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## Freeriders and Diversity in the Legal Academy: A New Dirty Dozen List

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# Freeriders and Diversity in the Legal Academy: A New Dirty Dozen List?

EDIBERTO ROMAN\* & CHRISTOPHER B. CARBOT\*\*

## INTRODUCTION

In many ways the world of sports is a microcosm of society, reflecting the ever-increasing diversity found across the American landscape. In particular, professional baseball, basketball, and football have experienced tremendous growth and success with respect to the number of racial and ethnic minorities competing in their respective leagues.<sup>1</sup> Consider for example the 1256 Latino players entering Major League Baseball (MLB) since 1900:<sup>2</sup> 537 of those 1256 have entered MLB since 1990.<sup>3</sup> In other words, the last eighteen years are when nearly half (43%) of all Latino MLB players since the beginning of the twentieth century have begun their careers. Unfortunately, the same sort of integration has not occurred in the coaching ranks. To be sure, the Latino coaching ranks include such notable names as Ozzie Guillen, who managed the Chicago White Sox to a championship in 2005. For the most part, however, these professions have felt little or no impact at these higher ranks of power.<sup>4</sup>

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\* Copyright 2006 by Ediberto Roman. All rights reserved. Professor of Law, Florida International University, College of Law. J.D., University of Wisconsin; B.A., Lehman College. The lead author would like to first thank Indiana University Law Professors Christiana Ochoa and Luis Fuentes-Rohwer for their vision and leadership in creating this symposium, the first of what hopefully will become many future collaborations. I would like to express my gratitude to Professors Kevin Johnson, Richard Delgado, Gerald Torres, Angela Onwuachi-Willig, and Jean Steffanic, as well as FIU College of Law Professors Matthew Downs, Jose Gabilondo, Lillian Aponte Miranda, Matthew Mirow, Howard Wasserman, and Carlton Waterhouse for their comments on earlier drafts of this piece. I would also like to thank Professor Michael Olivas for creating the Dirty Dozen List. His efforts unquestionably led to greater diversity in the legal academy. I am also indebted to my brilliant research assistant, Mr. Christopher Carbot, who like Rodrigo Crenshaw, could easily excel in this profession if he continues his studies after law school and is given the opportunity to do so. Finally, I would like to thank Mr. Mohammad Siddiqi for scouring every American law school website in search of Latina law professors.

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1. In Major League Baseball (MLB), Barry Bonds, an African American, recently broke the all-time home run record, and Dominican-Americans Alex Rodriguez and Albert Pujols took home Most Valuable Player awards in 2005. The San Antonio Spurs just won their third National Basketball Association (NBA) championship of the decade, starring Tim Duncan, an African-American born in the U.S. Virgin Islands, Argentine Emanuel Ginobili, and black Frenchman Tony Parker.

2. Latino Players in MLB Since 1900, <http://www.latinobaseball.com/mlb-players.php>.

3. *Id.* (number of Latino players since 1990 calculated by linking to players by country of origin and adding individual players).

4. One such example is Major League Baseball, where despite the large numbers of Latino

Some measures, such as the National Football League's Rooney Rule,<sup>5</sup> seek to diversify the coaching ranks.<sup>6</sup> At the amateur level, this past winter two minority head-coaching hires were made in NCAA Football Bowl Subdivision: Cuban-American Mario Cristobal at Florida International University, and African-American Randy Shannon at the University of Miami. These two hires increased the number of minority Division I-A head football coaches to seven.<sup>7</sup> However, with 120 NCAA Division I-A football programs, seven minority coaches hardly reflects the substantial numbers of Latino, African-American, and other minority student-athletes that take the field on Saturdays. For a more concrete example of the lack of minority coaches in sports, particularly those of Latin descent, consider this scenario:<sup>8</sup>

Imagine that you are an upstart Latino head coach/manager looking for your first head coaching position in a major U.S. professional sports league. Four teams interview you, due at least in part to league rules requiring teams to interview at least one minority candidate, though for three of these teams, you are the lone such candidate. Despite your previous successes as an assistant coach, you are passed over for each of the four jobs, most of which go to retread coaches with long resumes (and careers ranging, frankly, from mediocre to poor), including one coach with a career win percentage barely better than 50% over eleven seasons, and whose previous two employers won league championships the year after firing him. Unable to net a professional coaching job, you are hired by a prestigious college program on a five-year contract, and start your first season with an impressive 8-0 record. Your success levels off a bit, and perhaps not surprisingly, you are eventually fired after three seasons and a winning record of 21-15, replaced by a prestigious-pedigree assistant from the professional league that previously turned you down. This new coach gets off

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players on the field, the only Latino-born managers besides Ozzie Guillen are Dominican Manny Acta of the Washington Nationals and Cuban Fredi Gonzalez of the Florida Marlins.

5. For an in-depth analysis of the history and impact of the Rooney Rule, which requires NFL teams to interview at least one minority candidate when seeking to fill a coaching vacancy, see generally Bram A. Maravent, *Is the Rooney Rule Affirmative Action? Analyzing the NFL's Mandate to Its Clubs Regarding Coaching and Front Office Hires*, 13 SPORTS L. J. 233 (2006).

6. See Jarrett Bell, *Group Seeks Diversity in NFL Front Offices*, USA TODAY, Mar. 7, 2005, available at [http://www.usatoday.com/sports/football/nfl/2005-03-07-rooney-rule-expansion\\_x.htm](http://www.usatoday.com/sports/football/nfl/2005-03-07-rooney-rule-expansion_x.htm) (contrasting the state of the NFL in 1997, when African-American candidates were passed over for all eleven coaching positions available at the time, to having four of the fifteen available positions filled by African-Americans in the twenty-seven months since the Rooney Rule's implementation); *Lions Millen Fined \$200K for not Interviewing Minority Candidates*, CBS SPORTSLINE.COM, Jul. 25, 2003, available at <http://cbs.sportslines.com/nfl/story/6498949> (discussing the fining of Detroit Lions president Matt Millen for failing to interview any minority candidates during the team's search for a new head coach).

7. Thomas O'Toole, *Division I-A Minority Coaches Grows to Seven*, USA TODAY, Dec. 20, 2006, available at [http://www.usatoday.com/sports/college/football/2006-12-20-minority-coaches\\_x.htm](http://www.usatoday.com/sports/college/football/2006-12-20-minority-coaches_x.htm) (FIU's Cristobal and Miami's Shannon now join Mississippi State's Sylvester Croom, UCLA's Karl Dorrell, Buffalo's Turner Gill, Kansas State's Ron Prince, and Washington's Tyrone Willingham as the only minority coaches in NCAA Division I-A football).

8. The authors do not wish to engender the debate by failing to mention female sports. In fact, making the dearth of female athletes and coaches more troublesome and unfortunate is the lack of professional sports leagues available to women to begin with.

to a 5-2 record, which while worse than your start with the team, nets him a lucrative multi-year contract extension that you were never offered.<sup>9</sup>

Unfortunately this scenario is not a far-fetched fantasy, but one that is liberally drawn from real-life events, particularly the MLB managerial career of Buck Showalter,<sup>10</sup> and the head-coaching situation of Notre Dame University's football program between 2002 and 2004. Showalter, a former MLB baseball player and manager, is a classic rider on what in sports has come to be known as the "coaching carousel," on which a core group of coaches are fired or resign from one team, only to be hired by another team despite a mediocre track record and the availability of new coaching talent.<sup>11</sup> At Notre Dame, head coach Tyrone Willingham, an African-American, was fired in 2004 after three seasons and a record of 21-15,<sup>12</sup> and was replaced by Charlie Weis, formerly the offensive coordinator of the NFL's New England Patriots. Weis signed a lucrative multi-year contract extension after seven games, despite having a worse record than Willingham did at the same point in Willingham's tenure with the Fighting Irish.<sup>13</sup>

With that in mind, consider this scenario closer to home:

Your name is R.C., a Latino student seeking an LL.M. degree at a major U.S. law school, ultimately seeking to become a law professor. Though born in the United States, you lived overseas for many years, ultimately receiving your J.D. from one of the Europe's oldest and most respected universities.<sup>14</sup> Impressive credentials and pristine resume in hand, you endeavor to gain what you have always wanted out of your studies: an office in the faculty hallways of a U.S. law school. Things do not go as planned, however. Institution after institution interviews you, though none offer you a position on the faculty.

