

# CHAMPIONING DIVERSITY, EQUITY, AND INCLUSION IN LEGAL EDUCATION: A CRITICAL IMPERATIVE IN CHALLENGING TIMES

*Dr. Courtney A. Griffin\**

## INTRODUCTION

As the Assistant Dean of Diversity, Equity, Inclusion, and Belonging at a law school, my goal is to ensure that our student body, faculty, and overall law school represent the diversity of our city; for all students to feel a sense of belonging and for students to be taught by faculty in which they have commonalities. I mean this regardless of race, class, ethnicity, ability, sexual orientation, or religion. I am passionate because this has not been my experience as a Black woman with five college degrees. I have never had a Black woman as a professor. This is problematic, especially in a field where representation and belonging are immensely important.

Allowing minorities access to education is often seen as the goal of Diversity, Equity, and Inclusion (“DEI”) within higher education. Minorities are defined as “a culturally, ethnically, or racially distinct group that coexists with but is subordinate to a more dominant group.”<sup>1</sup> However, DEI within higher education is so much more than advocating for minority students. DEI initiatives ensure that all students receive an equitable and well-rounded education providing them with the knowledge to think critically and make an impact. Diversity, Equity, Inclusion and Belonging have become hot topics since 2020 with the COVID-19 global pandemic as well as the murder of George Floyd. With the rise of the Black Lives Matter movement, the blatant mistreatment of minorities has also been amplified. This created a surge in the necessity of work within DEI. Many corporations and institutions of higher education pledged their support to DEI efforts.<sup>2</sup> They announced their commitment to increasing both staff and students from underrepresented and underprivileged backgrounds.<sup>3</sup> According to research

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\* Dr. Courtney A. Griffin, PhD, DePaul University. Assistant Dean, Diversity, Equity, Inclusion and Belonging, University of Detroit Mercy School of Law.

1. *Minority*, BRITANNICA, <https://www.britannica.com/topic/minority> (last visited Jan. 28, 2024).

2. Paolo Gaudiano, *Two Years After George Floyd, Is Your DEI Strategy Performative or Sustainable?*, FORBES (June 27, 2022), <https://www.forbes.com/sites/paologaudiano/2022/06/27/two-years-after-george-floyd-is-your-dei-strategy-performative-or-sustainable/?sh=5ac93c776aaa>.

3. *See id.*

conducted by the Society for Human Resource Management in 2021, 85% of companies expanded inclusion efforts.<sup>4</sup>

While it is most commonly implied, it is important to note that diversity is not all about race. Diversity is “a combination of factors encompassed by three specific descriptors: race, socioeconomic status and cultural/environment influence.”<sup>5</sup> Researchers have found that “race, socioeconomic status, and cultural/environmental influences [are] commonly cited as important or beneficial factors when [referencing] diversity.”<sup>6</sup>

However, since 2022, DEI has also been on the chopping block. As the United States heads into a recession, a majority of those hired to showcase the progressiveness of organizations are being fired, laid off, or their positions are being reimagined.<sup>7</sup> Within education specifically, it has become less about diversity and equity and more about inclusion and excellence.

The questions that beg to be asked are why, after Malcolm X, Martin Luther King, Jr., Katherine Johnson, Dorothy Vaughan, and Mary Jackson, does there need to be an argument for DEI efforts? Even more so, after the Supreme Court’s ruling in the 1978 case *Regents of the University of California v. Bakke*,<sup>8</sup> why is the idea of affirmative action so controversial? Why are we still making the argument for Black and Brown people and those other than the majority to be “seen, noticed, and actively engaged?”<sup>9</sup> This Article will stress the importance of DEI initiatives at colleges and universities, including those of legal education. More specifically it will address how diverse faculty and a diverse student body impact the legal education experience. It will also argue that teaching DEI in the form of cultural competency produces competent, well-rounded lawyers who are respected and, in turn, respect, value, and understand their clients. This notion treats diversity as if it is optional.

