis, *Long After Protests, Students Shun the University of Missouri*, N.Y. TIMES (July 9, 2017), <https://www.nytimes.com/2017/07/09/us/university-of-missouri-enrollment-protests-fallout.html>, archived at <https://perma.cc/V9U9-SZCM>; Elahe Izadi, *The Incidents that Led to the University of Missouri President's Resignation*, WASH. POST (Nov. 9, 2015), <https://www.washingtonpost.com/news/grade-point/wp/2015/11/09/the-incidents-that-led-to-the-university-of-missouri-presidents-resignation>, archived at <https://perma.cc/T9RB-79GT>; Scott Jaschik, *Epidemic of Racist Incidents*, INSIDE HIGHER ED (Sept. 26, 2016), <https://www.insidehighered.com/news/2016/09/26/campuses-see-flurry-racist-incidents-and-protests-against-racism>, archived at <https://perma.cc/LW2X-P5RP>; N.Y. TIMES, *Racial*

profiling of black and brown people (including Harvard professor Henry Louis Gates) persisted,¹⁰³ and Black men continued to die at the hands of the police at disproportionately high rates.¹⁰⁴

The years after the Third National POC Conference were challenging for the legal profession, and lawyers of color in particular. The legal market took a downturn and, as employment of recent law school graduates decreased dramatically, law firms hired even fewer graduates of color, becoming less diverse in 2015 than in 2010.¹⁰⁵ Law school enrollment dropped precipitously,¹⁰⁶ most law schools stopped hiring new faculty, and some even decreased the size of their faculty between 2010 and 2015.¹⁰⁷ As a result, there are likely fewer law

Tension and Protests on Campuses Across the Country, N.Y. TIMES (Nov. 10, 2015), <https://www.nytimes.com/2015/11/11/us/racial-tension-and-protests-on-campuses-across-the-country.html>, archived at <https://perma.cc/TNN9-EVKL>.

¹⁰³ Abby Goodnough, *Harvard Professor Jailed; Officer Is Accused of Bias*, N.Y. TIMES (July 20, 2009), <https://www.nytimes.com/2009/07/21/us/21gates.html>, archived at <https://perma.cc/898K-R8WM>.

¹⁰⁴ See Scott Andrew, *Police Are Three Times More Likely to Kill Black Men, Study Finds: 'Not a Problem Confined to a Single Region,'* NEWSWEEK (July 23, 2018), <https://www.newsweek.com/black-men-three-times-likely-be-killed-police-1037922>, archived at <https://perma.cc/HHC8-HUTE>.

¹⁰⁵ See NALP, *Women, Black/African-American Associates Lose Ground at Major U.S. Law Firms*, Nov. 19, 2015, https://www.nalp.org/lawfirmdiversity_nov2015, archived at <https://perma.cc/EV65-SK2E> (reporting in 2015 that “the percentage of African-American associates has declined each year since 2009”).

¹⁰⁶ Law school enrollment dropped from 52,448 first year students in Fall 2010, when the Third National POC Conference was held, to 39,675 in Fall 2013 when law schools should have been vying for the opportunity to host the Fourth National POC Conference and 37,924 in Fall 2014 when plans for the Fourth National POC Conference should have been well underway. *ABA Section of Legal Education Reports 2014 Law School Enrollment Data*, AMERICAN BAR ASSOCIATION, Dec. 16, 2014, https://www.americanbar.org/news/abanews/aba-news-archives/2014/12/aba_section_of_legal, archived at <https://perma.cc/75U2-6Y75>. By Fall 2015, when the Fourth National POC Conference should have been held in accordance with the promise at the First National POC Conference to meet every five years, first year enrollment had declined to 37,071. *2015 Standard 509 Information Report Data Now Available*, AMERICAN BAR ASSOCIATION, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_fall_enrollment_announcement.pdf, archived at <https://perma.cc/5CQ2-W2Y3>.