9. This is a fictitious scenario, loosely referencing the MLB managerial history of Buck Showalter and the University of Notre Dame coaching histories of Tyrone Willingham and Charlie Weis.

10. Despite a career winning percentage just under .500 with a record of 882 wins and 883 losses, Showalter has been the manager of three MLB teams since 1992: the New York Yankees, the Arizona Diamondbacks, and the Texas Rangers. Coincidentally, the Yankees and Diamondbacks each won World Series titles the year after Showalter's departure (1996 and 2001, respectively). Despite mediocre success with his previous teams, the Texas Rangers hired Showalter in 2002, but the team was never able to finish better than third in their division. See Stephen Hawkins, *Rangers Fire Manager Buck Showalter*, WASH. POST, Oct. 4, 2006, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/04/AR2006100402225.html>.

11. For more on the coaching carousel and the opposing argument of hiring a new though unproven talent, see Gregg Doyel, *Hiring an NFL Retread? Instead, Go Green*, Jan. 16, 2007, <http://cbs.sportsline.com/columns/story/9934037/rss> (addressing the common practice in U.S. professional sports leagues of recycling mediocre coaches based on their name recognition rather than hiring new talent).

12. *AD Cites Lack of On-field Progress*, Dec. 1, 2004, <http://sports.espn.go.com/ncf/news/story?id=1935138>.

13. *Notre Dame Extends Weis Through 2015*, Oct. 30, 2005, <http://sports.espn.go.com/ncf/news/story?id=2207478>. Interestingly, Weis has continued to have an unremarkable record since becoming the Notre Dame Head Coach.

14. University of Bologna, in Italy.

This silence speaks volumes, as these institutions appear hesitant to gamble on you as a legal educator. That is, of course, if one views your substantial record of accomplishments as a professorial "gamble." Your situation, you learn, is not unlike that of many other Latino/Latina and other professors of color seeking to enter academia. Some, such as the person on whom Rodrigo Crenshaw ("R.C." in our hypothetical scenario) is based,<sup>15</sup> have even earned their law degrees at some of the world's most respected law schools.<sup>16</sup> Eventually you find a lesser-known law school willing to welcome you, sparking decades of prolific scholarship, hundreds of well-educated and successful former students, a fistful of Professor-of-the-Year awards, and the respect of colleagues and professional associations. Yet despite your success and passion for your craft, the nagging question remains: why did so many other institutions turn you away?<sup>17</sup> Why did they calculate their risks so poorly?

Welcome to the world as seen through the eyes of many in the Latina<sup>18</sup> professoriate. As in sports, Latina student enrollment in U.S. law schools the last few decades has increased.<sup>19</sup> This increase, however, has not resulted in a comparable increase in Latina professors, not unlike the coaching fraternity in sports maintaining its largely homogenous state despite hundreds of minority athletes. The NFL and its Rooney Rule used a top-down model for promoting diversity. Latina professors took measures into their own hands. To foster diversity in law school faculties and to increase Latina representation, they published the "Dirty Dozen List." This effort was spearheaded by Professor Michael Olivas of the University of Houston Law Center, who with support from the Hispanic National Bar Association (HNBA), published what became known as the "List."<sup>20</sup>

This List, comprised of the top twelve U.S. law schools located in high Latina populated areas but lacking a single Latina professor on the faculty, served to increase awareness of the lack of diversity at some of the nation's top legal institutions, as well as "shame" these schools into remedying the dearth of diversity within their faculties.<sup>21</sup>

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15. For a brilliant narrative discussing, among other things, the difficulties and pitfalls awaiting minorities seeking to become law professors, see generally RICHARD DELGADO, *THE RODRIGO CHRONICLES: CONVERSATIONS ABOUT AMERICA AND RACE* (1995).

16. Delgado's fictional Rodrigo studied law at the University of Bologna in Italy before returning to the United States to pursue an LL.M. and career in legal academia.

17. This is a fictitious scenario loosely based on actual events.

18. Distinctions are made in the Spanish language between feminine and masculine nouns, for example Latinas and Latinos for females and males, respectively. For the purposes of this article, however, the feminine Latina will be used throughout to facilitate smoother reading. It is also meant to include individuals who may also be classified as Hispanic or Chicano.

19. A 2003 U.S. Equal Employment Opportunity Commission study on diversity in law firms reported a rise in Hispanics earning J.D. degrees from 2.3% to 5.7% between 1982 and 2002. See Equal Employment Opportunity Comm'n, *Law Firms Embrace Diversity, But Hurdles Remain*, Oct. 22, 2003, <http://www.eeoc.gov/press/10-22-03.html> [hereinafter 2003 EEOC Study].

20. Due in part to his efforts associated with creating the Dirty Dozen List and his tireless efforts in assisting Latinas with entering the academy, Professor Olivas is affectionately referred to as the Dean of all Latina law professors.

21. See Michael A. Olivas, *The Education of Latino Lawyers: An Essay on Crop Cultivation*, 14 CHICANO-LATINO L. REV. 117, 131-33 (1994).

It has been eight years since the Dirty Dozen List was last published.<sup>22</sup> At first blush, it might seem that the List succeeded, given that dozens of Latinas made it into the legal academy.<sup>23</sup> But have things changed that much? Unfortunately, in the years since, many of the more homogenous (in terms of faculty) law schools remain devoid of any Latina professors. This is despite the increasing numbers of qualified Latina students enrolling in and graduating from law school. Some may argue that the applicant pool of Latina professors is too small to hire qualified candidates. We have heard these arguments often enough to know that starting with such an assumption may lead to such a finding, regardless of the assumption's validity as an empirical matter.<sup>24</sup> Besides, after the dust settles, a 2008 Dirty Dozen List would look quite similar to one published at the turn of the last decade. Such a continued disparity begs the question: do we need to dust off the Dirty Dozen List?<sup>25</sup>

### I. THE BENEFITS OF DIVERSITY

Justice Powell articulated one of the most significant expressions of diversity's benefits in *Regents of the University of California v. Bakke*,<sup>26</sup> where he noted that "universities must be accorded the right to select those students who will contribute most to the 'robust exchange of ideas,'" a goal of "paramount" importance to a university's mission.<sup>27</sup> While some scholars have levied heavy criticism at Justice Powell's opinion,<sup>28</sup> the principles and ideas behind the opinion cannot be easily swept under the rug. Though this Article focuses on advocating for increased Latina diversity in the legal professoriate, it should be made clear that it is not "affirmative action" in the traditional sense that we seek.<sup>29</sup> Rather, our goal here is to remind the professoriate

22. See Jose E. Alvarez, *The "American" in the ASIL*, Nov. 14, 2006, <http://www.asil.org/ilpost/president/pres060114.html> ("The list has not been produced for the past five years.").

23. See *id.*

24. See DELGADO, *supra* note 15, at 3 (asserting that to begin with the flawed assumption that there are no quality minority candidates available will lead to a similarly flawed conclusion).

25. The authors have decided not to create a 2008 Dirty Dozen List, though they could have easily done so. Their reason is that this work is intended to provoke debate without necessarily shaming schools. Hopefully, the results of this work create more proactive efforts to increase diversity. Obviously, if such results do not occur, the creation of the new List may be necessary.

26. 438 U.S. 265 (1978) (holding that race may be one of many factors considered by an institution when accepting applicants, but institutions may not reserve particular fixed numbers of seats for minority or disadvantaged applicants).

27. *Id.* at 313.

28. See generally Brian N. Lizotte, *The Diversity Rationale: Unprovable, Uncompelling*, 11 MICH. J. RACE & L. 625 (2006) (arguing that student body diversity does not foster educational benefits as supporters suggest); Michael E. Rosman, *Thoughts on Bakke and Its Effect on Race-Conscious Decision-Making*, 2002 U. CHI. LEGAL F. 45 (2002) (exploring the controversy surrounding race-conscious decision making in the wake of *Bakke*).

