

REFLECTIONS FROM A NEWCOMER AT THE LATCRIT XXI BIENNIAL CONFERENCE: OBSERVATIONS AND OPPORTUNITIES FOR THE FUTURE

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INTRODUCTION

In October 2021 I had the grand pleasure of meeting with Professor Margaret Montoya, or Profe, as I've been encouraged to call her. As a recent pandemic graduate from the University of Virginia, I sought Professor Montoya's *consejos* (advice) on law school as many prospective students have done before me. Professor Montoya, in the community-minded and mentorship tradition of LatCrit, immediately connected me with some of her colleagues and invited me to the LatCrit Conference.¹

In this essay, I will share my candid reflections on several of the conference sessions that I attended and opportunities for the LatCrit community to consider in future conferences. Specifically, I offer my reflections surrounding the *Opening Plenary: The Attack on CRT*, *Law Clinics as Sites of Resistance and Transformation*, and *Critical Race Theory and LatCrit Theory: Methodologies, Community, and Movements*. In these three sections of my essay, I discuss the session content, the

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*. PhD student, Department of Black Studies at Northwestern University. This piece would not have been possible without Dr. Margaret Montoya's encouragement to write about my experience at LatCrit XXI. I also want to thank the editors at the *Berkeley La Raza Law Journal* for their rigorous review process, as well as their openness to accepting a non-legal scholar's perspective for this volume. Finally, I want to thank the broader LatCrit community for welcoming me and introducing me to this interdisciplinary space committed to anti-subordination and "theory as a catalyst for social transformation."

1. Emerging from the US legal academy in 1995, LatCrit theory is a genre of critical outsider jurisprudence—a vital hub of contemporary scholarship that includes Feminist Legal Theory and Critical Race Theory, among other critical schools of legal knowledge. Its basic goals have been: (1) to develop a critical, activist, and inter-disciplinary discourse on law and society affecting Latinas/os/x, and (2) to foster both the development of coalitional theory and practice as well as the accessibility of this knowledge to agents of social and legal transformative change. FRANCISCO VALDES & STEVEN W. BENDER, *LATCRIT: FROM CRITICAL LEGAL THEORY TO ACADEMIC ACTIVISM 1* (N.Y.U. PRESS 2021).

emotions I experienced in each session, and the observable impact on those who attended. I attempt to couple the theoretical knowledge and subjective meaning of the session for the individuals in attendance. After the commentary on the sessions, I humbly present some considerations for future LatCrit conferences. In attending a conference on “Legal Scholarship and Praxis for the Next Twenty-Five Years,” I look forward to my considerations sparking dialogue within the LatCrit community.

As a relatively new student to LatCrit, my reflections may arrive as a refreshing and novel perspective on the future of legal academia. At the same time, a novel perspective is often associated with blissful ignorance. As a prospective graduate student interested in championing LatCrit and exploring a career in academia, I preemptively ask for the reader’s patience if I traverse through content that might be a historic dilemma in legal academia or content that is regularly unspoken of. Despite my experiential naivety, I hope my observations spark new ideas or conversations that lead to the flourishing of the LatCrit community.

I. CONFERENCE SESSIONS

A. *Opening Plenary: The Attack on CRT*

My first session at LatCrit XXI provided a theoretical foundation that prepared me for the rest of the conference. The session’s focus on Derrick Bell Jr. and the impact of his legacy on all of those in attendance highlighted the “Crit” in LatCrit. I deeply appreciated Professor Vinay Harpalani’s retelling of Professor Bell’s story and work, particularly the level of solidarity that Professor Bell committed to with his fellow faculty of color, notably women of color in academia. Professor Harpalani discussed Professor Bell’s resignation in protest due to Oregon Law School not hiring an Asian American woman faculty candidate in 1985, as well as another resignation by Professor Bell in protest of the lack of women of color on Harvard Law School’s faculty in 1992. This level of solidarity with women of color faculty, especially from the first African American faculty member at Harvard Law School, demonstrates his commitment to academic activism and speaking truth to power. Professor Bell’s actions encourage us to think about what academic activism looks like today and the systems of oppression that academia can resist within legal institutions, and his literature continues to influence today’s literature.