¹⁰⁷ More than 140 law schools decreased the size of their faculty between 2010 and 2015. See Ashby Jones & Jennifer Smith, *Amid Falling Enrollment, Law Schools are Cutting Faculty*, WALL ST. J. (July 15, 2013), <https://www.wsj.com/articles/SB10001424127887323664204578607810292433272>, archived at <https://perma.cc/6VSX-4NVP>; Staci Zaretsky, *The Law Schools that Have Gotten Rid of the Most Full-Time Faculty since 2010*, ABOVETHELAW.COM (Jan. 15, 2016), <https://abovethelaw.com/2016/01/the-law-schools-that-have-gotten-rid-of-the-most-full-time-faculty-since-2010/>, archived at <https://perma.cc/FJ5W-SDGJ> (citing Matt Leichter, *Which Law Schools are Shedding Full-time Faculty?*, THE LAST GEN X AMERICAN (Jan. 11, 2016), <https://lawschooltuitionbubble.wordpress.com/2016/01/11/which-law-schools-are-shedding-full-time-faculty-2015-edition/>, archived at <https://perma.cc/UYZ6-5Q5M>). Some

professors of color today than in 2010,¹⁰⁸ thus contributing to the isolation experienced by law professors at predominantly white institutions. Ironically, at a time when law professors of color needed the community provided by the POC conferences the most, financial constraints and the dearth of faculty of color made it difficult for law schools to host a national conference. Although I began conversations with law school deans in 2011, encouraging them to host the Fourth National POC Conference in 2015 and reminding them that we had \$10,000 in seed funding, no law school came forward to host a national conference in 2015. Fortunately, the regional POC conferences continued to meet regularly and provided faculty of color in the region, and me personally, with the support and community that feeds the soul.¹⁰⁹

law schools have since closed. For example, Valparaiso, Whittier, Charlotte, Indiana Tech, and Western State have closed, and others, like William Mitchell and Hamline, have merged. See Stephanie Francis Ward, *Urge to merge: Difficult times for law schools have prompted several to attempt to be acquired by other schools*, ABA J. (July 1, 2019), <http://www.abajournal.com/magazine/article/urge-to-merge-law-school>, archived at <https://perma.cc/EB44-5SQN>.

¹⁰⁸ Meera E. Deo, *Trajectory of A Law Professor*, 20 MICH. J. RACE & L. 441, 445–46 (2015) (noting that AALS had stopped releasing statistics on the number of faculty of color but concluding that as a result of few law schools hiring and some “encouraging early retirement and even firing law professors . . . statistics of diverse faculty are likely lower than they were five years ago”).

¹⁰⁹ From 2011–18, the regional Northeast POC Conference convened every year with the exception of 2015. It was hosted by Hofstra Law School in 2011. See *Hofstra Law to Host ‘Exploring the American Family’ Conference*, Hofstra University Law News (June 3, 2014), <https://lawnews.hofstra.edu/2011/09/14/hofstra-law-to-host-exploring-the-american-family-conference/>, archived at <https://perma.cc/PB8B-566V> (stating that from “November 3–5, 2011, Hofstra Law will host “Exploring the American Family,” an event sponsored by the Conference of Asian American Law Faculty (CAPALF) and Northeast People of Color Conference (NEPOC)”). In 2012, it was held at Suffolk Law School. See *Dean Andrews Receives at NEPOC Conference*, ALBANY LAW SCHOOL (Oct. 29, 2012), <https://www.albanylaw.edu/about/news/2012/Pages/Dean-Andrews-Receives-Award-at-Northeast-People-of-Color-Conference.aspx>, archived at <https://perma.cc/ZN5K-ZE7C>. The conference was hosted by University of Puerto Rico in 2013. *Northeast People of Color Legal Scholarship Conference – San Juan, Puerto Rico*, LEGAL SCHOLARSHIP BLOG (June 2, 2013), <https://legalscholarshipblog.classcaster.net/2013/06/02/northeast-people-of-color-legal-scholarship-conference-san-juan-puerto-rico/>, archived at <https://perma.cc/U3G7-ZJ3Z> (“The University of Puerto Rico School of Law . . . hosts the 2013 Northeast People of Color (NEPOC) Legal Scholarship Conference Dec. 5–8, 2013.”). It was hosted by CUNY in 2014. See Email from Elaine Chiu to NEPOC List-serv, July 2, 2014, 5:33 PM (announcing that “NEPOC will gather Friday, November 14th and Saturday, November 15th at the CUNY School of Law in New York City”). Touro and St. John’s Law Schools hosted jointly in 2016. See *Northeast People of Color Legal Scholarship Conference 2016 – “Confronting the Violence of Our Times,” ABOUT TUORO LAW*, <https://www.tourolaw.edu/AboutTouroLaw/1334>, archived at <https://perma.cc/FZ8Q-NJQD> (announcing the “Northeast People of Color Legal Scholarship Conference 2016, ‘Confronting the Violence of Our Times,’ hosted by Touro Law Center and Ron Brown Center of SJU Law”). Brooklyn Law School hosted in 2017. See *The Conference of Asian Pacific American Law Faculty & The Northeast People of Color Legal Scholarship Conference*, Conference of Asian Pacific American Law Faculty,

