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EQUAL JUSTICE

Through awareness, education and action

"Legal Education for a Diverse Society" (Part I)

An official publication of the Washington State Minority and Justice Commission

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Dedication to Diversity and Multi-culturalism

*Gonzaga University School of Law
Gail Hammer*

Director, Family Law/Domestic Violence Project

Legal education is evolving, becoming more responsive to a diverse student body. Gonzaga University School of Law consciously participates in this evolution by cultivating a multi-cultural community, valuing public service work, and making law school teaching responsive to students.

The law school periodically involves the University's Associate Vice President for Diversity in its attempts to foster true multi-culturalism. The University produced "And We Stayed," a film of students talking about ways they experienced discrimination at Gonzaga. The Dean of the School of Law showed the film at the law school for faculty and students. He stated emphatically and unequivocally that we are interested in cultivating a welcoming, multi-cultural community and racism and other bigotry have no place in our community. As evidenced by the courageous statements of the students willing to tell their stories in the film, Gonzaga is not yet a truly welcoming multi-cultural university. However, the willingness to acknowledge that fact, without claiming that we are "enlightened," shows dedication to improving and willingness to look honestly at how we fall short makes it more likely that we will improve.

Three aspects of Gonzaga University School of Law illustrate dedication to embracing diversity and multi-culturalism: the Public Service Requirement, the Center for Law and Justice, and the Institute for Law School Teaching.

The Public Service Requirement

As a requirement for graduation, each law student must complete thirty hours of public service. Yet, many students devote more than the required hours. Public service encompasses, but is not limited to, traditional pro bono legal work. Volunteering at a nonprofit charitable organization, either law- or non-law related, or serving at a public agency also satisfies the public service requirement. Students and student groups produce and participate in presentations on diversity issues, including the Congress on Race Relations, an annual two-day conference involving high school students and community members.

Law school faculty members are required to complete at least ten hours per year of public service. Some faculty members put in far more than the required minimum.

The public service requirement is integrally related to an ethic that recognizes and values the richness of diversity. It reflects the law school's acknowledgement of our responsibility to the larger community.

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EQUAL JUSTICE

Equal Justice is the official publication of the Washington State Minority and Justice Commission whose goal is elimination of racial and ethnic bias, where it exists, from our state courts. The newsletter is a communications and networking tool providing information about programs, projects and issues of concern.

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Message from the Editor

Erica S. Chung

Many will agree that the children are our future. Therefore, we have an obligation to ensure that students are taught the importance and value of diversity to promote equal access to the justice system and to ensure that equal justice is dispensed to all regardless of race, culture or ethnicity.

I was recently reminded that the authority of the justice system is based on the trust and confidence the public has in the courts. Yet, according to the 1999 survey conducted by the Washington State Administrative Office for the Courts, patterned after the 1999 National Center for State Court's survey, people of color and attorneys of color are less confident than their Caucasian contemporaries that they will receive equal justice or be treated fairly by the justice system.

Furthermore, according to the 2000 United States Census, people of color constitute approximately twenty (20) percent of Washington State's population and that percentage is expected to grow with time. So, what are our educational institutions doing to prepare our future leaders to address issues of public trust and confidence in the justice system for people of color and the expected increase in the population of people of color, both regionally and nationally? How are they dealing with increased racial tension on many campuses and current legal challenges of university admission policies, including law schools? The Outreach sub-committee, which publishes the *Equal Justice* newsletter, decided to find out.

The sub-committee decided to devote this issue and the subsequent issue to "Legal Education for a Diverse Society." The purpose is to learn what courses or programs are offered at law schools and universities that impart the values of a diverse society; why education for a diverse society is needed; what additional programs are needed to impart values on the importance of diversity; and how these courses or programs teach students to become better attorneys or citizens.

I was pleased to learn that a number of our state's schools have developed programs that seek to impart the value of diversity. All three law schools in our state require a public service requirement or externship devoted to pro-bono legal work or service at a non-profit organization. Students participating in these programs often serve various minority communities and people who do not have the financial resources to access the legal system. Featured undergraduate institutions have also incorporated the value of diversity and issues of access to the legal system into their curriculums.

Although the articles presented in this and the next issue are not exhaustive of all the programs offered at the various institutions, I hope the programs highlighted provide a glimpse into the commitment of the educational institutions in this state to diversity and their methods of imparting the importance and value of diversity.