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4. Ragan Decker et al., *The Use of People Analytics in Human Resources: Current State and Best Practices Moving Forward*, SOC’Y FOR HUM. RES. MGMT., <https://www.shrm.org/content/dam/en/shrm/research/use-of-people-analytics-in-hr.pdf> (last visited Jan. 27, 2024).

5. Tiffany Drape et al., *Is Diversity on Their Minds? Perceptions of Diversity in an Undergraduate Population Using a Mixed-Methods Design*, 61 N. AM. COLLS. & TCHRS. OF AGRIC. J. 255, 256 (2017).

6. *Id.* at 256 (citing Nida Denson & Mitchell J. Chang, *Racial Diversity Matters: The Impact of Diversity-Related Student Engagement and Institutional Context*, 46 AM. EDUC. RSCH. J. 322-53 (2009); Sira Park et al., *What Makes Student Engaged in Learning? A Time-Use Study of Within- and Between-Individual Predictors of Emotional Engagement in Low-Performing High Schools*, 41 J. OF YOUTH & ADOLESCENCE 390-401 (2011); Dean K. Whitla et al., *Educational Benefits of Diversity in Medical School: A Survey of Students*, 78 ACAD. MED. 460-66 (2003)).

7. See Kiara Alfonseca & Max Zahn, *How Corporate America Is Slashing DEI Workers Amid Backlash to Diversity Programs*, ABC NEWS (July 7, 2023, 6:26 AM), <https://abcnews.go.com/US/corporate-america-slashing-dei-workers-amid-backlash-diversity/story?id=100477952>.

8. *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978).

9. Laura Roberts, *Move Beyond the Business Case for Diversity*, BLOOMBERG (June 28, 2020, 8:00 AM), <https://www.bloomberg.com/view/articles/2020-06-28/business-case-for-diversity-isn-t-enough-to-end-corporate-racism#xj4y7vzkg>.

Higher education is often seen as a way to decrease the gender and race gaps in society.<sup>10</sup> However, the gap in college graduation rates by race and gender continues to expand.<sup>11</sup> While “there has been a significant increase in four-year [degree graduate rates among] Black Americans,” the “rates among [W]hites have increased just as rapidly.”<sup>12</sup> Of the degrees conferred in 2021, the racial backgrounds were 59.7% White, 10.5% Black, 16.5% Hispanic, 8.6% Asian/Pacific Islander, 0.5% Native American, and 4.1% bi-racial.<sup>13</sup>

While law school admission rates continue to increase, the rates of minority students are still considerably lower than those of their White counterparts.<sup>14</sup> “The average percentage of minority students enrolled in law schools nationally was nearly 33% in fall 2022.”<sup>15</sup> The legal field remains as one of the least diverse sectors in the United States—as of 2020, 86% of lawyers were White.<sup>16</sup> Data collected by the U.S. Census Bureau indicates that, as of 2023, Black or African American individuals made up 13.6% of the total U.S. population and Hispanic or Latino individuals made up 19.1% of the total U.S. population.<sup>17</sup> Asian individuals comprised 6.3% of U.S. population and Native American individuals comprised 1.3% of the U.S. population.<sup>18</sup>

[A]ccording to the ABA’s National Lawyer Population Survey, 4 percent of active attorneys identified as Black or African American in 2007 and 4 percent identified as Hispanic and Latino. By 2017, those numbers rose only slightly to 5 percent each . . . . The percentage of active attorneys identifying as Asian remained steady at 2 percent, and those who identified as Native American remained around 1 percent.<sup>19</sup>

These numbers sometimes vary slightly across reporting agencies, but the fact that these minority populations remain woefully underrepresented in the legal profession is obvious no matter where you look. In order to make a change, we must begin with legal education. “[B]arriers to law school affect justice and power

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10. Richard V. Reeves & Katherine Guyot, *Black Women are Earning More College Degrees, But that Alone Won’t Close Race Gaps*, BROOKINGS (Dec. 4, 2017), <https://www.brookings.edu/articles/black-women-are-earning-more-college-degrees-but-that-alone-wont-close-race-gaps/>.

