

# A REFLECTION ON LAW SCHOOL AS A SOCIAL JUSTICE STUDENT

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## INTRODUCTION

I submitted my law school application on November 9, 2016, on the day Donald Trump was elected president. Twenty-year-old me could not have imagined what my experience in law school would be like.

I went in having been given several warnings from my mentors that law school would be hard and very conservative, without a lot of specifics about what this meant. My favorite quote that articulates this is from Dean Spade's *For Those Considering Law School*:

Law school is like a language immersion program, but one in which the language you are learning is the language of rationalizing white supremacy, settler colonialism, patriarchy and capitalism . . . . Culturally, law school is a place where white masculine norms and behavior are exacerbated . . . and ostracism of people who fall outside the norm is par for the course.<sup>1</sup>

In following the tradition of Dean Spade,<sup>2</sup> William Quigley,<sup>3</sup> and others,<sup>4</sup> I too, have thoughts on why exactly law school is so problematic. In this piece, I will be reflecting on what I hoped to get out of law school, what my experiences in law school actually were, how they affected me, and how I was able to come out of it still committed to public interest. I identify more as a social justice student rather than a public interest student because the former better captures my anti-patriarchal, abolitionist, anti-imperialist, anti-capitalist values I have as a person.

Many of my expectations of law school upon entering and original reasons for going are best captured by my personal statement for law school applications, which I share below followed by my reflection.

## PERSONAL STATEMENT

Every day I'm reminded why I want to be a lawyer. One day, I'm halfway up College Hill, walking home to Brown University from downtown Providence, when a University shuttle honks at me. I turn around to see that the driver is Vladimir, a first-generation immigrant from the Dominican Republic and aspiring business owner whom I met during the prior semester. I wave back, and to my surprise he goes out of

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1. Dean Spade, *For Those Considering Law School*, 6 UNBOUND 111, 114-15 (2010).

2. *Id.*

3. William P. Quigley, *Letter to a Law Student Interested in Social Justice*, 1 DEPAUL J. FOR SOC. JUST. 7 (2007).

4. See e.g., Luna Martinez G., *An Identity Problem: Can Law School be a Tool for Social Change?*, 29 BERKELEY LA RAZA L.J. 31 (2019).

his way to pull up beside me along the sidewalk. He opens the door and asks, “Need a ride?”

I hop in and thank him. After some lame jokes, I ask him in Spanish how his kids are doing, and he beams with pride as he updates me on their progress in school. By the time he drops me off at my dorm, he has brightened my day and given me useful advice about healthy relationships. On the ride, other students on the bus look at us with some confusion, maybe because they’re not used to seeing students talking with shuttle drivers. Yet that short talk with Vladimir makes me think about his story of the legal difficulties he’s been through, and how much I admire him. My care for Vladimir and others I know makes me refuse to be a bystander of their struggles, inspiring me to want to become a lawyer.

I would not have met Vladimir had my parents not taught me to approach people with the mentality that I can always learn something from anyone. Interactions with this philosophy in mind have always been fulfilling for me. They motivate me to get to know the people I run into on a daily basis—dining workers, security guards, janitors—just as I do with students or professors. I understand that starting these conversations can be difficult and even intimidating—they require emotional intelligence, a desire to listen and understand, and sincerity, all of which are skills not usually taught in classes. However, I continue developing these skills as I meet more people, hear their stories, and learn about all the ways I could help them as a lawyer.

I have always been able to relate to many different people because of my complex set of identities: I am a bisexual, multiracial Latina who has experience supporting people with mental health issues and can code-switch between the communities of vastly different socioeconomic situations I’ve been immersed in. I have always been especially passionate about tackling barriers related to immigration as a way of validating the sacrifices my father made in immigrating to the U.S. from Panama. Because of him, from a young age I have been able to relate to other immigrants’ stories. I have repeatedly heard about their apprehension about self-advocacy against exploitation by police, employers, landlords and others in positions of power. As I look back on the stories I’ve been told, from Vladimir to the low-income, undocumented Latino immigrant families from my church at home, I continue to think critically about how best to translate their struggles into change.