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Celebrating the Courts in an Inclusive Society

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The Center for Law and Justice

The Center for Law and Justice, Gonzaga's law clinic, is one of the largest on-campus law school clinics in the western United States. Students, supervised by faculty, represent clients who are low income. Six Gonzaga faculty members are primarily committed to clinical work but other faculty members also participate. Typically, 40 to 50 students are enrolled at one time. With its level of faculty commitment and its tradition of student participation, Gonzaga's clinical program received awards from the American College of Trial Lawyers (1994) and the Washington Legal Foundation (1996), and was recognized as a major public interest law school clinic by The National Jurist (2000). The clinic has two components: University Legal Assistance and the International Human Rights Clinic.

University Legal Assistance, a non-profit corporation formed in 1975, provides legal representation on a range of issues, including civil rights, consumer protection, criminal, family law, domestic violence, elder law, tax, housing, public benefits, disability, and environmental issues. Students may enroll in a variety of clinical programs:

- The General Public Practice Clinic, a two semester, 15-credit clinic in which students act as general practitioner, with a variety of cases, for 35 to 40 hours per week;
- The Limited Public Practice Clinic, a one-semester, 4-credit clinic in which students act as general practitioner, with a variety of cases, for 15 to 20 hours per week;
- Various Mini-Clinics, one-semester, 2-credit clinics in which students specialize in particular types of cases for 10 hours per week. Mini-clinics include Low Income Taxpayer, Elder Law, Civil Rights, Family Law and Domestic Violence, Environmental Law, Criminal Law, and Administrative Law.

The International Human Rights clinic, established in 1999, is a 2-credit clinic engaged primarily in litigation challenging the death penalty in state supreme courts. Clinic participants write amicus briefs challenging the death penalty, using international human rights covenants.

International Human Rights clinic students have

participated in international human rights conferences in The Hague and Geneva. Students have worked with the Center for Justice in International Law (CEJIC) in San Juan, Costa Rica and participated in Gonzaga Law School's International Exchange program at Diego Portales University Law School in Santiago, Chile.

The Center for Law and Justice contributes concretely to justice, public service, and peace in the Spokane community and beyond.

The Institute for Law School Teaching

The Institute for Law School Teaching recognizes the obligations law schools owe to their students and to society to provide a learning environment to help students achieve the highest academic standards and to prepare students to assume their responsibilities as effective, moral attorneys. The Institute was established in 1991 to help Gonzaga University School of Law and other law schools meet those obligations. The Institute is committed to improving the quality of teaching and learning in legal education. Its goals are:

- to serve as a clearinghouse for ideas to improve the quality of education in law school;
- to provide national leadership on effective teaching and learning in law school;
- to support research and the development of materials to enhance teaching and learning in law school; and
- to establish and maintain a national reputation for quality programs, responsiveness to law teachers' needs, and innovation in law teaching.

In service of those goals, for example, one of the Institute's annual conferences focused on "Seven Principles for Good Practice in Legal Education," modeled on seven principles of good practice in undergraduate education, derived from decades of research on teaching and learning in college. The written materials from that conference appear as "Seven Principles for Good Practice in Legal Education" in the *Journal of Legal Education*, Vol. 49, No. 3, (September 1999). The article applies the principles, explores their implications, and describes practical methods to implement them.

Another conference, titled "Teach to the Whole Class," focused in part on inclusion of perspectives, experiences, and interests of students with various backgrounds, cultures, and races. The Institute

produced a video with the same title, available to law teachers throughout the United States and Canada.

Since the fall of 1993 the Institute has published *The Law Teacher*, a semiannual periodical containing short articles with practical tips and innovative ideas on law teaching. The Institute sends *The Law Teacher* to all legal educators in the United States and Canada.

The Institute works to improve teaching and learning in law schools, advocating using a variety of teaching methods to reach all students in the class. Implicit and explicit in the Institute's work is acknowledgement of the rich variety, shaped by culture and by individual difference, in how students learn.

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Celebrating the Courts in an Inclusive Society

Diversity and Legal Education
University of Washington School of Law
Robert Aronson, Professor of Law

At the University of Washington Law School, I teach a course in "Law, Literature & Film." For several years, I have assigned a book titled *Donald Duk* by Frank Chin. Part of the book deals with the negative impact of an educational system that excludes or misrepresents the efforts of various cultures in this country. Specifically, the hero of the book is a twelve-year-old Chinese American boy. His class in school is studying the building and meeting of the transcontinental railroads. All of the pictures are of Irish Americans, and they receive all of the credit and positive attributes. Mythical Chinese gods begin to appear in Donald's dreams to show him the real story, including the central role played by Chinese immigrants. As Donald finds out more of what happened, he gains pride in his Chinese heritage and begins to challenge his teacher in class.