29. See generally Richard Delgado, *Affirmative Action as a Majoritarian Device: Or, Do You Really Want to be a Role Model?*, 89 MICH. L. REV. 1222 (1991) [hereinafter Delgado, *Affirmative Action*] (noting the arguments raised by professors of color against race-based affirmative action).

of professional commitments to diversify, which have become an industry norm of the Association of American Law Schools (AALS)<sup>30</sup> and American Bar Association (ABA).<sup>31</sup> There are, however, important parallels to be drawn between the ideologies, rationales, and criticisms of diversity-based affirmative action programs affecting student body composition in higher education and the costs, dangers, and potential benefits of championing increased diversity amongst the legal professoriate.<sup>32</sup>

Critics of diversity in general, and affirmative action programs in particular, often point to the damage done by lowering standards to allow students<sup>33</sup> access to the upper rungs of higher education who otherwise could not qualify on their own merit.<sup>34</sup> Many of these critics use a similar rationale to explain the lack of Latina law professors at U.S. law schools.<sup>35</sup> The pool of Latina and other minority candidates is just too small, some say, to viably compete alongside (coincidentally non-minority) candidates with superior credentials,<sup>36</sup> and hiring a professor from the former group results in an inevitable lowering of hiring standards. Like any academic argument made in good faith, it is contestable, but on closer examination, the claim fails for a lack of empirical support.

As it turns out, and likely much to the chagrin of staunch opponents of the virtues of a diversified professoriate, dating as far back as the 1980s Latina professors have been found to possess credentials at least on par with traditional academic hiring criteria,

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30. See ASS'N OF AM. LAW SCHOOLS, THE RACIAL GAP IN THE PROMOTION TO TENURE OF LAW PROFESSORS: REPORT OF THE COMMITTEE ON THE RECRUITMENT AND RETENTION OF MINORITY LAW TEACHERS 1 (2005), <http://www.aals.org/documents/racialgap.pdf> (quoting the AALS Executive Committee, "AALS' commitment to equality of opportunity and diversity reflects the judgment of the member schools that these are core values in legal education and in the legal profession. The objective reaches beyond simply ensuring access to all who are qualified. It seeks to increase the number of persons from underrepresented groups in law schools, in the legal profession and in the judiciary in order to enhance the perception of fairness in the legal system, to secure legal services to all sectors of society, and to provide role models for young people.").

31. ABA Mission and Association Goals, Goal IX, <http://www.abanet.org/about/goals.html>.

32. See Delgado, *Affirmative Action*, *supra* note 29, at 1223–24 (affirmative action programs neatly divert attention from past wrongs and merely call for a fresh start).

33. The vast corpus of diversity in higher education scholarship deals with diversity in the student body, although the same principles and arguments are applicable to the professorial population as well.

34. See Rosman, *supra* note 28, at 68–69 (arguing that proponents of diversity would suggest that less emphasis on standardized test scores and grades would yield a more diverse educational environment).

35. See Randall Kennedy, *Persuasion and Distrust: A Comment on the Affirmative Action Debate*, 99 HARV. L. REV. 1327, 1329 (1986) (citing as benefits of affirmative action "the expansion of a professional class able to pass . . . elevated aspirations to subsequent generations").

36. For a critique of the numerous excuses as to why racial/ethnic minorities and women make poor law professor candidates, at least for the "good" schools, see Richard Delgado, *Approach-Avoidance in Law School Hiring: Is the Law a WASP?*, 34 ST. LOUIS U. L.J. 631, 634–35 (1990) (among the excuses given are that these candidates do not write, write too much, are too immersed in teaching, lack standard credentials, or are uncongenial, having chips on their shoulders).



and in some cases exceeding those of their colleagues.<sup>37</sup> Furthermore, looking at the number of Latina professors in U.S. law schools today suggests that there are qualified candidates out there, even for those schools that wish to maintain their status as one of the elite American law schools.<sup>38</sup> There are top-tier law schools with as many as four Latina professors on the faculty,<sup>39</sup> while many peer schools lack even one. Rather than a market constraint, it begins to look like a "taste" or "distaste" that some faculties have, in the sense in which Gary Becker has posited a "taste" for discrimination.<sup>40</sup>

Increasing Latina professor representation also stands to enrich the academic and scholarly exchange of ideas between colleagues, and to facilitate a more diverse learning experience for students.<sup>41</sup> Criticism has followed this virtue as well, including accusations that a more diverse learning environment will not improve academic performance<sup>42</sup> and that its other benefits are too unquantifiable, a rather odd claim given that education itself involves intangibles difficult to measure.<sup>43</sup> Despite such attacks, studies tend to show the positive benefits of educational diversity, both to the academic process and society.<sup>44</sup> In a form of "friendly fire," other individuals, some residing in the pro-diversity camp, point to other potential pitfalls. Chief among them is the potential for stigmatization,<sup>45</sup> as well as the sometimes crushing pressure of being the ambassador for all issues Latina, including settling disagreements on the subject between colleagues and serving as a role model to Latina students.<sup>46</sup> To balance the expectations that may come with being the token Latina representative on

37. See Michael A. Olivas, *The Education of Latino Lawyers: An Essay on Crop Cultivation*, 14 CHICANO-LATINO L. REV. 117, 131–33 (1994) (examining the educational circumstances and credentials of Latino lawyers, including those seeking a career in legal academia, and concluding that they are as equally qualified and in some cases more qualified than their majority counterparts).

38. See *infra* App. A.

39. University of Notre Dame has four Latina professors, and New York University, Stanford University, University of California-Berkeley, and the University of Texas each employ three Latina professors. See *id.*

40. See generally GARY S. BECKER, *ACCOUNTING FOR TASTES* (1998).

41. Delgado, *Affirmative Action*, *supra* note 29.

42. See Lizotte, *supra* note 28, at 636–38.

43. See *id.* at 668–69.

44. See Charles R. Lawrence III, *Two Views of the River: A Critique of the Liberal Defense of Affirmative Action*, 101 COLUM. L. REV. 928, 934–35 (2001) (citing Patricia Gurin's study on the compelling need for diversity in higher education).

45. See, e.g., Derrick A. Bell, Jr., *Application of the "Tipping Point" Principle to Law Faculty Hiring Policies*, 10 NOVA L. REV. 319, 320 (1986) ("You cannot get away from the fact that there is a presumption that a minority is incompetent. The minute you walk into a classroom the question is asked, 'Why are you there?'").

46. For more on the concerns arising from stigmatization and other professional concerns, see, e.g., Delgado, *Affirmative Action*, *supra* note 29, at 1226–28 (expressing doubt about the practical benefits of the role model argument for diversity); Lawrence, *supra* note 44, at 937–39; Alice M. Noble-Allgire, *In Pursuit of Justice Powell's Vision: Diversity-Conscious Admissions is Just the First Step*, 14 LA RAZA L.J. 255, 268–74 (2003) (suggesting that in order to fully realize the vision of diversity espoused by Justice Powell in *Bakke* and Justice O'Connor in *Grutter v. Bollinger*, 539 U.S. 306 (2003), broader efforts must be taken including diversifying faculties).

the faculty likely means time and energy diverted from efforts to achieve success as measured by traditional norms.