11. *See id.*

12. *Id.*

13. National Center for Education Statistics, *Bachelor’s Degrees Conferred by Postsecondary Institutions, by Race/Ethnicity and Sex of Student: Selected Academic Years, 1976-77 through 2020-21*, DIGEST OF EDUC. STATISTICS (Oct. 2022), [https://nces.ed.gov/programs/digest/d22/tables/dt22\\_322.20.asp](https://nces.ed.gov/programs/digest/d22/tables/dt22_322.20.asp).

14. ACCESSLEX INST., LEGAL EDUCATION DATA DECK 3 (2024).

15. Sarah Wood, *23 Racially and Ethnically Diverse Law Schools*, U.S. NEWS (July 13, 2023), <https://www.usnews.com/education/best-graduate-schools/the-short-list-grad-school/articles/racially-and-ethnically-diverse-law-schools>.

16. AMERICAN BAR ASSOCIATION, ABA PROFILE OF THE LEGAL PROFESSION 33 (July 2020), <https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>.

17. *United States Census: QuickFacts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/table/US/PST045223> (last visited Feb. 16, 2024).

18. *Id.*

19. Allison Laffey & Allison Ng, *Diversity and Inclusion in the Law: Challenges and Initiatives*, A.B.A. (May 2, 2018), <https://www.americanbar.org/groups/litigation/resources/newsletters/jiop/diversity-inclusion-law-challenges-initiatives/>.

and should be recognized as such.”<sup>20</sup> This is why continuing DEI efforts is so necessary.

### I. THE IMPORTANCE OF DEI INITIATIVES AT COLLEGES AND UNIVERSITIES

This section will argue the importance of DEI within secondary education to ensure a diverse applicant pool at law schools. I must reiterate, diversity does not only impact diverse students. Diversity impacts *all* students. Higher education is often the first time students are interacting with those different from themselves. Education provides a safe haven for students to learn.

Structural diversity is “the numerical representation of different racial, ethnic, and gender groups on campus.”<sup>21</sup> “[C]ampuses with high proportions of [W]hite students provide limited opportunities for cross-racial interaction.”<sup>22</sup> This limits students’ learning experiences with diverse groups.<sup>23</sup> Institutions that see underrepresented groups as “tokens,” as compared to individuals, do not produce a positive environment for those in the underrepresented group.<sup>24</sup> Students who feel as if they are “tokens” are known to underperform or drop out, resulting in low retention rates for underrepresented students.<sup>25</sup> As a result, research suggests that institutions that significantly increase their racial and ethnic environments can significantly improve the college experience of underrepresented students.<sup>26</sup> To do so, at the undergraduate level universities can “build relationships with community colleges, participat[e] in careers fairs, collaborat[e] with [other] diversity offices, and conduct[] outreach through summer education programming with high schools with high proportions of minority students.”<sup>27</sup> The data suggests that diverse organizations have an advantage.<sup>28</sup>

As future lawyers, students must learn how to interact with and understand individuals different from themselves. Law school creates the space. If this was less important, the American Bar Association (“ABA”) would not have made cultural competency mandatory for law students. One could argue that this is simply a result of the 2020 emergence of DEI. However, one could also argue that historically this should have been a requirement. ABA Standard 303(c) requires

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20. See Emma Plante, “What, Like It’s Hard?”: *The Systemic Barriers to Law School Applications*, NE. UNIV. POL. REV. (2022), <https://nupoliticalreview.org/2022/01/27/what-like-its-hard-the-systemic-barriers-to-law-school-applications/>.

21. Drape et al., *supra* note 5, at 256. See also Patricia Gurin, *Expert Report of Patricia Gurin: Conceptual Model of the Impact of Diversity*, UNIV. OF MICH. (Sept. 5, 2012), <https://diversity.umich.edu/admissions/legal/expert/model.html>.