Along with *Donald Duk*, I have the students read an essay by Patricia Limerick, a revisionist historian at the University of Colorado, in which she debunks myths about the "taming" of the West. She indicates how the traditional teaching of American history has ignored the accomplishments of Hispanics, Native Americans, African Americans, and other ethnic groups, and has falsely glorified the behavior (often atrocious) of the early white settlers and U.S. military.

In the ensuing class discussions, a great many of my students who are not persons of color indicate that

they have gone through high school, undergraduate school, and in some cases, masters or Ph.D. programs, without ever studying the role of other cultures in American literary, social, or political history. Some of them are outraged that they have been so deprived and that their history books and education were so misleading. They believe that their own views, and those of their colleagues, have been greatly and unfortunately affected by indoctrination in one viewpoint — and one that creates a stereotyped and unfair picture of other races and cultures.

The discussion invariably induces students of varied racial, cultural and ethnic backgrounds to tell their own stories. These stories tell of discrimination, hardships overcome, and different ways of viewing important issues, including law, justice, and the legal system. Long-held perceptions and beliefs are challenged.

In law school, not all legal knowledge and ability to practice law is obtained from law books and class lectures. Students (and faculty members) learn much from each other. What they learn and how they learn it is greatly affected by the diversity of backgrounds, viewpoints — of stories — that students bring to class discussions and interactions. Law school casebooks are written by individuals with inevitable personal beliefs and biases concerning the materials included and the legal doctrine they represent. Students with diverse backgrounds, experiences, abilities and insights fill in the factual gaps and cause their classmates to reconsider previous stereotypes and view the law from different perspectives.

The more diverse the background and experiences of the students, the greater the fund of knowledge available for the benefit of everyone. What monolithic, skewed and dull discussions used to occur when mostly white males discussed the constitutionality, legality and desirability of laws regarding abortion, slavery, English-only education, legislative gerrymandering, sexual harassment, child custody, immigration, racial profiling, and the "cultural defense" to certain criminal laws!

Law schools have many formal classes, clinics and programs that focus on diversity. Classes that directly consider diversity issues include American Indian Law, Disability Law, Immigration Law, International Human Rights, Refugee Law, Employment Discrimination, Sex, Gender, Sexuality, and Critical Race Theory. Because racial and ethnic minorities are over-represented among those who are unable to afford access to the legal system, students in law school clinics learn about the needs and problems facing different segments of

society. Students also learn how to understand and communicate with persons with backgrounds, concerns and ways of relating to the legal system that are different from their own. Clinics at the University of Washington Law School include Unemployment Compensation, Innocence Project Northwest, Immigration, Refugee Advocacy, Tribal Court Criminal Defense, and Child Advocacy.

The Law School also regularly brings speakers and arranges forums that impart the values of a diverse society. This year, for example, students attended presentations by Lani Guinier, Charles Ogletree, Justice Charles Z. Smith, Judge Richard A. Jones, and a debate on slavery reparations between Michael Medved and Professor Louis Wolcher. And the many minority attorneys who so graciously speak on various practice specialties serve as role models for our minority students.

A recent study by researchers at Yale and the University of Washington indicated that as many as nine out of ten people have unconscious prejudices due to previous experience and inadvertent stereotyping. Other studies and numerous court cases have demonstrated that those responsible for admission to colleges and universities, and for hiring in both white-collar and blue-collar settings, not only possess but base selection decisions on those stereotypes and preconceptions. Court and bar association studies have documented discrimination and bias by law firms and other legal employers, the courts, and the police.

Atticus Finch, one of the most respected lawyers ever (sadly, one who is fictional!), said that one cannot truly understand another person's point of view until he walks around in the other person's shoes for a while. In an educational or work environment, the only way that myths, stereotypes and unjustified fears about others can be overcome is if students and employees, professors and employers, learn and work together — if they have the opportunity to walk around in each others shoes.

The best chance for the next generation of lawyers to break the cycle is for law students to "walk around" in the shoes of as many different students, faculty and clients as possible.