Despite the role model expectations<sup>47</sup> and other “education work”<sup>48</sup> obstacles often facing Latina professors, the benefits and progress of increased diversification greatly exceed its costs, as suggested in the leading work on the benefits of diversity, authored by William Bowen and Derek Bok, former presidents of Princeton and Harvard, respectively. Bowen and Bok provide the results of a study tracking more than 80,000 black and white students over a forty-year period who attended some of the nation's most prestigious universities.<sup>49</sup> Various data reports from the long-term study illustrate that a good number of students, regardless of race, place a great deal of importance on the ability to “work effectively” and “get along well” with people of different cultures and races.<sup>50</sup> In fact, on the five-point scale Bowen and Bok use in some of their research questions, 46% of African-American students and 34% of white students entering college in 1989 did so with the perception that college contributes a “great deal” to developing these abilities, the highest possible rating under the rubric.<sup>51</sup> The 1989 cohort's response was even more impressive considering that only 30% of African-American students and 18% of white students felt as strongly as the entering 1976 cohort did.<sup>52</sup> In other words, between 1976 and 1989 the percentage of students who most strongly felt that college would facilitate tolerance and diversity nearly doubled.<sup>53</sup> This dramatic increase suggests that as our society has become more diverse, the expectation that college-level institutions will facilitate and prepare students for a more diversified society has also increased. Other important findings include the effects of interaction amongst diverse students,<sup>54</sup> and the high levels of success achieved by black students who attended the most selective school they could gain admission to, despite feelings of discomfort for being beneficiaries of the

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47. See generally Delgado, *Affirmative Action*, *supra* note 29, at 1226–28 (railing against the unfair role model role of minority beneficiaries of affirmative action). The issue of role models has also been raised in popular culture over the years, as evidenced by the debate Charles Barkley sparked with his 1993 television commercial, in which he proclaimed “I am not a role model . . . parents should be role models.” *Barkley's well-rounded address mirrors HOF career*, Associated Press, Sept. 13, 2006, available at <http://sports.espn.go.com/nba/news/story?id=2579995> (“[Barkley] made headlines in a 1993 Nike television spot, when he solemnly warned the audience, ‘I am not a role model . . . parents should be role models.’ Barkley said [at his Hall of Fame induction] that he was proud he started that conversation, and believes he is supposed to do great things with the fame that basketball has given him.”).

48. Noble-Allgire, *supra* note 46, at 269 (taken from Angela P. Harris, *On Doing the Right Thing: Education Work in the Academy*, 15 VT. L. REV. 125, 135 (1990)).

49. WILLIAM G. BOWEN & DEREK BOK, *THE SHAPE OF THE RIVER: LONG-TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS* (1998).

50. *Id.* at 220–23.

51. *Id.* at 225.

52. *Id.*

53. Though the authors of this piece are not so cynical, one reason for the students' increased tolerance could simply be that as time went on the students came to reflect the dominant politically correct view on the value of diversity.

54. Bowen & Bok, *supra* note 49, at 229–40.

admissions process by some.<sup>55</sup> Considering that today's social climate is exponentially more diversified than that during which the study was conducted, it is likely that working effectively and getting along with peers and colleagues of varied backgrounds is of even more importance to the professional development of students, and law students in particular.<sup>56</sup>

While the Bowen-Bok study dealt only with students in higher education at the undergraduate level, it is reasonable to expect that similar benefits would accrue to law students generally with more faculty diversity. Professors play an instrumental role in facilitating classroom discussions, especially in a law school setting. As one law review article illustrates,<sup>57</sup> many opportunities to explore diversity issues and create a learning environment rich in varied ideas and perspectives are lost in the absence of racial and ethnic minority professors.<sup>58</sup> Given that the legal community serves such a varied and diverse population replete with myriad goals and perspectives, genuine efforts to improve diversity in the legal professoriate can do nothing but better prepare future lawyers for their careers.

## II. THE LEGAL ACADEMY'S ADOPTION OF DIVERSITY'S VALUES

January 2000, DePaul University College of Law and Northwestern University School of Law are among 105 law schools across the country with no U.S.-born Hispanic tenure-track faculty, according to the Hispanic National Bar Association's annual "Dirty Dozen" list, featured in the November 15 *Hispanic Link Weekly Report*. "Law schools must take more seriously their hiring obligations," said Alice Velazquez, president of the Hispanic National Bar Association. "As an ethnic group, Hispanics are over 10 percent of the U.S. population but only a small fraction of the legal profession."<sup>59</sup>

The importance of diversity in the law cannot be overstated. If there is any profession in the world that should champion diversity, it is law, as supported by proclamations such as the AALS's powerful statement of diversity issued in 1995, which provides that the commitment to diversity reach beyond merely granting access to persons from underrepresented groups, but actually increasing the number of minorities in the profession.<sup>60</sup> The ABA likewise has a similar goal to promote full and equal participation in the legal profession by minorities, women, and persons with disabilities.<sup>61</sup> The AALS announced that it:

expects that by providing an educational experience and environment at its members schools that is inclusive and representative of our multicultural society,

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55. *Id.* at 263–65.

56. See Lawrence, *supra* note 44, at 935.

57. See generally Noble-Allgire, *supra* note 46.

58. See *id.* at 268–69.

59. Nicolette L. McDavid, *For the Record*, CHICAGO REPORTER, Jan. 2000, <http://www.chicagoreporter.com/2000/01-2000/012000fr.htm>, (last visited Aug. 27, 2007).

60. AALS, *supra* note 30, at 1.

61. ABA Goal IX, *supra* note 31.

there will be increased and more meaningful representation and access for all members of society before our many different legal forums and systems.<sup>62</sup>

Despite these laudable pronouncements, there nonetheless seems to be an inescapable feeling that while many in legal academia extol the virtues of a diversified profession (and diversified professoriate in particular), actions have not spoken louder than words. It would seem disingenuous for Smokey Bear to follow his classic “only you can prevent forest fires” message<sup>63</sup> by tossing a smoldering cigarette butt into the forest. Yet the picture painted by far too many law schools is just that: less than half of American law schools have put the powerful words of the AALS and ABA into action by failing to employ even a single Latina professor on their faculties. If you stop to consider how often you hear Spanish in daily life—maybe from the service sector or the childcare industry—that figure should shock you at least a little. Some scholars have argued that law schools are concerned about losing their identities as white-dominated institution.<sup>64</sup> Aware of pressures to diversify their faculties, some of these institutions have undertaken practices to give the appearance of being Latina diverse. These practices have included reporting retired and visiting professors who have long since returned to their home institutions as being on the faculty,<sup>65</sup> while others have used the tactic of the roving visiting Latina professor.<sup>66</sup> Thus, while it appears that some law schools are trying to give the appearance of living up to the AALS/ABA diversity goals, in actuality, it is not uncommon to see misleading representations of Latina diversity.<sup>67</sup>

Nonetheless, despite prominent stances by the governing bodies of the profession, the subject remains highly controversial, often couched in the sometimes-pejorative language of affirmative action.<sup>68</sup> Affirmative action in legal academia, for its part, has

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62. AALS, Statement on Diversity, Equal Opportunity and Affirmative Action, in 2002 Handbook of The Association of American Law Schools (2002).

63. For the history and impact of the Smokey Bear ad campaign, see Forest Fire Prevention – Smokey Bear (1944–Present), <http://www.adcouncil.org/default.aspx?id=129>.

64. See DELGADO, *supra* note 15, at 3 (alluding to the fear of hiring too many minority professors resulting in loss of the school’s identity as a white-dominated institution).

65. See Olivas, *supra* note 37, at 128–29 (“I have found institutions that pad their figures shamelessly and that list retired, resigned, and temporary faculty as if they were active participants in institutional life.”).

66. The “roving Latina professor” phenomenon occurs where high-profile Latina professors visit at various top-tier institutions from year-to-year. These schools, rather than disclosing the professor’s visiting status, instead report as if he or she were actually a member of the permanent faculty. This sometimes leads to the professor being simultaneously listed as a faculty member at multiple schools.

67. The failures of this country’s leading law schools in terms of diversity are disturbing. As Appendix A demonstrates, nearly half of the Top 25 law schools fail to have a single Latina, despite many of them being located in urban areas with an adequate pool of possible candidates. One obvious candidate is the academy’s leading scholar. Professor Richard Delgado has written over 150 articles and twenty books, is cited by other scholars over 4,000 times in electronic databases such as LexisNexis, and recently ranked first in Lindgren and Seltzer’s study on productivity.