On May 23, 2016, after having returned from the regional NEPOC Conference at Touro and St. John's Law Schools, I emailed Dean Camille Nelson, the new Dean of AUWCL, who had hosted the regional NEPOC Conference in 2012 as Dean of Suffolk Law School. I wrote that the "wonderful sense of community" I had experienced at NEPOC had reminded me that six years had passed since the last National POC Conference.¹¹⁰ I reminded her that at one point she had expressed interest in hosting the Fourth National POC Conference and inquired whether AUWCL might be willing to do so now. Dean Nelson wisely asked many questions about costs, staffing needs, and the selection process. I contacted the representatives of the regional POC conferences to confirm that no other law school was interested in hosting and there was no need to convene a selection committee or to require a formal proposal to host. After months of emails and conversations, I obtained confirmation that no other law school was interested in hosting and the regional POC conferences would "stand down" and not organize a regional POC in the same academic year as the Fourth National POC Conference. On December 29, 2016, I posted a message on the AALS–Minority Listserv announcing that Dean Nelson and AUWCL would host the Fourth National POC Conference in 2018–2019.

Planning for the Fourth National POC Conference began in March 2017, two months after Donald Trump's inauguration. In contrast to the excitement and optimism experienced by people of color in 2009 when planning for the Third National POC Conference began, the climate in March 2017 was much less optimistic—even pessimistic—as we braced ourselves for a fight to retain our nation's democratic values. Since the election of Donald J. Trump, white nationalists (or the alt-right) have added new members to their ranks,¹¹¹ hate crimes have increased,¹¹² the Voting Rights Act is on shakier ground than ever

<https://capalf.org/past-capalf/brooklyn/>, archived at <https://perma.cc/92Y3-GR5D> ("Brooklyn Law School is proud to host the joint 2017 Conference of Asian Pacific American Law Faculty (CAPALF) and Northeast People of Color (NEPOC) Legal Scholarship Conference."). Albany Law School hosted in 2018. *Race Hate: The New Normal?*, Albany Law, <https://www.albanylaw.edu/event/NEPOC2018/Documents/2018%20NEPOC%20Program.pdf>, archived at <https://perma.cc/A3R9-Z3TP> (discussing program for 2018 joint conference of NEPOC and CAPALF).

¹¹⁰ Email from Solangel Maldonado to Camille Nelson, May 23, 2016, 3:49 AM (on file with author).

¹¹¹ See Robert Farley, *The Facts on White Nationalism*, FACTCHECK.ORG, <https://www.factcheck.org/2019/03/the-facts-on-white-nationalism>, archived at <https://perma.cc/Z87J-6E49>.

¹¹² John Eligon, *Hate Crimes Increase for the Third Consecutive Year*, *F.B.I. Reports*, N.Y. TIMES (Nov. 13, 2018), <https://www.nytimes.com/2018/11/13/us/hate-crimes-fbi-2017.html>, archived at <https://perma.cc/AD74-XD6M>.

before,¹¹³ and racial minorities' access to education is at great risk.¹¹⁴ These events demonstrated that the U.S. was (and still is) in a period of retrenchment that threatened the progress of people of color.