Going to law school would enable me to offer more tangible support in many different ways, whether by teaching people how to organize, informing them of their rights, translating legal terminology, or helping with citizenship applications. The beauty of being a lawyer is that I can do that type of ground-level work that keeps me connected with people while also addressing broader societal inequalities by helping shape policy. I know I will be able to do these things if I set my mind to them, because I am always plan-oriented and make sure to channel my passion into concrete actions.

This pragmatic mentality has driven me to double major in economics and sociology so that I can apply quantitative and qualitative perspectives to the societal structures and narratives that surround inequality. My senior thesis, for example, is about economic myths used to justify policies that perpetuate oppression. I also deliberately use my social understanding to enhance my practical work skills, which helps me to excel as I explore the multiple roles I can play in promoting justice. This includes organizing for the Brown Center for Students of Color, interning for the Right Question Institute nonprofit, and shadowing a lawyer at Justice at Work. I was even able to leave a legacy at Brown through my work as a Presidential Intern this past Summer when I helped restructure Brown’s financial aid policy. As a result of that

work, undocumented students will now be considered domestic rather than international students in order for them to receive need-blind admissions and more financial aid. However, I am equally proud of the legacies that have been left by the students I have mentored at Brown, formally and informally.

Because of my unique life experiences and skills, I will offer a fresh and constructive perspective as a lawyer. I refuse to be broken by anti-immigrant sentiment because love is stronger than fear and hate, and I will fight with love to change our system in significant ways every day. Because every day, I am being motivated to create change by the image of Vladimir getting the respect he deserves and by the countless other stories of people I love, fueling a passion inside me that will not be easily extinguished.

### REFLECTION

I am now a second semester 3L and after graduation I will be working in the exact type of job I set out to do when I started law school: I will be working at the Bronx Defenders Immigration Practice in New York. As a staff attorney there, I will be participating in their movement-lawyering approach of harm reduction for individuals through direct services while also engaging in larger transformative justice of the immigration system through their community organizing initiatives. Yet doing what you intended to do at the beginning of law school is actually a very rare occurrence—while a good majority of law students at Berkeley Law enter intending to go into public interest, only about 12 percent actually end up doing it at graduation.<sup>5</sup>

I spent my time at law school during most of Trump's presidency and every day felt like the world was on fire. Literally, California *was* on fire multiple times each year, and we would often attend school in an apocalypse-esque environment—the sky a bright red, surrounded by people in face masks, and the permeating smell of burning chemicals. We also saw attacks on DACA, a rapist join the Supreme Court bench, the United States pulled out of the Paris Climate Accord, family separations, concentration camps, and threats for worse to happen. At UC Berkeley, we saw multiple conservatives being invited—and protected—to speak, including alt-right commentators Milo Yiannopoulos, Ben Shapiro, Ann Coulter, and Bob Barr.

Unlike college, where you expect widespread outrage about this, in law school many people showed up only to counter-protest and troll the protesters.<sup>6</sup> A few showed up to do legal observation, but I did not know of anyone who participated in the demonstration. I was shocked that this would still occur somewhere that calls itself a public interest law school and has a reputation of being so liberal. This goes to one thing in law school that I learned: you can never expect people to do any type of activism in law school.

For example, after the 1L mock trial team had one of the witnesses putting on a Latinx persona as a costume, they asked me and a few other people to help them organize an implicit bias training. So, you are faced with the question: Do you make time in your already busy schedule to help them with this, or risk something like that

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5. See *Employment Statistics*, BERKELEY LAW, <https://www.law.berkeley.edu/careers/employment-outcomes/employment-statistics/> (last visited Jan. 14, 2020).

6. See TWITTER, [https://twitter.com/LCRWnews/status/119737811222162944?s=20&fbclid=IwAR1gSCb1MRfeyaMQSxxE2h6PSIRcf5R\\_HSJIYawFxeD\\_54S4BL2Ua3uysE](https://twitter.com/LCRWnews/status/119737811222162944?s=20&fbclid=IwAR1gSCb1MRfeyaMQSxxE2h6PSIRcf5R_HSJIYawFxeD_54S4BL2Ua3uysE) (last visited Jan. 14, 2020).

happening again? If you don't do it, no one will. Like I did with this training, I find myself often giving in and making time at the expense of my own mental health. Yet no matter how much I do, I am painfully aware of how much more work there needs to be done, how much more work I could be doing, and I feel I should be doing more always. This is part of the burden of being a public interest student in law school and a student with a marginalized identity too.