68. See Delgado, *Affirmative Action*, *supra* note 29, at 1224 (“Affirmative action enables members of the dominant group to ask, ‘Is it fair to hire a less-qualified Chicano or black over a

for many years been the subject of great scrutiny.<sup>69</sup> Despite a belief held by many law school faculty hiring committees that there are just not enough qualified Latina applicants, studies have demonstrated many Latina candidates typically possess credentials in the traditional barometers of law review experience, advanced degrees, and clerkships at least as good if not better than those of their majority counterparts.<sup>70</sup> When deans or appointment committees put on blinders, for example by proclaiming that the “viable” applicant pool is too small, they are sure to overlook deserving candidates.<sup>71</sup>

It is important to note, however, that the HNBA’s push for Latina diversity by publishing the Dirty Dozen List was not an attempt to “bus” Latina professors into the legal academy. To the contrary, much like the goal of this article, its goal was to increase awareness of the lack of Latina professors in the legal academy.<sup>72</sup> Many of the schools on the List were chosen because either they were located in regions with large Latina populations, or were high-profile institutions possessing the means to hire such professors but choosing not to do so.<sup>73</sup> Interestingly enough, the List played a positive role in increasing Latina diversity, with forty Hispanic professors having been hired at institutions previously on the List through its first twelve years of existence.<sup>74</sup> In fact, 1998 marked the first time since the List’s inception that no schools were removed.<sup>75</sup>

Given that a basic premise of this piece is that race is socially constructed and not biologically defined, even the first premise of this piece, defining the term Latina, is subject to controversy and debate. Indeed, the Sisyphean task of accounting for all Latina professors at U.S. law schools was made even more challenging given the amorphous nature of the meaning of “Latina.” As part of the due diligence associated with creating an exhaustive list of Latina law professors, the lead author emailed every self-identifying Latina law professor, confirming their status and requesting names of additional Latina professors not known to the lead author.<sup>76</sup> As part of that task, interesting exchanges arose regarding what it means to be Latina, including the fact that some considered themselves Europeans that happen to be born in Latin American

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more-qualified white?”).

69. See, e.g., *id.*; see generally Lawrence, *supra* note 44 (exploring the debate over the diversity rationale for affirmative action).

70. See Olivas, *supra* note 37, at 132–33 (“In short, Latino faculty have exceeded the usual criteria for law teaching, constituting a statistical elite . . .”).

71. See DELGADO, *supra* note 15, at 3.

72. The authors would be remiss not to note that the creation of the Dirty Dozen List came at considerable personal cost to its author, Michael Olivas, the so-called dean of Latina law professors. Despite possessing incredible credentials, impressive scholarly works, and admirable levels of teaching experience, Professor Olivas has never received sufficient interest from law schools with the status equivalent to his credentials, work, and teaching experience.

73. Ronald Sal Panuco, *Top Law Schools Still Rank Among Latino Dirty Dozen*, HISPANIC LINK NEWS SERVICE, Nov. 29, 1998, <http://www.jsri.msu.edu/commconn/latnews/dec98c.html#anchor665600>.

74. *Id.*

75. *Id.*

76. The list of self-identifying Latina professors is drawn from a 2007 list created by Dean Kevin Johnson, as part of the Latino Law Professor Network. Additionally, every law school’s website was reviewed, and every professor that appeared to have a Latina surname was contacted to confirm their status.

countries.<sup>77</sup> While individuals may freely choose how they identify themselves, constructing oneself as a Spanish-speaking European born in a Latin American Country is truly interesting to the lead author. In fact, such a construction raises the possibility that an otherwise Latina professor that identifies herself as European may simply suffer from a form of false consciousness.<sup>78</sup> This very basic notion of racial/ethnic identity and its social constructions will likely be fodder for future scholarly debates. With this in mind, for identification purposes in this piece “Latina” describes a tenure-track professor that is or descends from a native Spanish-speaking country from the Caribbean, Central America, South America, or Spain.

### III. THE DATA AND THE FREERIDER PROBLEM

In researching the number of Latina law professors throughout the country, divisions were made in order to more accurately and effectively analyze the data. For purposes of dividing U.S. law schools into discrete categories that could be further analyzed, the U.S. News and World Report Top Law Schools List 2008 is used here to divide institutions based on numerical ranking and/or tier. For purposes of this Article, the 2007 Latina Law Professor List created by the Latina Law Professors Network is used to quantify the number of Latina professors currently teaching throughout the country.<sup>79</sup> There are 131 Latina professors at Top-100 schools (actually 104 schools as

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77. One such e-mail correspondence with the lead author discussed the self-identification of some Argentines as Europeans who happen to speak Spanish as opposed to belonging to the more “tropical” group of Latinas “who come from the jungle.”

78. See Ian Haney Lopez, *White Latinos*, 6 HARV. LATINO L. REV. 1, 3 (2003) (expressing the concern that claiming white identity adds legitimacy to the perception that whites are superior to non-whites).

79. This Article seeks to illustrate that although the sheer number of Latina representation in the legal professoriate suggests that law school faculties are as diverse as ever, the reality of the situation is that far too many institutions are freeriding on the few institutions taking the value of increasing Latina diversity seriously. This practice casts a false perception of how diverse U.S. law school faculties actually are. For purposes of this Article, law schools are classified according to their 2008 U.S. News and World Report ranking, which although far from perfect in determining a law school's quality nonetheless provide a widely used system for classification. Additionally, only schools in the fifty U.S. states with full ABA accreditation at the time of the 2008 U.S. News rankings were included in the study. As such, provisionally-accredited institutions such as Drexel University (with one Latina professor – Jennifer Rosato) and Phoenix International School of Law (with two such professors – Steven Gonzalez and Mary Dolores Guerra), the three law schools in Puerto Rico, and the Judge Advocate General School are not included here. The authors also note that just prior to publication, U.S. News and World Report released their 2009 law school rankings. Given the timing of these most recent results relative to publication and editorial deadlines, this piece utilizes the 2008 rankings. The roster of Latina professors and their respective home institutions is culled from the 2007 Latina Law Professor List (“The List”), created by Dean Kevin Johnson with the assistance of individual professors self-reporting their status (“The Latina Law Professors Network”). A copy of the List is on file with the authors and with every Latina law professor listed in the List, as it was mailed to them during the summer of 2007. In addition to using The List to identify Latina law professors, the authors also reviewed the 2007 AALS Directory of Law Professors, also known as the Handbook, and examined every mainland U.S. law school's website.

ranked). This number is an encouraging one to be sure, though it becomes less so when one realizes that these professors are spread out over just sixty-three schools, meaning, again, nearly half of the institutions in the Top-104 lack a single Latina professor on the faculty. When just the Tier 1 (Top-50) schools are viewed, the data remains congruent: there are fifty-nine professors at Top-50 schools, yet nearly half (twenty) of these schools lack any such representation. While the fact that the majority of Latina law professors reside at schools in the Top-104, specifically 131 out of the total 196 Latina professors, is a pleasant surprise, that number is also a bit skewed because in every classification, there are just a handful of schools carrying the bulk of the professorial weight.<sup>80</sup>

The concept of freeriding, also referred to as the tragedy of the commons,<sup>81</sup> is a theory of communal resource use often applied in property law and microeconomics.<sup>82</sup> One common example, which is a twist on the classic tragedy of the commons example,<sup>83</sup> is that of pollution, where individuals decide it is less economically burdensome for them to simply dump waste in the commons than to purify and dispose of it in a more sanitary manner.<sup>84</sup> Essentially, this individual's rationale for his actions are that the costs society at-large will bear because of his actions is much less than the cost he would individually bear to dispose of his waste properly. However, as other

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The data found in this Article, namely the list of Latina professors and their respective home institutions, are meant to reflect the state of the legal professoriate through the end of the 2006–07 academic year. Although the authors have attempted to track professorial movement during the summer of 2007, including frequent visits to lists of lateral moves by professors of color found on websites such as blackprof.com and prawfsblog.com, as well as interviews and e-mail exchanges with several senior Latino and Latina law professors, this Article does not purport to report a final and conclusive account of the recent Latina professorial movement, including visiting professors such as Daniel Sokol at the University of Missouri-Columbia. In addition to the above-mentioned limit of this investigation, the authors recognize and acknowledge that the List differentiates between tenure-track faculty and clinicians. This fact may lead to the List being slightly under-inclusive for those few schools with Latina clinicians that have tenure-track status. Notwithstanding this constraint, prior to publication, the lead author wrote to each clinician identified on the List in order to determine their tenure-track status.