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Celebrating the Courts in an Inclusive Society

An Independent Education: Law Clinics and the Need for State Resources
University of Washington Law Student Perspective
Miguel Angel Bocanegra, Law Student

Legal clinics have been central to supplementing the traditional classroom educational model, while maintaining a connection to the school's principles of diversity. Clinics at the law school allow three levels of participation. First, legal clinics provide people who may otherwise receive little if any legal assistance with help resolving their legal problems. Second, legal clinics provide law students with practical experience dealing with real life problems, supplementing classroom learning. Third, students are exposed to a wide variety of people from different backgrounds, sensitizing them to varying realities. Some of the clinics that the University of Washington Law School provides are the Innocence Project (Criminal Law Clinic), Refugee and Immigrant Advocacy, Impound Defense, Immigration, Indian Law Criminal Defense, and more. Bree Kameenui, a third year law student, told me that the best thing she did in law school "was to help a woman get her legal permanent residence despite the punitive effects of the Immigration Reform and Control Act." She explained, "Legal clinics are the best way for students to receive hands-on experience." Unfortunately, due to the high number of students who wish to enroll in law clinics every year and the lack of clinics to go around, enrollment is decided on a raffle basis leaving some students without the option of enrolling. Economic constraints continue to plague the school's ability to encourage and promote these innovative programs.

Law students are required to take a mandatory schedule of courses in their first year. Most students in their second and third years are unrestricted in their selection of courses. However, a student's choices are dictated by the number of classes a law school offers in a given area of study.

There is a growing trend for the University of Washington Law School to promote the study of Intellectual Property. The school currently offers a concentration track for Intellectual Property, which includes 13 courses to choose from. Many attribute the expansion of the study of Intellectual Property within the school to its economic self- sustainability.

If a law school wishes to stay true to principles of diversity it must be able to offer courses that will address diverse needs. Courses such as Labor Law must be a central component of a basic legal

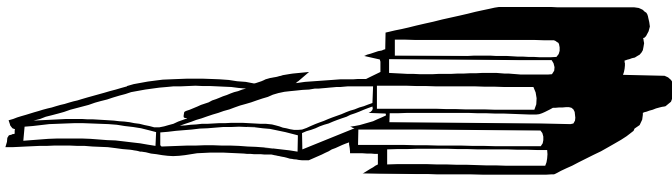
education. The laws that govern the formation of unions, workers' compensation, overtime, workplace safety etc., have affected us all. In very few other areas of the law are the rights of people of color and women, who continue to dominate our service economy, more at stake. Very few things are more important than the work place in a person's life and yet the study of that sphere of the law is neglected. Labor Law was not offered last year and it is not being offered this year.

Little blame can be placed on the school itself, given its financial constraints, which only seem to be getting worse. The Office of the President has sent out a memo to the school at large explaining that the UW will be losing more than 12 percent of its current budget over the next two years, assuming that undergraduate tuition will be increased by 9% each year. The law school tuition is expected to increase upwards of 30% this year after an increase of 50% last year.

The Law School and institutions of higher education generally, have become increasingly dependent on private money for basic infrastructure. Bill Gates is responsible for providing a substantial amount of money towards the construction of the new law school building, which would likely not have been possible without private funds. While the generosity of philanthropists is to be commended, public schools should not be dependant on handouts for their basic maintenance and development. Furthermore, a growing reliance on private donations should be viewed with concerns to the extent that they may affect the direction of the curriculum.

The University of Washington Law School has many obstacles to overcome in encouraging the principle of diversity in its curriculum. The university, faculty and staff are making a valiant effort and the expansion of clinics at the law school appears to be a central element to the success of its effort. If we are to promote a view of diversity that permeates the curriculum of the law school we must lobby and organize for increased public funding for public education. For diversity to flourish we must have an independent education.

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Celebrating the Courts in an Inclusive Society

Law and Diversity Program
Western Washington University
Brian A. Tsuchida, Federal Public Defender
in consultation with
Julie Helling, Director

In 1990, Rand Jack, a professor and environmental lawyer at Western Washington University, took up a challenge from then State Supreme Court Justice Charles Z. Smith to bring more diversity into the legal profession and proposed that the University create a liberal arts program targeting students with "economic and social disadvantages" to prepare them to become attorneys or go into other law-related professions. He envisioned that these students could be role models or a voice for their under-represented communities in courts of law.