22. JEFFREY MILEM ET AL., MAKING DIVERSITY WORK ON CAMPUS: A RESEARCH-BASED PERSPECTIVE 6 (2005).

23. SYLVIA HURTADO ET AL., ENHANCING DIVERSE LEARNING ENVIRONMENTS: IMPROVING THE CLIMATE FOR RACIAL/ETHNIC DIVERSITY IN HIGHER EDUCATION 28 (1999).

24. Drape et al., *supra* note 5, at 256.

25. *Id.*

26. U.S. DEPARTMENT OF EDUCATION, ADVANCING DIVERSITY AND INCLUSION IN HIGHER EDUCATION 43 (2016), <https://www2.ed.gov/rschstat/research/pubs/advancing-diversity-inclusion.pdf>.

27. Drape et al., *supra* note 5, at 256.

28. Roberts, *supra* note 9.

students to receive cultural competency training twice during their educational career.<sup>29</sup> This will require students to learn about their own biases, how to address microaggressions, and anti-racist practices.<sup>30</sup>

#### A. Pipeline Programming and Representation

DEI efforts at law schools allow for representation for non-White students. A large majority of minority students are first-generation law students.<sup>31</sup> This means they are less likely to have seen an attorney or a judge that resembles them as an adolescent. They also may not have had the opportunity for mentorship. Pipeline programming allows for the youth to see themselves in these positions, giving them the same opportunities as their White counterparts. In legal education, pipeline programming is defined as “initiatives that encourage and equip diverse students to pursue legal careers.”<sup>32</sup> Law schools with pipeline programming see more diverse candidates and increase the knowledge of careers in law for all students.<sup>33</sup>

#### B. Law School Experience

The stronger the goal of the institution and their commitment to a student, the more likely a student is to graduate.<sup>34</sup> Institutional climate or fit is linked to college completion for all students.<sup>35</sup> Law school can be a stressful experience for students. However, once a student is accepted and enrolled in law school our job is to support them. Law schools should be a place where respectful discourse is modeled. To assist students, specifically diverse students, we must acknowledge that diverse students have different experiences than their White counterparts. Research shows that students do not believe that law schools “acknowledge the unique pain minority and low-income students experience” in their study to become lawyers.<sup>36</sup>

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29. AMERICAN BAR ASSOCIATION, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2023-2024 18 (2023), [https://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/standards/2023-2024/2023-2024-aba-standards-rules-for-approval.pdf](https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2023-2024/2023-2024-aba-standards-rules-for-approval.pdf).

30. *See generally id.* (highlighting the importance of fostering a diverse and inclusive learning environment and culturally competent lawyers).

31. *See* Karen Sloan, ‘First Generation’ Law Students Saddled With Higher Debt, Lower Scores-Study, REUTERS (Oct. 25, 2023, 1:45 PM), <https://www.reuters.com/legal/legalindustry/first-generation-law-students-saddled-with-higher-debt-lower-scores-study-2023-10-25/>.

32. *National Pipeline Programs Directory*, A.B.A., [https://www.americanbar.org/groups/diversity/diversity\\_pipeline/projects\\_initiatives/pipeline\\_diversity\\_directory/](https://www.americanbar.org/groups/diversity/diversity_pipeline/projects_initiatives/pipeline_diversity_directory/) (last visited Feb. 16, 2024).

33. Sandi DiMola & Allyson M. Lowe, *Research Note: Using Experiential Learning in a Pipeline to Careers in Law Program for First-Generation University Women*, 2 J. EXPERIENTIAL LEARNING 1, 24 (2017).

34. *See* Watson Scott Swail, *The Arts of Student Retention*, EDUC. POL’Y INST. 8 (June 21, 2004), <https://files.eric.ed.gov/fulltext/ED485498.pdf>.

35. Jimmy Doan, *The Impact of Campus Climate and Student Involvement on Students of Color*, 32 THE VT. CONNECTION 1, 37 (2011).