What also struck my attention was Professor Bell’s interest in convergence theory: the idea that the interest of African Americans in achieving racial equality will be accommodated only when it converges with the interests of whites.² Although this theory is closely related to policymaking, I had never learned about it in any of my undergraduate public policy classes. This theory led me to think critically about the role of coalitions and cross-racial movements in the pursuit of social justice. In particular, I thought of Heather McGhee’s theory of a Solidarity Dividend in her book *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together*. McGhee asserts that there are gains to be made when people come together across racial lines.³ She argues against the zero-sum mindset that the vast majority of predominately white Americans internalize, which leads them to believe that their

2. See Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 523 (1980).

3. HEATHER MCGHEE, *THE SUM OF US: WHAT RACISM COSTS EVERYONE AND HOW WE CAN PROSPER TOGETHER* (2021).

economic interests are in danger whenever decisions are made along lines of racial equity, essentially the sense that white Americans will lose power, wealth, and privilege with anti-racist policies and politics. Providing extensive data on minimum wage and unions, McGhee highlights the importance of interest convergence, albeit in different terminology, by emphasizing the reality that economic and social justice is in the interest of white Americans.

I would be remiss if I did not highlight the discussion on how critical race theory (CRT) has been attacked by both media and conservative state governments across the nation. This ideological battle has been quite active for the last several years and has grave ramifications for education. The falsification of CRT as a toxic theory has widened the political chasm and aims to decouple race from the racialized history and present we live in. During this session, Professor Daria Roithmayr shared hopeful statistics that voters can still be persuaded to understand and believe in CRT. The LatCrit community will undoubtedly continue to provide race-conscious legal education within their classrooms, but this conversation elucidates the necessity to build broader coalitions—across disciplines, professions, and ages—aimed to protect CRT.

B. Law Clinics as Sites of Resistance and Transformation

Session 2D began with Professor Norrinda Hayat's discussion on what freedom is and what it looks like, mentioning how freedom should be considered within the realm of joy and liberation. Professor Hayat previewed some of her forthcoming work and kicked off the session with an anticipation for the future. This conversation returned me to Toni Morrison's famous quote from her speech at Portland State University in 1975. Morrison said, "The function, the very serious function, of racism is distraction. It keeps you from doing your work. It keeps you explaining, over and over again, your reason for being. Somebody says you have no language and you spend twenty years proving that you do. Somebody says your head isn't shaped properly so you have scientists working on the fact that it is. Somebody says you have no art, so you dredge that up."⁴ Professor Hayat's description of the future, in my opinion, pairs well with Morrison's analysis of racism in our society. Racism is a distracting force that prevents Black and Brown joy by imposing on us the existential need to combat it. Lastly, I want to emphasize Professor Hayat's reminder to read and cite Black women. We should understand Black futures and the configuration of today's societal conditions within the positionality of Black women, not the overwhelmingly white and cisgender male academic elite, who experience the privilege of more visibility.

Professor Hayat's discussion on freedom also led me to think about the activism of law school students across the nation advocating against oppressive systems and institutions. What other activities could these students be spending their time on? Could they be involved in more extracurriculars? Could they have more time for their personal hobbies? It is evident that inequality and racism act as a tax and burden for students of color, students with disabilities, and first-gen low-income students. A tax that multiplies itself in respect to (or perhaps in contempt of)

4. Toni Morrison, Address at Portland State University (May 30, 1975), https://www.mackenzian.com/wp-content/uploads/2014/07/Transcript_PortlandState_TMorrison.pdf.

intersectionality⁵ or as the Combahee River Collective named it, interlocking oppressions.⁶ As we think about Black freedom and joy, there is a great responsibility for law professors to stand in solidarity with students, in the tradition of Professor Bell's academic activism.