But I've gotten ahead of myself. Why is this the case? Why is law school so problematic for students who value social justice?

First, historically, laws have been written by rich, white, straight, Christian men who want to preserve their power. This has been true from the very inception of this country, which was built on genocide and slavery and codified in the Constitution. Part of what preserves this tradition is the façade of rationality and objectivity around the practice of law, and the barriers to entering and completing law school. This hides the inherent bias in the law and ensures that privileged people become lawyers. Law students also tend to be people who subscribe to this image of lawyers and are thus hyper-rational, which actually just means they don't think much about their feelings, or anyone's for that matter. Law school is full of devil's advocates, people who unnecessarily take up space, and are unwilling to admit they're wrong.

Second, classes are a crucial part of the "language immersion" program Dean Spade discusses. Classes assign so much dense reading that it is hard to find time to be critical of all of it. Not questioning the doctrine then often leads to subconscious internalization of the laws as students have to understand and apply them for exams. For white and privileged students, learning these laws only reinforces their reality. Meanwhile, it can be a jarring experience for students of color and other marginalized students who have to learn the rationalization of the attacks on their communities. This is not like undergrad, where classes discuss the implications of laws and what people think of them. Very rarely do professors acknowledge the humanity of plaintiffs in the case who often suffer through horrible situations like rape or dismemberment. Nor do they acknowledge larger systems at play that are influencing the judges and determine how these laws get prosecuted (for example, the fact that there is a larger culture of not believing sexual assault victims or that people of color are most prosecuted for crimes). It is always up to the students to bring up these topics, and most students are corporate law students who don't care about the violence inflicted by these laws and will go on to perpetuate it.

Third, there is an overall push to corporate law. Law schools encourage students to go into big law for their national statistics and rankings, and the resources they give to students to pursue that route make it the path of least resistance in law school. Yet corporate law firms are the very institutions causing the harm that public interest students are working to undue. They are regularly hired out to defend other organizations against allegations of gender and racial discrimination or violations of environmental regulations. Behind every fight for justice is almost always a corporate law firm pushing back. Currently, the law firm Kasowitz Benson Torres LLP represents the Dakota Access Pipeline in the Standing Rock litigation and President Trump in the Russia-U.S. election investigation.<sup>7</sup> In *Brown v. Board of Education*, the firm that represented the pro-segregationist Board of Education was Hunton & Williams LLP, the law firm Justice Lewis Powell worked at before joining the

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7. Steve Horn, *This Law Firm Is Both Representing Dakota Access Owner and Suing Its Security Firm*, DESMOG, (Sep. 10, 2017 6:47 AM), <https://www.desmogblog.com/2017/09/10/vogel-law-firm-dakota-access-racketeering-tigerswan-conflict>.

Supreme Court. However, doing the work comes with the reward of a \$180,000 starting salary, compared to the average public interest law salary of \$50,000.<sup>8</sup> The corporate law route involves an emphasis on grades and doing well in classes (further internalizing the doctrine), and then often leads to other jobs that involve changing the law like judicial appointments and government positions. There are a lot of justifications for big law floating around that people quickly adopt for themselves (“I will go to public interest after I pay my debt,” “I need this money for my family,” “I’m changing the system from within”), which are more true for some people than others.

However, even the public interest career path is not without its own problems and is part of what is so frustrating about law school for students who value social justice. Most public interest students come from privilege and with a saviorism complex. While there is nothing wrong with coming from privilege, what is important is acknowledging it and understanding how to use it to best serve the movement. Yet very rarely is this reflection done. In law school, I learned how to glorify my trauma to make my application stand out, and now my personal statements about why I am doing immigration law start something like this:

“Nothing is impossible.” These were the words of advice I grew up hearing from my dad, an immigrant from Panama who ironically was unable to live by his own advice despite his deep belief in it. My family watched him bounce between jobs and saw what it was like to have your dreams crushed by a system working against you. He moved back to Panama when I was twelve years old, and my brothers and I had to cope with our new reality of having a single mom working around the clock. My experience growing up amongst so many immigrant families like my own opened my eyes to the injustices of the immigration system. I wanted to become an immigration attorney so I could help people navigate the system and work to change it.