36. Taifha N. Baker, *How Top Law Schools Can Resuscitate an Inclusive Climate for Minority and Low-Income Law Students*, 9 GEO. J.L. & MOD. CRITICAL RACE PERSP. 123, 130 (2017).

Students believe that deans and administrators contribute to the exclusionary environment when their diverse experience is not recognized.<sup>37</sup> With this knowledge it is also necessary to ensure that minority students recognize their academic excellence and what they bring to the classroom. Student support networks are necessary for the persistence of minorities in higher education.<sup>38</sup> “If law schools are to prepare students for the reality of practice, it is useful to help students become aware of cultural issues that can affect client representation by examining the culture that the law school creates.”<sup>39</sup>

“Lawyers [must] respect their clients and should approach their profession with humility, no matter how different the client.”<sup>40</sup> Law schools should be where this practice begins.<sup>41</sup> Having culturally competent students will lessen the amount of microaggressions presented to students. With adequate training White students can understand how their behaviors impact their peers and in turn would impact their clients.

### C. *Creating Safe Spaces and Sense of Belonging*

“Many of today’s law students experience a triple-threat. They suffer from the solo status that accompanies being a member of an underrepresented group, the stereotype threat that accompanies being a member of a stereotyped group, and the challenges of lacking a background in the law before beginning law school.”<sup>42</sup> DEI efforts address these threats among this population. However, DEI efforts also allow the majority students to understand these students.

To establish safe environments, many professors set ground rules in their classrooms. Those rules, though framed differently among professors, provide a few guidelines and may include a mandate to think before you speak. First, this encourages students to be aware and sensitive to a variety of students’ backgrounds and experiences. Second, this recognizes that students are working through difficult ideas that may be initially and unwittingly communicated in offensive ways. Third, it encourages students to listen with the benefit of the doubt and try to understand what underlies the student’s remark. Fourth, professors can and should empower their students to address the pain and discomfort that they may feel when discussing social injustices. Faculty DEI training can assist faculty in facilitating these conversations.

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37. *Id.*

38. SIENNA ABDULAHAD ET AL., *THE TABLE: STORIES FROM BLACK WOMEN IN STUDENT AFFAIRS* 149 (2018); FELICIA COMMODORE ET AL., *BLACK WOMEN COLLEGE STUDENTS: A GUIDE TO STUDENT SUCCESS IN HIGH EDUCATION* 42 (2018); U.S. DEP’T OF EDUC., *STRATEGIES FOR INCREASING DIVERSITY AND OPPORTUNITY IN HIGHER EDUCATION* 5 (2023).

39. Antoinette Sedillo Lopez, *Beyond Best Practices for Legal Education: Reflections on Cultural Awareness—Exploring the Issues in Creating a Law School and Classroom Culture*, 38 WM. MITCHELL L. REV. 1176, 1178 (2012).

40. *Id.* at 1184.

41. *Id.*

42. Sean Darling-Hammond & Kristen Holmquist, *Creating Wise Classrooms to Empower Diverse Law Students: Lessons in Pedagogy from Transformative Law Professors* 33 CHICANA/O-LATINA/O L. REV. 1, 1 (2015).

To maintain a level of respect in the classroom, professors must communicate why a comment may offend someone and remind students that painful comments may be unintentional and should be avoided. This allows offended students to feel validated in their feelings of pain and frustration so that they can redirect their attention to learning the law and do so without feeling wary of their peers or isolated in their classrooms. Faculty DEI training can also assist with this. Faculty who are culturally competent are more likely to foster relationships with their students and expand the legal network of both the student and the faculty which is a part of the goal of legal education.<sup>43</sup>

#### *D. Inclusive Pedagogy*

Research argues that current methods of legal pedagogy create unsafe spaces where students do not feel included, valued, or heard.<sup>44</sup> Using cases that defy stereotypes or highlighting judgments based on gender roles helps professors identify the issues in our legal system while also making students the law school has chosen to admit feel heard. Some faculty and administration will steer away from using race and class to analyze the law—this marginalizes students. Changing the race, gender, culture, or sexual orientation of the parties in a case can help students discover if a participant in the legal system made judgments or stereotyped the parties' behavior based on race, gender, culture, or sexual orientation. Using cases that defy stereotypes or highlight judgments based on gender roles can help professors draw out the issues.