With respect to joy, one observation I made during this session is the LatCrit community's commitment to developing and mentoring faculty members. I distinctly recall one conference attendee's vulnerability in sharing their challenges within predominantly white classrooms. The individual shared that there was a lack of cultural competence and even a lack of interest in their pedagogical approach. Immediately, several of the panelists offered their honest reflections and words of advice for the relatively new law school professor. This demonstration of support and care served as one of the shining examples of how LatCrit aims to build and foster community. The attendee's lived experience was not only validated, but attendees with similar lived experiences rapidly addressed the challenges faced with their own approaches.

From a non-professor's perspective, these interactions reminded me that students of color are not the only ones that struggle in predominately white institutions. Faculty of color face very similar barriers such as unsupportive work environments, tokenization within panels or committee service, and challenges in the promotion or tenure-track process.⁷ For this reason, mentorship opportunities between faculty of color and students of color are of the utmost importance, mentorship provides support to both students and faculty in white-dominant spaces. *La gran lucha* (the great struggle), the "understanding that our pasts are not merely multicolored: rather, our diverse heritages wind through centuries of socio-legal struggle, which transcend the current nation-state," necessitates these mentorship relationships. They illuminate the historic obstacles faced by scholars of color to students of color, who will subsequently contextualize their lived experiences within the broader timeline of resistance in legal institutions.⁸ Mentorship relationships are key in passing down knowledge from a long history of resistance and scholarly activism.

C. *Critical Race Theory and LatCrit Theory: Methodologies, Community, and Movements*

Unlike the previous sections, I will only focus on one of the presentations during this session: Juan Espinoza's conversation on his piece *No Personal Narratives*. This presentation had a profound impact on my identity as a first-generation Latinx college graduate and a second-generation American (son of Colombian immigrants). I was absolutely stunned to learn about the common law school policy to avoid discussing one's own lived experience and personal narrative within classrooms. The irony of prospective law students laboring to craft the perfect personal statement to get admitted into a top-tier law school, but abandoning their personal story once admitted,

5. See Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 124 (1991).

6. KEEANGA-YAHMAHTTA TAYLOR, *HOW WE GET FREE: BLACK FEMINISM AND THE COMBAHEE RIVER COLLECTIVE* (2017).

7. Richard Delgado, *Minority Law Professors' Lives: The Bell-Delgado Survey*, 24 HARV. C.R.-C.L. L. REV. 349 (1989).

8. Marc-Tizoc González, *Critical Ethnic Legal Histories: Unearthing the Interracial Justice of Filipino American Agricultural Labor Organizing*, 3 U.C. IRVINE L. REV. 991, 1012 (2013).

is nonsensical, deceiving, and serves as a safeguard to law schools as white spaces.⁹ This policy against “no personal narratives” protects and perpetuates a race-*less* and class-*less* legal education.

As I reflected on my interest in a legal education, I reflected on the connection between my identity and the reasons for pursuing the degree. Personal experiences and advocacy for my communities lie at the core of my rationale. In personal statements, students write about their family’s experiences with immigration, the carceral state, workers’ rights, and a litany of other forms of legal practices or issue areas. These students eagerly await the opportunity to insert their narrative in the broader discourse of the law (in hopes of reforming it). However, as Espinoza argues, these lived experiences are left at the front door. The CRT and LatCrit community has written extensively on the significance of narratives such as Richard Delgado’s *Storytelling for Oppositionists and Others: A Plea for Narrative*, Jerome McCristal Culp Jr.’s *Autobiography and Legal Scholarship and Teaching: Finding the Me in the Legal Academy*, and Mari J. Matsuda’s *Looking to the Bottom: Critical Legal Studies and Reparations*. In particular, Matsuda succinctly summarizes the importance of personal narratives, “Looking to the bottom—adopting the perspective of those who have seen and felt the falsity of the liberal promise—can assist critical scholars in the task of fathoming the phenomenology of law and defining the elements of justice.”¹⁰ Finally, the irony of relinquishing one’s personal narrative conflicts with the rhetoric of law school admissions offices, which boast their commitments to increased diversity and a myriad of perspectives highlighted within their student body. My question, however, is how will these perspectives be relevant if they’re silenced within the lecture hall?