80. The lack of diversity in the legal professoriate dates back to the first entries of what became known as race-conscious scholarship. See, e.g., Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537 (1988); Charles R. Lawrence III, *Minority Hiring in AALS Law Schools: The Need for Voluntary Quotas*, 20 U.S.F. L. REV. 429 (1986).

81. Garrett Hardin, *The Tragedy of the Commons*, 162 SCI. 1243 (1968), available at <http://www.sciencemag.org/cgi/reprint/162/3859/1243.pdf>.

82. See *id.*

83. *Id.* at 1244–45. The classic tragedy of the commons example is that of herdsman on a common pasture. Each herdsman seeks to maximize his gain, and as a result seeks to add one more animal to his herd. The positive utility to the herdsman (nearly +1) greatly outweighs the cost created by additional overgrazing by the one extra animal (a fraction of -1). However, while the negative the effects of overgrazing are minimal for each herdsman, the aggregate effects are actually felt by the entire group of them, as the multiple fractions of -1 utility eventually come to outweigh the positive utility each herdsman enjoys by having his extra animal, namely in the form of the pasture becoming barren.

84. See Hardin, *supra* note 81, at 1245, available at <http://www.sciencemag.org/cgi/reprint/162/3859/1245.pdf>.

individuals follow suit, the aggregate result is that the commons are destroyed. The individuals conveniently dumping their waste may have enjoyed an individual benefit in that their domain is waste-free at a lower cost than otherwise possible, but it has come at the expense of the entire commons becoming a wasteland. In other words, the externalities borne upon the rest of the society ultimately result in a greater long-term loss. The problem associated with such externalities created by individuals or enterprises and their impact on society has been the subject of litigation, especially with respect to pollution and other environmental damage caused by industrial operations.<sup>85</sup>

In fact, the scenario plaguing law schools is more accurately described by another popular freeriding concept, in which certain members of a group reap the benefit of the entire group's efforts or expenditures without themselves actually bearing the costs associated with gaining the desired benefits. The classic example of this freeriding as taught in first year property class depicts a small group of residents banding together to battle smog and soot emitted from a local factory. The group's exhaustive (and exhausting) efforts eventually succeed and the local court grants an injunction or otherwise curbs the factory's emissions production. As a result, the entire community can safely enjoy local parks and backyard barbeques, although the vast majority of its citizens did not bear any of the burdens associated with the cleanup.<sup>86</sup>

The distribution of Latina professors at U.S. law schools today suggests a situation not far removed from that illustrated by classic freeriding examples. Not unlike the majority of the citizens who did nothing while their neighbors fought for a more enjoyable community environment, many law schools are enjoying the perceived increase in Latina professorial diversity without taking steps to foster and increase diversity within their own faculties.<sup>87</sup> In a modified freeriding scenario, many elite law schools, by their membership in a profession which apparently values diversity and can point to several examples of it, enjoy the benefits of another school's efforts without making sufficient efforts themselves to integrate.<sup>88</sup>

There are several significant conclusions that arise from the data, all of which suggest that much needs to be done in order to achieve the goal of diversity and multicultural representation. The data suggest that the number of Latinas in the professoriate (196) is low; not only in terms of the overall number of law professors (12,216)—of which it represents merely 1.6%<sup>89</sup>—but also with regard to other important benchmarks. Not only are there nearly 40 million Latinas in the United

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85. See, e.g., *Boomer v. Atl. Cement Co.*, 257 N.E.2d 870, 876–77 (N.Y. 1970) (granting permanent damages for nuisance caused by factory operation); *N. Ind. Pub. Serv. Co. v. Vesey*, 200 N.E. 620, 634 (Ind. 1936) (awarding greenhouse owners permanent damages from gas plant operators for ammonia, soot, smoke, and other byproducts released as a result of the gas plant's operation).

86. See JESSE DUKEMINIER, JAMES E. KRIER, GREGORY S. ALEXANDER, & MICHAEL H. SCHILL, *PROPERTY* 43–44 (6th ed. 2006).

87. See *infra* Apps. A & B.

88. See DUKEMINIER ET AL., *supra* note 86, at 43–44.

89. See AMERICAN BAR ASSOCIATION & LAW SCHOOL ADMISSION COUNCIL, *ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS: 2005 EDITION* (Wendy Margolis ed., 2004) (listing 12,216 faculty for the 2003–04 academic year).



States,<sup>90</sup> but the percentage of Latina students applying to law schools in 2004 represented nearly eight percent of the national applicant pool.<sup>91</sup> In addition, the percentage of Latina students earning J.D. degrees was at a level of six percent of the law graduate population.<sup>92</sup>

The clearest example of the lack of diversity and the freerider problem in the academy is seen at the Tier-3 level, where nine schools have Latina representation. Eleven of the seventeen Latina professors are at three of the thirty-five schools in that tier. Of these seventeen professors, six of them (35%) are found at one institution, Florida International University.<sup>93</sup> Of the remaining eight Tier-3 institutions with Latina representation, one has more than two such professors on the faculty (Texas Tech University, with three). The same phenomenon is found in Tier-4, comprised of forty-five schools. There are forty-eight Latina professors, spread over twenty-five of the forty-five representative schools. However, over a third (40%) are found in four schools: California Western School of Law,<sup>94</sup> Nova Southeastern University,<sup>95</sup> St. Mary's University,<sup>96</sup> and Texas Southern University.<sup>97</sup>

Taking a closer look at the U.S. News Top-50 law schools, the same problem of a handful of schools carrying the Latina professorial load exists. Looking only at the Top-10 universities, it is encouraging to see twelve Latina professors—an average of more than one per school. However, with three Latina professors on each of their faculty, New York University<sup>98</sup>, the University of California-Berkeley,<sup>99</sup> and Stanford University<sup>100</sup> account for nine of these professors.<sup>101</sup> Conversely, Yale University, a mainstay on the old Dirty Dozen lists, still today lacks Latina representation.

90. See Juan F. Perea, *Introduction to Sixth Annual Harvard Latino Law and Policy Conference: Latino Leadership and Collective Power*, 6 HARV. LATINO L. REV. 85, 85 (2003).

91. See ABA PRESIDENTIAL ADVISORY COUNCIL ON DIVERSITY IN THE PROFESSION, THE CRITICAL NEED TO FURTHER DIVERSIFY THE LEGAL ACADEMY & THE LEGAL PROFESSION 4 (2005), <http://www.abanet.org/op/pipelineconf/report.html>.

92. See 2003 EEOC Study, *supra* note 19.

93. Jorge L. Esquirol, Jose Gabilondo, Manuel Gomez, Lillian Aponte Miranda, Joelle Moreno, Ediberto Roman. The authors recognize that a week before this article went to press, the 2009 U.S. News rankings reclassifies Florida International University as a Tier-4 institution. The most significant consequence of the drop is that rather than carrying Tier-3 law schools with respect to Latina diversity, Florida International University now carries the Tier-4 level, along with Texas Southern University. If anything, this recent unfortunate development for that school highlights the freeriding phenomena, namely that a handful of schools at the top and bottom of the U.S. News rankings are carrying much of the legal academy with regard to Latina diversity.

94. William Aceves, Ruben Garcia, Laura Padilla, Gloria Sandrino.

95. Elena Marty-Nelson, Eloisa C. Rodriguez-Dod, John Sanchez, Cathy Velez-Lippman, Catherine Arcabascio.

96. Charles Cantu, Ana Novoa, Bill Piatt, Rey Valencia.

97. Fernando Colon-Navarro, Jason Dominguez, Manuel Leal, Ruben Lugo-Rigau, Ana Otero, Lupe Salinas.

98. Gerald Lopez, Florencia Marotta-Wurgler, Christina Rodriguez.

99. Andrew Guzman, Ian Haney-Lopez, Rachel Moran.

100. Tino Cuellar, Jenny Martinez, Miguel Mendez.

101. The other three are Harvard University's Einer Elhauge and Columbia University's Jose Alvarez, and Christina Duffy Burnett.