Without inclusive teaching practice, students “feel alienated, tokenized, overburdened, and undervalued in part because [current] teaching methods do not allow for [students] to engage in a meaningful way” creating an exclusionary learning environment.<sup>45</sup> It is important to recognize the difference between cultural value systems, beliefs and practices, and stereotypes about individuals in education. DEI training and cultural competency education can do just that.

Students must become aware of their own biases and social/cultural assumptions about others in order to correct their biases.<sup>46</sup> This type of learning often occurs with activities around feelings. This includes sharing personal stories after building connections with students.<sup>47</sup> These conversations and activities should occur during the students' first year or early in the term.<sup>48</sup> After becoming aware, students should be provided “with content, tools, and opportunities to learn about diversity, equity and inclusion.”<sup>49</sup> This can be done by recalling prior knowledge around the subject, connecting the learning to the specific discipline,

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43. See generally *Encouraging Participating*, BERKELEY GRADUATE DIV., <https://gsi.berkeley.edu/gsi-guide-contents/discussion-intro/participation/> (last visited Jan. 27, 2024).

44. See Baker, *supra* note 36, at 139.

45. *Id.*

46. Erica Hartwell et al., *Breaking Down Silos: Teaching for Equity, Diversity, and Inclusion Across Disciplines*, 39 HUMBOLDT J. SOC. REL. 143, 145 (2017).

47. *Id.*

48. See Drape et al., *supra* note 5, at 260.

49. Hartwell et al., *supra* note 46, at 148.

and providing tools for continued learning.<sup>50</sup> With both awareness and knowledge, students should develop skills to engage with DEI.<sup>51</sup> These skills include, communication, (e.g., “effective and appropriate language and [] engaged, active listening”) and interpersonal skills (e.g., “being able to collaborate within and across difference[s], [] demonstrating empathy, and [] managing discomfort.”).<sup>52</sup> Lastly, there must be action.<sup>53</sup> With their newfound confidence and comfortability around DEI, students should be willing to be accountable for their own actions and identify ways to commit to action. Students should be able to identify injustices in the classroom, on campus, and within the real world. Without DEI efforts, majority students are more likely to engage in microaggressive behaviors.<sup>54</sup>

In the legal practice, attorneys may encounter cases that challenge their values and beliefs. One way for students to explore their biases and perspectives is to be introduced to diverse individuals and education during their educational careers. This also allows students to pursue cases without judgment or emotion.<sup>55</sup>

### E. Teaching Cultural Competence

Until this point, this Article has stressed the importance of DEI initiatives to promote diverse student experiences. However, teaching DEI in law school classrooms is done through cultural competency. Cultural competence takes place cognitively, behaviorally, and emotionally. According to the National Center for Cultural Competence, cultural competence “embraces the principles of equal access and non-discriminatory practices in service delivery.”<sup>56</sup> The ABA’s Model Rule 1.1 addresses competence and mandates that “[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”<sup>57</sup> Model Rule 1.3 states that “[a] lawyer shall act with reasonable diligence and promptness in representing a client.”<sup>58</sup>

It is almost inevitable that a lawyer will interact with a client who is culturally different.<sup>59</sup> How can we prepare students for this? Students must be able to understand that just because they are culturally different does not imply that they

50. *Id.* at 149-52.

51. *Id.* at 152.

52. *Id.* at 152-53.

53. *Id.* at 154-57.

54. Baker, *supra* note 36, at 151.

55. Lopez, *supra* note 39, at 1180.

56. *Conceptual Frameworks/Models, Guiding Values and Principles*, GEO. UNIV., NAT’L CTR. FOR CULTURAL COMPETENCE, <https://nccc.georgetown.edu/foundations/framework.php> (last visited Jan. 27, 2024).