This troubling footnote in law school syllabi has widespread consequences for prospective law school students. Prospective students apply to law schools eager to share their personal narratives and connect their lives to legal education. Once the accepted students enter the academic institution, they are dismayed to learn about the restrictionist classrooms and the removal of oneself from class discourse. One can only imagine (perhaps some of you may have experienced this yourselves) the emotional burden of code-switching in and out of classrooms, shape-shifting one’s identity into the mold of an institution that has historically maintained white supremacy: a political, economic and cultural system in which whites overwhelmingly control power and material resources, and in which white dominance and non-white subordination exists across a broad array of institutions and social settings.¹¹ This reality for law students will only be corrected if instructors accept and cherish personal narratives. In the “Opportunities for the Future” section, I discuss how LatCrit can address this challenge.

During my initial conversation with Professor Montoya, she encouraged me to seek law schools where students are engaged in activism and pushing against the institution, similar to Espinoza’s academic activism. Contextualizing this advice after the LatCrit conference, I am led to believe that this logic of activism should be extended to faculty member activism, as well. Are there professors who accept narrative sharing in their classrooms? Are there CRT advocates who understand that their duty to teach requires consideration of the voices of those closest to the problems

9. Bennett I. Capers, *The Law School as a White Space*, 106 MINN. L. REV. 1 (2021).

10. Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 324 (1987).

11. Frances Lee Ansley, *Stirring the Ashes: Race, Class and the Future of Civil Rights Scholarship*, 74 CORNELL L. REV. 993, 1024 n. 129 (1989).

to articulate the best solutions to today's wicked problems? From what I could observe, faculty attending the LatCrit conference serve as champions for this movement, spreading this message towards not only diverse classrooms, but classrooms that elevate the diversity of experiences present through narrative-embracing legal pedagogies.

II. OPPORTUNITIES FOR THE FUTURE

A. *Conference Attendance & Inviting Prospective Law School Students*

It is not an exaggeration to say that I walked away from the LatCrit conference with an aura of energy and hope. As I listened to law school faculty discuss CRT, pedagogical approaches, and race-conscious syllabi, I was thrilled to learn about their thoughtfulness in curating classroom experiences. As a recent college graduate exploring the possibility of a career in legal academia, it was enlightening to learn more about LatCrit's mission to combine theory and praxis for social transformation. There is definitely a community of prospective students who would benefit from joining these conversations. That being said, I wish more prospective law students were in attendance and that programming was designed for them. As mentioned above, faculty-student mentorship relationships support both individuals in white-dominant spaces and in legal institutions. LatCrit is an ideal forum to create these relationships.

Regarding my earlier comments on Espinoza's *No Personal Narratives*, the LatCrit Conference may consider creating orientation (or perhaps dis-orientation¹²) programming for prospective students. Faculty and current law school students can debunk law school myths and paint an honest picture of what legal education looks like. This experience will provide future students with a landscape of law school policies and culture, which may potentially mitigate shock and emotional trauma during their first year.

Overall, an increase in prospective student attendance will provide crucial support mechanisms for both faculty and students and will also connect more individuals to the LatCrit community. A dedicated campaign to invite students and early-career professionals will enrich the conference for all in attendance. Finally, there is also the opportunity to invite individuals from other disciplines to introduce additional perspectives and further LatCrit's commitment to promoting theory as a catalyst for social transformation.

B. *Lack of Discussion of the Abolition Movement & Other Topics*

For a conference titled "Resistance and Transformation," I was surprised not to see a single session on one of the most promising movements defined by its resistance and transformational essence: the abolition movement. As Rinaldo Walcott asserts, the contemporary abolition movement is a continuation of the original abolition movement to eradicate slavery and represents unfinished business from this movement.¹³ As abolitionist visions arose in response to police brutality during the 2020 Black Lives Matter Movement, the general public became more aware of these

12. Lexi Gopin, *Students and Alumni Create a New Disorientation Guide for the Academic Year*, THE DIAMONDBACK, Sept. 3, 2020, <https://dbknews.com/2020/09/03/disorientation-guide-for-2021-academic-year/>.