Within the Top-25 law schools, the disproportionate Latina representation amongst individual schools is even more pronounced. Of the twenty-seven Latina professors at these institutions, just five schools account for more than half of these professors: George Washington University,<sup>102</sup> New York University,<sup>103</sup> University of California-Berkeley,<sup>104</sup> Stanford University,<sup>105</sup> and the University of Texas.<sup>106</sup> Analyzing the entire Top-50, there are fifty-nine professors at thirty schools, but more specifically ten schools account for thirty-one of the fifty-nine (52.5%): George Washington University,<sup>107</sup> New York University,<sup>108</sup> Southern Methodist University,<sup>109</sup> Stanford University,<sup>110</sup> University of Arizona,<sup>111</sup> University of California-Berkeley,<sup>112</sup> University of California-Davis,<sup>113</sup> University of Florida,<sup>114</sup> University of Notre Dame,<sup>115</sup> and University of Texas.<sup>116</sup>

Rounding out the Top-104, there are seventy-two more Latina professors, located among thirty-three schools. Of these thirty-three schools, nine account for over 50% of the Latina professorial representation: Arizona State University,<sup>117</sup> Santa Clara University,<sup>118</sup> Seattle University,<sup>119</sup> University of Denver,<sup>120</sup> University of Houston,<sup>121</sup> University of Miami,<sup>122</sup> University of Nevada-Las Vegas,<sup>123</sup> University of New Mexico,<sup>124</sup> and University of San Francisco.<sup>125</sup>

From a raw numbers standpoint, the number of Latina professors looks decent. With 196 such professors at 184 U.S. law schools, there is just over one Latina professor for each school. However, closer examination reveals this number a bit misleading, as Latina professors are largely relegated to particular geographic regions and lower-rung

102. Alberto Benitez, Theres Gabaldon, Tanya Kateri Hernandez.

103. Gerald Lopez, Florencia Marotta-Wurgler, Christina Rodriguez.

104. Andrew Guzman, Ian Haney-Lopez, Rachel Moran.

105. Tino Cuellar, Jenny Martinez, Miguel Mendez.

106. Patricia Hansen, Dan Rodriguez, Gerald Torres.

107. Alberto Benitez, Theres Gabaldon, Tanya Kateri Hernandez.

108. Gerald Lopez, Christina Rodriguez, Florencia Marotta-Wurgler.

109. Nathan Cortez, George Martinez, Victoria Palacios.

110. Tino Cuellar, Jenny Martinez, Miguel Mendez.

111. James Anaya, Rafael Porrata-Doria, Ana Maria Merico.

112. Andrew Guzman, Ian Haney-Lopez, Rachel Moran.

113. Jennifer Chacon, Arturo Gandara, Kevin R. Johnson.

114. Berta Hernandez-Truyol, Pedro Malavet, Juan Perea.

115. Alejandro Camacho, Jimmy Gurule, Juan Mendez, Julian Velasco.

116. Patricia Hansen, Dan Rodriguez, Gerald Torres.

117. Charles Calleros, Evelyn Cruz, Orde Kittrie.

118. Phillip Jimenez, Tyler Ochoa, Catherine Sandoval.

119. Juquin Avila, Carmen Gonzalez, Rafael Ignacio Pardo.

120. Roberto Corrada, Berto Juarez, Mike Mireles.

121. Michael A. Olivas, Sandra Guerra Thompson, Steve Zamora.

122. Ricardo J. Bascuas, Lisa Iglesias, Edgardo Rotman, Frank Valdez.

123. Raquel Aldana, Robert Correales, Sylvia Lazos, Leticia Saucedo.

124. Louis Caldera, Eileen Gauna, Laura Gomez, Richard Gonzalez, Antoinette Sedillo Lopez, Jose Martinez, Margaret Montoya, Sergio Pareja, Leo Romero, Gloria Valencia-Weber, Michelle Rigual.

125. Connie De La Vega, Timothy Iglesias, Thomas Nazario, Maria Ontiveros.

institutions (at least according to the U.S. News rankings). While there are enough Latina professors for each school to employ one, the reality is that only ninety-seven institutions do so.<sup>126</sup> In other words, nearly half of U.S. law schools do not have a single Latina professor, and there are still nearly 100 U.S. law schools without a single such professor on the faculty. Of these 196 professors, two-thirds are at Top-104 schools (131 professors, or 67%). This too proves to be a bit misleading, as forty-one of these schools lack any Latina professorial representation. This situation replicates itself when the sample size is reduced to the Top-50 (fifty-nine professors, but at thirty schools), Top-25 (twenty-seven professors, but at fifteen schools), and the Top-10 (twelve professors, but at five schools). There is a consistent (though also diminishing) distribution of schools with Latina professors: 60% of schools in the Top-50, 60% in the Top-25, and 50% in the Top-10.

Geographically, the greatest concentrations of Latina professors are found in distinct pockets. Of the 196 Latina professors at U.S. law schools, 40% of them can be found in states on the U.S.-Mexico border: six in Arizona, thirty-five in California, eleven in New Mexico, and twenty-five in Texas. Add the twenty-five professors in Florida, considered America's gateway to the Caribbean, and those five states are home to a grossly disproportionate 52% of Latina professors at U.S. law schools. California, Florida, and Texas alone account for eighty-five of the 196 Latina professoriate (43%).

Overall, the numbers suggest that there is significant Latina diversity at U.S. law schools. Nevertheless, a deeper analysis of this data seems to exemplify a freeriding phenomena, specifically that the alleged burden of diversifying should not be carried by a small number of schools at the top and bottom of the U.S. News rankings.<sup>127</sup> Latina professors are still largely limited to institutions located in states along the nation's southern border. Most notably however, is the fact that there is still just a smattering of schools carrying the day. With 184 law schools in the U.S., it is disappointing that only twenty-seven (14%) employ more than two Latina professors; these institutions are home to 103 of the nation's 196 Latina law professors, 53% of an already too-small population: Arizona State University, California Western School of Law, City University of New York, Florida International University, George

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126. The continued increase in Latina hires by some law schools suggests that perhaps a lack of commitment to increased ethnic and racial diversification at other schools—particularly with respect to Latina faculty—is what hampers the diversification process rather than a lack of available candidates. The University of New Mexico, for instance, made five more hires of Latina professors in 2007, raising its total of Latina professors to eleven, and Florida International University now has six Latina professors after making three more hires.

127. In many respects, the arguments and data addressed in this paper apply with at least equal force to the legal academy's position with respect to Latina deans. Indeed, the phenomenon of the coaching carousel in Major League Baseball and other professional sports occurs with greater emphasis in the legal academy's leadership ranks. With currently only four Latina deans—Berto Juarez, Alfredo Garcia, Leticia Diaz, and Claudio Grossman—the state of affairs at the top administrative level is simply startling. It is astonishing that more Latinas are not deans or at least dean candidates at top-tier schools. It is simply peculiar that individuals such as Kevin Johnson, who has superb administrative experience, serving for ten years as Associate Dean for Academic Affairs at the University of California-Davis, and is a leading scholar, having written six books and well over seventy-five articles, are not offered deanship vacancies.

Washington University, New York University, Northern Illinois University, Nova Southeastern University, Santa Clara University, Seattle University, Southern Methodist University, Stanford University, St. Mary's University, Texas Southern University, Texas Tech University, University of Arizona, University of California-Berkeley, University of California-Davis, University of Denver, University of Florida, University of Houston, University of Miami, University of Nevada-Las Vegas, University of New Mexico, University of Notre Dame, University of San Francisco, and University of Texas.