While everything in my personal statement is true, what is also true is that eventually my family started to move up into what I consider upper class. In law school, my family does not rely on me to send money home for basic necessities and they even own a home. Berkeley Law has its own loan forgiveness program to supplement the federal program and I am taking on less loans than most students. At the same time, I am going to be the first lawyer in my family and struggling to understand what it will mean for me to have a starting salary just for myself that is almost as much as my mom’s that she uses to support the family. To me, this is still a salary that feels like a new level of privilege and wealth but of course seems like little when compared to big law.

Law school and nonprofits also glorify the role public interest lawyers play in making social change and erase the community it took to actually create change. This was a myth I believed when I was applying to law school, shown by the fact that my personal statement said I believed that law school and being a lawyer would help me learn how to “[teach] people how to organize.” Direct services organizations often get so overwhelmed with their clients they cannot think about the larger picture and

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8. Debra Cassens Weiss, *Median Pay for Public Service Lawyers Rises Modestly*, NALP REPORTS, [http://www.abajournal.com/news/article/median\\_pay\\_for\\_public\\_service\\_lawyers\\_rises\\_modestly\\_nalp\\_reports](http://www.abajournal.com/news/article/median_pay_for_public_service_lawyers_rises_modestly_nalp_reports) (last visited Feb. 2, 2020).

impact litigation organizations often don't meet with actual members of the community they serve. If we are to go into the public interest path, we must understand Dean Spade's basic premise that:

most legal work maintains, rather than transforms systems of maldistribution. . . Even when we win law change that looks like it is supposed to guarantee the redistribution of some essential thing, that law is often quickly repealed, or it is never enforced, or it is twisted through administrative or judicial interpretation to do the reverse of what movements were seeking.<sup>9</sup>

Law schools give little support for public interest students to think about their careers or even just find jobs, unless they have an explicit public interest focused law program. For example, UCLA has a Critical Race Studies program, Northeastern gives its students more chances to work for credit more than any other school, and CUNY's mission is rooted in social justice and public interest. If a law school is calling itself a public interest law school, I would be highly suspicious and look for what programs it has to show for it. At Berkeley Law, for instance, prosecutors, military attorneys, and government attorneys are all still considered public interest and are a part of the programming provided to public interest students. This then fills the school's public interest programming quota and allows the school to list a number of events they host while very few actually benefit social justice students. This lack of programming is partially why public interest students do not end up getting the proper education on how to be good attorneys that can create positive change in the world. Instead, they tend to come out of law school more conservative and believe in the power of the legal system to make systemic change.<sup>10</sup> The reality is that it is almost always the community that was doing the work first that enabled the legal change, which often ends up being quickly repealed, never enforced, or twisted through interpretation.<sup>11</sup> Dean Spade outlines three important roles for lawyers to play in social movements: (1) demystify legal systems; (2) provide legal services; and (3) respond to the needs of the community.<sup>12</sup> I also believe we have an obligation to continue learning and reflecting on the world around us to understand how we can embody the change we want to see through our work and actions as individuals.

The last thing that makes law school so hard on social justice students is the overall competitive culture of law school. This stems partially from its curved grading system and also from the big Type-A personalities that tend to go to law school. Never in my life have I met so many intense personalities all in one place, and it can be very overwhelming. Unlike in undergrad, where I had friends studying a variety of fields, in law school we are all studying the same thing. For our first year, we are also going to the same classes at the same time, which means spending around six hours a day in a room with the same one hundred or so people who are trying to impress the professor and get a better grade than you. Cold calls in classes are meant purely as forms of public embarrassment—they usually have no bearing on your grade at all.

Law school is thus structured in opposition to creating community, particularly finding like-minded individuals. William Quigley says in his *Letter to a Law Student Interested in Social Justice*, “social justice lawyering is counter-cultural

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9. Spade, *supra* note 1, at 111-12.

10. *See id.* at 115.

11. *See id.* at 112.

12. *See id.* at 116-19.

in law school and the legal profession.”<sup>13</sup> Affinity groups are a close proximity, but are completely student-run. At Berkeley Law, students who wish to create community through an affinity group leadership position must accept a position that is unpaid, doesn’t count towards pro bono hours or class credit, and is a lot of work. They are also then in charge of student recruitment, faculty hiring input, and school-wide advocacy for their community.