Despite this climate (or maybe because of it), the organizers of the Fourth National POC Conference, led by then-AUWCL Vice Dean (and now current Dean of the University of Miami Law School) Anthony Varona, were energized and mobilized to surpass the successes of the Third National POC Conference with even more programs and participants.¹¹⁵ Some of the most enlightening programs and discussions for me personally were Vice-Chancellor Jerry Kang's (of UCLA Law) keynote presentation on implicit bias, Gold Star Father Khizr Khan's¹¹⁶ remarks on the meaning of the U.S. Constitution for immigrants and minorities, several panels on fostering diversity and inclusion in law schools, a panel on the obstacles that scholars of color face in the hiring market, and an author-meets-readers colloquy on Meera E. Deo's book, *Unequal Profession: Race and Gender in Legal Academia*.¹¹⁷ But the most illuminating and unforgettable experience was one that did not take place at the conference itself: the outing to the Museum of African American History. This visit triggered so many emotions that any attempt to record them would be sorely inadequate. But those emotions were made bearable because I shared them with colleagues of color.

¹¹³ Kristen Clarke & Ezra Rosenberg, *Trump Administration has Voting Rights Act on Life Support*, CNN (Aug. 6, 2019), <https://www.cnn.com/2018/08/06/opinions/voting-rights-act-anniversary-long-way-to-go-clarke-rosenberg-opinion/index.html>, archived at <https://perma.cc/FYW3-QS5Y>.

¹¹⁴ See Lauren Camera, *White Students Get More K–12 Funding Than Students of Color: Report*, U.S. NEWS & WORLD REPORT (Feb. 19, 2019), <https://www.usnews.com/news/education-news/articles/2019-02-26/white-students-get-more-k-12-funding-than-students-of-color-report>, archived at <https://perma.cc/2GFM-GNHX>. The Trump administration has sought to cut funding for education which would disproportionately hurt Black and Latinx students who are already significantly less likely than their White counterparts to complete college. See Andrew Kreighbaum, *Trump Seeks Millions in Cuts*, INSIDE HIGHER ED. (Mar. 12, 2019), <https://www.insidehighered.com/news/2019/03/12/white-house-wants-12-percent-cut-education-spending>, archived at <https://perma.cc/E83H-FBH3>; Shapiro et al., *Completing College: A National View of Student Attainment Rates by Race and Ethnicity—Fall 2010 Cohort* (Signature Report No. 12b) (Apr. 26, 2017), <https://nscresearchcenter.org/signaturereport12-supplement-2/>, archived at <https://perma.cc/9JJ2-DZGJ>.

¹¹⁵ See Varona, *supra* note 4, at 762.

¹¹⁶ Khizr Khan is the father of a Muslim soldier whom then-candidate Donald Trump attacked on national television. See Simon Hattenstone, *Khizr Khan: The Patriotic American Muslim Who Called Out Donald Trump*, THE GUARDIAN (Oct. 21, 2017), <https://www.theguardian.com/lifeandstyle/2017/oct/21/khizr-khan-the-patriotic-american-muslim-who-called-out-donald-trump>, archived at <https://perma.cc/N2NR-RA9H>.

¹¹⁷ See *Fourth National People of Color Legal Scholarship Program*, AM. COLLEGE OF LAW, <https://www.wcl.american.edu/news-events/special-events-cle/npoc19/>, archived at <https://perma.cc/ZNM3-2QFL>.