13. RINALDO WALCOTT, ON PROPERTY: POLICING, PRISON, AND THE CALL FOR ABOLITION (2021).

proposals to abolish the police and criminal justice institutions.¹⁴ Many present-day abolitionists are trained in law schools. One notable example is Derecka Purnell, a Harvard Law School graduate and author of *Becoming Abolitionists: Police, Protests, and the Pursuit of Freedom*.¹⁵ In her personal memoir, Purnell highlights the importance of movement lawyering and explains why abolition will lead us to a brighter future, one where solutions to acts of harm are not punitive.

As I perused the Conference agenda, I only saw Professor Laila Hlass as an author of a forthcoming article on abolition.¹⁶ I presume some sessions may have touched on the subject of abolition, but there is great symbolism in dedicating an entire panel to an area of interest to the community. Within LatCrit's mission to "promote theory as a catalyst for social transformation," abolition must be elevated as a movement and practice of resistance, originally led by enslaved Black communities. This tradition of resistance must live on in legal scholarship and pedagogy.

Consistent with my argument to include abolition in future conference sessions, I also highlight the absence of any sessions on disability justice, climate justice, and restorative justice. Solidarity with people with disabilities is integral to liberation, particularly as we see that people of color with disabilities are disproportionately impacted by state violence.¹⁷ Climate justice and the prevention of environmental racism are essential struggles aimed at protecting our climate against exploitative economies. Finally, transformative justice should be discussed as another form of understanding what justice can look like for marginalized communities. This is a short list of missing conference sessions, but hopefully it calls attention to the importance of curating a conference agenda that comprehensively addresses today's societal problems. Topics such as the role of abolition or disability justice in legal practice may be more novel subjects in legal academia, but the inclusion of such subjects will ensure LatCrit conversations are apprised of present-day struggles and movements.

CONCLUSION

As a newcomer to the LatCrit community, I was welcomed into a space that centered on critical legal theory dialogue and intentional community-building. The virtual two-day conference provided me with new relationships with faculty, exposure to a variety of pedagogical approaches to legal education, and awareness of the dangerous attack on Critical Race Theory in our educational system. As I furiously scribbled observations of the sessions into my notebook and took photos of literature recommendations on presenter slides, I felt immense solidarity with other conference attendees as I noticed they were exhibiting similar forms of attentiveness. This feeling sparked hope within me that legal faculty are passionate about uplifting underrepresented students in their classrooms.

14. See generally Mariame Kaba, *Yes, We Mean Literally Abolish the Police*, N.Y. TIMES (Jun. 12, 2020), <https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html> [<https://perma.cc/H69W-Y896>].

15. DERECKA PURNELL, *BECOMING ABOLITIONISTS: POLICE, PROTESTS, AND THE PURSUIT OF FREEDOM* (2021).

16. Laila H. Hlass, *Lawyering from a Deportation Abolition Ethic*, 110 CAL. L. REV. 1597 (2022).

17. Talila A. Lewis & Dustin Gibson, *The Prison Strike Challenges Ableism and Defends Disability Rights*, TRUTHOUT (Sept. 5, 2018), <https://truthout.org/articles/the-prison-strike-is-a-disability-rights-issue/>.

As I reflect on the conference, I cannot help but think about the impact it can have on other students contemplating law school or multidisciplinary scholars invested in social transformation. There is immense potential in expanding the conference to interdisciplinary scholars and growing the foundation for collaboration, such as broadening the conference session topics. For example, the movement to abolish the prison-industrial complex merits legal discourse and contemplation as more and more legal practitioners view legal reform as an unsuitable solution to the violent systems of incarceration present today. Once again, these suggestions arrive from a place of humility and may serve as points of departure for planning the next LatCrit conference.

Energized from conference conversations and LatCrit principles, I ordered several books after the biennial convening. I purchased Francisco Valdes and Steven Bender's *LatCrit: From Critical Legal Theory to Academic Activism*, Richard Delgado and Jean Stefancic's *Critical Race Theory: An Introduction*, and finally Richard Delgado and Jean Stefancic's *The Derrick Bell Reader*. As I read through the literature, I look forward to LatCrit XXII and a return to this space of solidarity.