In 1991, Western Washington University's Fairhaven College, a liberal-arts program where students structure their own degree, developed the Law and Diversity Program (LDP) for students who are interested in law, diversity and access to the legal system for under-represented groups. The program has gained recognition for its role in expanding diversity in law schools, the justice system and law related professions. The LDP accepts a small number of students at the junior year level every two years. Students are put through intensive classes focused on writing legal briefs, analyzing cases and discussing constitutional issues. The program provides students with a rigorous preview of what they can expect in law school. In addition, the program addresses the interaction between economics, social issues and the law. Students are challenged to analyze issues such as race and gender in labor markets, environmental racism and affirmative action. Students are required to serve internships with public service legal agencies such as the Whatcom County Public Defender's Office, Womencare, the Washington State Attorney General Consumer Protection Division and the Northwest Justice Center. Additionally, students have the opportunity to work with the Whatcom Civil Rights Project which provides pro-bono legal assistance and advocacy to victims of discrimination and civil rights abuse. In this class, students develop interview and legal analysis skills and how to present cases to an attorney assessment panel.

Many of the students who have been accepted into the program have had lives and experiences that have made it hard for them to make it in life, such as escaping as refugees from war, growing up in migrant camps, or growing up poor in crime and drug infested neighborhoods. The LDP teaching staff has noted that

these students, whose backgrounds are so very different from the average university student, make for richer and more complicated discussions in the classroom. Many students entered the program never thinking that law school was an option. Many students have graduated with their hearts set on making a difference in society. Nearly half of the 65 students who have completed the LDP have been accepted into law schools.

LDP alumni are now working as multi-cultural education outreach coordinators, union representatives, probation officers and lawyers. Sixteen students are scheduled to graduate from the Law and Diversity Program this June. Ms. Helling is hoping to recruit 18 students to start the program in September 2003 and eventually seeks to double the size of the program. The LDP has celebrated over a decade of success and is a vibrant and growing program. What started as a challenge is now a reality.



Celebrating the Courts in an Inclusive Society



**Spotlight
of the
Commission**



Lawyers, Police Officers, and Judges - OH MY!
Erica S. Chung
Executive Director, Minority and Justice Commission

Under the leadership of Judges Richard A. Jones and LeRoy McCullough with the King County Superior Court and with the assistance of Judge Dennis Yule with the Benton-Franklin Counties Superior Court, the Workforce Diversity sub-committee of the Washington State Minority and Justice Commission, in partnership with Education School District 123 and the Washington State Bar Association Young Lawyers Division, hosted its first Youth and the Law Forum at Columbia Basin Community College in Pasco, Washington on March 7, 2003. The purpose of the forum was to expose middle school and high school students from segments of the community historically underrepresented in the justice system work force to career opportunities in the justice system and to teach them about their rights and responsibilities.

Approximately 100 eighth through twelfth grade students from Benton, Franklin, Adams, Columbia and Walla Walla Counties spent a busy day mingling with approximately 40 volunteer professionals, including

judges, prosecuting attorneys, defense attorneys, an assistant attorney general, police officers (including a K-9 officer), juvenile probation officers, Department of Corrections community corrections officers, a forensic scientist, county clerks, a county correctional officer, a court reporter, a court interpreter, and a bailiff.

The day was packed with activities designed to be both fun and educational. Students heard from judges and juvenile probation officers about how they got their jobs and what they do in them. And they saw an officer at work when a Benton County deputy sheriff and his canine partner put in an appearance and gave a demonstration. In smaller break-out groups, students and volunteers discussed case studies that presented scenarios of criminal activities and students shared their thoughts about the consequences of actions and choices—discussions that were illuminating to both students and volunteers.

During morning and lunch breaks, participants, both students and volunteers, had opportunities to connect and talk informally with each other. The afternoon session included a mock court scene utilizing a judge, prosecutor, defense attorney, police officer, forensic scientist, court interpreter, court reporter reporting in real time, clerk and bailiff.

Exit surveys completed by the students indicate the forum was a success, as reflected in the following representative comments:

- "It was interesting to see how court sessions are conducted."
- "It was very interesting. I gained more knowledge about attorneys and was able to ask questions to prosecutors, judges, and lawyers."

Based upon the uniformly positive feedback from the students and the enthusiasm of the professionals who volunteered, the sponsors of the forum have committed to host a second Tri-Cities Youth and the Law forum in March 2004.

The forum concluded with rewards for students who correctly answered questions about the justice system and who made the most contacts through the day with other students and volunteers, but perhaps the greatest rewards, shared by all the students who attended, were new insights into opportunities and possibilities available to them in our justice system.



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