57. MODEL RULES OF PRO. CONDUCT r. 1.1 (AM. BAR ASS’N 2024).

58. MODEL RULES OF PRO. CONDUCT r. 1.3 (AM. BAR ASS’N 2024); Aastha Madaan, *Cultural Competency and the Practice of Law in the 21<sup>st</sup> Century*, AM. BAR ASS’N (Mar. 1, 2017), [https://www.americanbar.org/groups/real\\_property\\_trust\\_estate/publications/probate-property-magazine/2016/march\\_april\\_2016/2016\\_aba\\_rpte\\_pp\\_v30\\_2\\_article\\_madaan\\_cultural\\_competency\\_and\\_the\\_practice\\_of\\_law\\_in\\_the\\_21st\\_century/](https://www.americanbar.org/groups/real_property_trust_estate/publications/probate-property-magazine/2016/march_april_2016/2016_aba_rpte_pp_v30_2_article_madaan_cultural_competency_and_the_practice_of_law_in_the_21st_century/).

59. Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 39 (2001).



are unable to understand and connect with others. A lawyer must be able to identify commonalities with their clients. Cultural competence can ensure that. By teaching cultural competency we teach students the skills to communicate effectively and work well with future clients and colleagues.<sup>60</sup> By teaching students the impact and influence of culture on the practice of law, we give them the tools to analyze their thinking because of their legal education—this can diminish stereotypes and bias.<sup>61</sup> This encourages students to identify their biases and misconceptions of those different than themselves. Having this knowledge and expertise can assist lawyers in building relationships and being trusted by their clients.

## II. DIVERSITY IN FACULTY IMPACTS STUDENT EXPERIENCE

Diversity of faculty serves as an important representation of a commitment to be diverse for incoming students.<sup>62</sup> Faculty of color can provide support to students of color that other faculty cannot. Students of color are more likely to reach out to students who are like them and who they believe will understand them and their experiences. As a result, this will “reduce[] their feelings of loneliness, alienation, and isolation.”<sup>63</sup>

Research shows that strong relationships with faculty are essential to student success.<sup>64</sup> Faculty-student relationships are positively correlated with college satisfaction,<sup>65</sup> academic achievement,<sup>66</sup> and retention.<sup>67</sup> Historically, this relationship is even more meaningful for minority students.<sup>68</sup> However, minority students are usually unable to connect with faculty at predominantly White institutions because minority students feel as if the majority faculty are not culturally sensitive to their experiences. These experiences include generalizing minority students’ opinions in class to represent all minority students and failing to include Black perspectives in their course content. For those reasons, students are less likely to approach faculty for help. Underrepresented students do not usually establish strong relationships with majority faculty at institutions of higher education because they do not see majority faculty as role models.<sup>69</sup> Instead, they

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60. *Id.* at 55.

61. *Id.* at 77-78.

62. Drape et al., *supra* note 5, at 256.

63. *Id.* at 260.

64. Mariana T. Guzzardo et al., “*The Ones That Care Make All the Difference*”: *Perspectives on Student-Faculty Relationships*, 46 INNOVATIVE HIGHER EDUC. 41, 52 (2021).

65. Alexander W. Astin, *Student Involvement: A Developmental Theory for Higher Education*, 40 J. COLL. STUD. DEV. 518, 525 (1999).

66. *Id.* at 519-20.

67. Jomills Henry Braddock II, *Desegregation and Black Student Attrition*, 15 URBAN EDUC. 403, 415-17 (1981).

68. *Id.* at 404-05.