IV. THE FUTURE OF THE POC CONFERENCES

During this time of retrenchment, the Fourth National POC Conference reminds us that there is hope. Although law school enrollment is still significantly lower than at its peak in 2010, and faculty of color are still underrepresented in legal academia, there are currently more deans of color leading U.S. law schools than at any other time in history.¹¹⁸ The commitment of the POC conferences to addressing issues that affect communities and faculty of color is stronger than ever. Despite the continuing financial challenges faced by U.S. law schools, the Fourth National POC Conference's fundraising efforts surpassed those of the Third National POC Conference¹¹⁹ — funds that were used to provide scholarships to scholars who would not have been able to attend the Conference without this financial support and to support future POC conferences. It also secured more publication partners than any POC conference to date.¹²⁰

¹¹⁸ In Fall 2010, the Steering Committee counted 37 deans of color in the U.S. including deans of HBCUs and of law schools in Puerto Rico. *See* POC Deans of Color (Aug. 29, 2010) (on file with author); *see also* Deo, *supra* note 108, at 447 (reporting that in 2008–2009, 83% of law school deans were white). As of July 1, 2019, approximately 50 law schools (about 25%) were led by deans of color. I obtained the list of law schools from Rosenblatt's Law School Deans database. *See Listing of all Law School Deans*, MISS. COLL. LAW, <https://law.mc.edu/deans/fulllist.php>, archived at <https://perma.cc/8SAF-WJKA>. I then visited the web pages of each of the law schools. Although I am sure this list is incomplete and all errors are mine, I identified the following deans of color: Mark C. Alexander (Villanova), Michèle Alexandre (Stetson), Vikram D. Amar (Illinois), S. James Anaya (Colorado), Mario L. Barnes (University of Washington), Leonard M. Baynes (Houston), Craig M. Boise (Syracuse), David A. Brennen (Kentucky), Horace Anderson, Jr. (Pace), Patricia W. Bennett (Mississippi College), Gary L. Bledsoe (acting dean at Texas Southern), Marcilynn A. Burke (Oregon), Danielle M. Conway (Maine), Leticia M. Diaz (Barry University), Felicia Epps (University of North Texas at Dallas), Jose Frontera (Pontifical Catholic University), Alberto R. Gonzalez (Belmont), James R. Hackney (Northeastern), Anna M. Han (interim dean at Santa Clara), Danielle Holley-Walker (Howard), Renée McDonald Hutchins (University of District of Columbia), Regina T. Jefferson (Catholic University), Garry W. Jenkins (Minnesota), Kevin R. Johnson (University of California Davis), Tamara F. Lawson (St. Thomas University), David Lopez (co-dean at Rutgers), Julio E. Fontanet Maldonado (InterAmerican University of Puerto Rico), Jenny S. Martinez (Stanford), Blake Morant (George Washington), Kimberly Mutcherson (co-dean at Rutgers), Camille Nelson (American University Washington), Vivian I. Neptune Rivera (University of Puerto Rico), Elaine O'Neal (interim dean at North Carolina Central University), Angela Onwuachi-Willig (Boston University), Sergio Pareja (New Mexico), Eduardo M. Peñalaver (Cornell), Nicky Boothe Perry (interim dean at Florida A&M), Carla D. Pratt (Washburn), L. Song Richardson (University of California Irvine), Jennifer L. Rosato Perea (DePaul University), Vincent D. Rougeau (Boston College), Sudha N. Setty (Western New England University), Anna W. Shavers (acting dean at Nebraska), Anthony E. Varona (University of Miami) (chair of 4th National POC Conference), Kevin Washburn (Iowa), Verna L. Williams (University of Cincinnati), Penny L. Willrich (Arizona Summit). This list is accurate as of June 2019.

¹¹⁹ Varona, *supra* note 4, at 777.

¹²⁰ *Id.* at 763.

The Fourth National POC Conference is only a year behind us but we must find a host for the Fifth National POC Conference today, not in three years. While I plan to be a part of the next national POC Conference, wherever it might be, it is worth noting that three of the four national POC conferences have been held in the Mid-Atlantic region (Washington D.C. and New Jersey)¹²¹ and no HBCU has ever hosted a national POC Conference. It may be time for other regions to have the privilege of hosting what will certainly be the largest gathering of law faculty of color. No pressure.

¹²¹ The Second and Fourth National POC Conferences were held in Washington, D.C. and the Third National POC Conference was held in Newark, New Jersey.