How did law school affect me? There were times when I too got wrapped up in the cultural obsession with prestige. I did the write-on competition for the *California Law Review*, mostly for the resume boost and because everyone else was doing it. While the articles I edit can be interesting and maybe doing so improves my writing, it is hard to say if it is worth the work that goes into it. For similar reasons, at the beginning of my job search I applied for clerkships rather than direct services. I went into an interview with an appellate court judge and after looking through my resume filled with clinics and activities she asked me, “Are you sure you’re ready to sit in an office all day and write what the judge tells you to?” She saw right through me, and even though her remark was a bit smug, it’s exactly why I’m glad I didn’t end up working in a clerkship.

Overall, I came out of law school more sure of what my role in the law is, thankfully from my public interest friends. I was lucky enough to be able to participate in a student-led radical reading group for four semesters of law school where we discussed our career goals and how we can tackle larger systemic issues. I became more comfortable as an organizer, alongside other people of color (mostly femmes) and queers who cared about issues that affect our community and other communities we worked in solidarity with. Thanks to all of these people, I learned more about my role as a lawyer and social justice advocate. While there is still so much I don’t know about being an actual lawyer, I feel like I’m in a great place to start out my career.

On a personal level, law school has made me lean into my introverted self. In undergrad, I could spend days on end with people, but in law school I needed time to myself after a few hours of being social. I partially wanted time to reflect on the effect law school was having on me, from the readings to my relationships with people and my life choices. I also needed more energy to spend time with such extroverted, intense classmates during parties and weekly bar reviews. I became more careful of what I said and did around people, because I did not always want to get into an argument about it or have to defend what I did. I became more aware of my alcohol, coffee, and drug intake. I deliberately tried to write and read more, to retain my humanity and other aspects of myself beyond just being a law student, and to continue learning and reflecting. I was more in touch with my Latinx identity than ever before. Before law school, I had never been a part of a Latinx social group, but the Berkeley Law Latinx student association had such a robust community that I found myself easily joining. I became vegetarian, I came out as nonbinary, and found other ways to embody the change I wanted to see with just my existence.

Everyone’s stress response is different, though. A lot of people become energized by the competitive atmosphere, and find it easier to fake the confidence of a mediocre white man when you’re around them all day. Some people become thoroughly embittered and pessimistic about the future of our careers; others just lean into the roles law school sets out for us and come out more strongly believing in the power of law as a source of change.

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13. Quigley, *supra* note 3, at 9.

I relied on my friends in law school who were going through it with me as much as I leaned on people back home and nearby college friends to help me stay grounded in my values. However, as much as community is important for law school and a public interest career, I can't say I got here on my values alone.

As I mentioned earlier, there are barriers to law school that are almost impossible to overcome without privilege. I am privileged to have grown up in an educated household that was able to achieve some social mobility in a wealthy, majority-white suburb of Boston. I had a strong community of Latinxs to see on the weekends but reaped the benefits of a fairly well-funded public school. I grew up learning Spanish and also have perfect English. I could afford mental health services growing up, my family had health care—I don't think I would have made it to law school with my mental illnesses otherwise. In general, if it wasn't for my privilege, I would not have been able to survive the traumas I also went through growing up.

I was raised in a household where my parents always told me that money isn't everything, and I learned to be happy when we didn't have a lot. My parents were more interested in making sure I grew up to be a good person. They actively cultivated my constantly changing interests, from dinosaurs to Mars, buying me relevant books and even getting invested themselves in the topics. They believed in me even when my teachers and classmates didn't, and I found many mentors along the way. I went on to get an ivy-league education, where I learned about systems of oppression and became passionate about undoing them. My parents are now very proud of the choices I have made, which is not something every person going into public interest can say.

No matter what approach you take, I don't know anyone who came out of law school unscathed. Some end up breaking up with life-long partners while others begin to date fellow law students who understand the struggle. Some people ended up in completely different careers than they set out to do, others became more sure of themselves in their chosen career. It is an environment where, whether you're aware of it or not, it changes you. At the very least, reflection is important in law school and practice for staying true to values of social justice. And because of it, I am okay with how I turned out in the end.