69. See Robert S. Markle et al., *Supporting Historically Underrepresented Groups in STEM Higher Education: The Promise of Structure Mentoring Networks*, 7 FRONTIERS IN EDUC. 1, 2 (2022), <https://www.frontiersin.org/articles/10.3389/educ.2022.674669/full>.

look for assistance from family, friends, or advisors who are also minorities.<sup>70</sup> However, Black faculty are more likely to “go above and beyond” to ensure that students are successful in college.<sup>71</sup> There are few minority faculty at predominately White institutions.<sup>72</sup> Diverse faculty and staff have been seen as role models for students and, as a result, increase the self-efficacy and academic success of underrepresented students. Minority faculty can provide support to underrepresented students that other faculty cannot. Underrepresented students are more likely to reach out to faculty who are like them and who they believe will understand them and their experiences.<sup>73</sup> Increased students and faculty staff of color should be accompanied by social and environmental changes at the university. A change in the population will not solve everything nor will it be a hindrance to non-White students.

### III. A DIVERSE STUDENT BODY IMPACTS THE STUDENT EXPERIENCE

Enrolling minority students is not enough to address DEI issues. In 1997, presidents of sixty-two major research universities (including eight Ivy League Institutions) affirmed the importance of diversity and labeled it as a value central to the concept of higher education.<sup>74</sup> “Other studies confirm[ed] the importance of participation in racial and cultural awareness workshops to promote [W]hite students’ willingness to learn about and have contact with others from a different racial/ethnic background.”<sup>75</sup> Cultural contacts and conversations should happen in a student’s first year.<sup>76</sup> Having these conversations and learning opportunities educates students, identifies any misconceptions, and exposes students to issues of diversity and inclusion, thus increasing their knowledge in the area. Cross-disciplinary programs that do not promote segregation are a great example.<sup>77</sup> Programming on various topics that also demonstrates the integration of diverse perspectives and knowledge bases, fosters collaboration among students and faculty within various disciplines, and promotes a holistic understanding and appreciation of different cultures and racial backgrounds. In addition, intentional diverse recruitment provides educational benefits associated with a diverse student

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70. Douglas Guiffrida, *To Break Away or Strengthen Ties to Home: A Complex Issue for African American College Students Attending a Predominantly White Institution*, 38 EQUITY & EXCELLENCE IN EDUC. 49, 52 (2005).

71. Douglas Guiffrida, *Othermothering as a Framework for Understanding African American Student’s Definitions to Student-Centered Faculty*, 76 J. HIGHER EDUC. 701, 707-08 (2005).

72. Egypt Grandison, *The Experiences of Black Faculty at Predominantly White Institutions in Minnesota*, 10 OPEN J. OF SOCIAL SCI. 57, 58 (2022), [https://www.scirp.org/pdf/jss\\_2022030414051777.pdf](https://www.scirp.org/pdf/jss_2022030414051777.pdf).

73. HURTADO ET AL., *supra* note 23, at 34.

74. Jeffrey Milem, *The Educational Benefits of Diversity: Evidence from Multiple Sectors*, in COMPELLING INTEREST 2 (2003).

75. Drape et al., *supra* note 5, at 259.

76. *Id.* at 260.

77. *See id.*

body.<sup>78</sup> This type of programming “enhances the training of the student body and better equips the institution’s graduates for civic engagement.”<sup>79</sup>

#### CONCLUSION

Diversity enhances the performance of teams and fuels innovation.<sup>80</sup> The argument that DEI only supports minorities is mendacious. This Article has outlined how DEI efforts have a positive impact on all students. DEI efforts allow students equal access to resources and education and produce well-rounded attorneys and that is what we need. We need well-rounded attorneys. Attorneys who are well-rounded are comfortable being uncomfortable and can navigate the world around them with open eyes.

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78. See Mitchell J. Chang et al., *Beyond Magical Thinking: Doing the Real Work of Diversifying Our Institutions*, 10 ABOUT CAMPUS 9, 15 (2005).

79. *Id.* at 11.

80. Erynne A. Faucett et al., *Tackling the Minority Tax: A Roadmap to Redistributing Engagement in Diversity, Equity, and Inclusion Initiatives*, 166 AM. ACAD. OF OTOLARYNGOLOGY–HEAD & NECK SURGERY FUND. 1174, 1179 (2022).