For far too many a Latina lawyer, getting a foot in the door of legal academia remains dubiously difficult. However, those able to leap across the ocean find that all is not rosy on the other coast. Indeed, movement within the legal academy also remains difficult for Latina lawyers, particularly of the upward variety. As is often the case with other minority academics, mobility for Latina professors is often limited to lateral moves to institutions of comparable prestige and merit. A look at a recent list of lateral moves for professors of color illustrates that more often than not, professional mobility for many is more akin to running on a treadmill than rock-climbing.<sup>128</sup>

One very real example, with names of professors and institutions omitted out of respect for privacy, describes the uphill battle many Latina professors face in being courted by other institutions. After having been in the academy for twelve years, publishing books and articles prolifically, being widely cited, earning numerous teaching awards and becoming a prolific scholar, Professor Rodrigo Crenshaw of Tier-3 College of Law was recruited by a more established law school on the East Coast, one that had not included a Latina on its faculty for nearly a decade. After what can be described as an eight-month courting period, he was invited to give a presentation on his recently published book, to be attended by faculty and other members of the local legal community. Anxious to make a strong first impression, Rodrigo prepared rigorously, both fine-tuning his presentation and reading up on those that would be in attendance. Unfortunately, though not surprisingly, Rodrigo's visit to Top-40 University did not go as expected. Faculty seemed indifferent to his presentation and indeed, to his entire scholarship agenda, although the recruitment committee had expressed a strong interest in it. After his talk, only three faculty members bothered to ask any questions. In fact, only after a considerable pause did the sole tenured minority faculty member express interest in the subject matter. Of the two questions that followed, one could have been answered by reviewing Rodrigo's C.V. The meeting with the dean of Top-40 was not much more encouraging; Rodrigo waited outside of Dean Smith's office for several minutes, which also happened to be the length of their conversation once inside. After hearing Dean Smith extol the virtues of his own scholarship, while not mentioning a word about Rodrigo's own work and saying nothing about Rodrigo's performance during the visit, it became apparent to Rodrigo that while on the surface there seemed to be interest in hiring him, the reality is that said interest was quite disingenuous. He ultimately withdrew his candidacy, partly in protest to the treatment he received.

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128. Posting of Paul Butler to blackprof.com, <http://www.blackprof.com/?p=1706> (Apr. 30, 2007).

## IV. OTHER COSTS

Now that the sunny perception of increased numbers of Latina law professors has been muddled by the reality that genuine diversity is still lacking, one may be wondering what comes with taking a position on either side of the debate. As with any issue that lends itself to multiple viewpoints, picking either side comes with its benefits and drawbacks.

Adding Latina representation to the legal professoriate will increase not only the diversity of individuals teaching at U.S. law schools, but it will also increase the diversity of viewpoints and ideas. Such a diversification, if handled in a professional manner by existing colleagues, can only serve to foster greater academic discourse and enrich the experience not only of students, but also amongst faculty members themselves.<sup>129</sup> Perhaps Latina professors now will receive more serious hiring looks, given the current climate of professorial movement, as a great deal of professor shopping occurring throughout the top schools.<sup>130</sup>

On the other hand, championing the virtues of increasing Latina diversity in the professoriate does not come without its dangers.<sup>131</sup> Several of the professors reviewing this article (again, their anonymity will be maintained out of respect for privacy) warned the lead author of the consequences of being outspoken. In fact, several recounted stories relating to their comments in faculty meetings and before hiring committees that resulted in a certain level of hostility harbored by their colleagues.<sup>132</sup> Some have even recounted stories of administrators warning them that questioning the academy's status-quo will "probably kill their chance of becoming a Dean down the road."<sup>133</sup> Other professors warn of the crushing weight of being the perceived go-to faculty member for any minority issues at hand,<sup>134</sup> and colleagues funneling minority students to their office who seek any sort of advice.<sup>135</sup>

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129. BOWEN & BOK, *supra* note 49, at 1.

130. See Leigh Jones, *More Job Hopping at Top Law Schools*, THE NAT. L.J., Jun. 19, 2007, <http://www.law.com/jsp/law/careercenter/lawArticleCareerCenter.jsp?id=1182157545577>.

131. See J. Cunyon Gordon, *Painting by Numbers: "And, Um, Let's Have a Black Lawyer Sit at Our Table"*, 71 FORDHAM L. REV. 1257, 1260-61 (2003) (explaining that among the potential dangers of extolling the virtues of diversity is the shifting of one form of discrimination for another, including "tokenism, 'mascoting' and the ghettoizing of minority lawyers").

132. See, e.g., Delgado, *Affirmative Action*, *supra* note 29, at 1223 (noting the unfair burden often handed to minority professors).

133. Writing this article did not happen without a certain amount of trepidation, but what also arose was a sense of mission. For instance, the lead author, when mentioning the possibility of writing this article to a senior law school administrator, was told that the only likely result would be that the author would be precluded from ever becoming a dean. Though still perhaps idealistically or naively believing the academy is not so retaliatory, the lead author nonetheless believes that even if that so-called friendly advice turns out to be prophetic, the individual cost of this work is far outweighed by the potential benefits of changing the status quo.

134. For more on this and other concerns of minority law professors, see generally Richard Delgado & Derrick Bell, *Minority Law Professors' Lives: The Bell-Delgado Survey*, 24 HARV. C.R.-C.L. L. REV. 349 (1989).

135. For an intriguing critique on the role model concept of diversity and affirmative action, see generally Delgado, *Affirmative Action*, *supra* note 29.

## CONCLUSION

Given the opportunity the legal profession affords its members to be influential leaders in society, it is increasingly more critical that law students be exposed to a broad range of individuals and ideas, as they will inevitably be practicing in an ever-globalizing (and therefore more diversifying) world.<sup>136</sup>

As professors of law, our institutions are breeding grounds for the purveyors of justice and we must move away from being satisfied with token representation of racial and ethnic minorities in general, and Latinas in particular. We cannot allow our faculties and fellow institutions to champion progress while they themselves remain as non-diverse as they were sixty years ago. As a whole, law schools have come a long way since 1982, when there were a grand total of twenty-two Latina professors at twelve law schools.<sup>137</sup> Many of our students, white and black, Latina and Anglo-American, male and female, will go on to practice in diverse regions of the country. They will represent diverse interests of diverse individuals. Why not instill an awareness and tolerance of such diversity from the first day of law school, when students walk into class and see Professor Rodrigo Crenshaw at the lectern? The impact of such a move will not only be felt in the way our students interact and learn from each other, but in the way our nation's future lawyers conduct themselves in their place of work. That is a legacy to which even our most hallowed institutions of legal education should aspire, not just in word, but also more importantly, in deed.

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136. See generally Veryl Victoria Miles, *Recruiting and Retaining Faculty of Color in the Legal Academy: A Longstanding Commitment of the Association of American Law Schools*, 10 WASH. & LEE RACE & ETHNIC ANCESTRY L.J. 65 (2004).

137. See Olivas, *supra* note 37, at 128.

APPENDIX A:  
LATINA PROFESSORS AT U.S. LAW SCHOOLS, BY INSTITUTION

U.S. News Ranking	School	Public/Private (Top 50 only)	Latina Professors
1	Yale University	Private	-
2	Harvard University	Private	1
3	Stanford University	Private	3
4	New York University	Private	3
5	Columbia University	Private	2
6	University of Chicago	Private	-
6	University of Pennsylvania	Private	-
8	University of California-Berkley	Public	3
8	University of Michigan	Public	-
10	Duke University	Private	-
10	University of Virginia	Public	-
12	Northwestern University	Private	-
13	Cornell University	Private	1
14	Georgetown University	Private	1
15	University of California-Los Angeles	Public	1
16	University of Southern California	Private	2
16	Vanderbilt University	Private	1
18	University of Texas	Public	3
19	Washington University-St. Louis	Private	1
20	Boston University	Private	-
20	University of Minnesota	Public	-
22	Emory University	Private	-
22	George Washington University	Private	3
24	University of Iowa	Public	1
25	Fordham University	Private	1
25	University of Illinois	Public	-
25	Washington and Lee University	Private	-
28	Boston College	Private	2
28	University of Notre Dame	Private	4
28	University of Washington	Public	-
31	College of William and Mary	Public	-
31	Ohio State University	Public	1
31	University of Wisconsin	Public	2
34	George Mason University	Public	-
34	University of California-Davis	Public	3
36	Indiana University-Bloomington	Public	2
36	University of Alabama	Public	-
36	University of California-Hastings	Public	2
36	University of Colorado	Public	1
36	University of Georgia	Public	-
36	University of Maryland	Public	1
36	University of North Carolina	Public	-
36	Wake Forest University	Private	-
44	Brigham Young University	Private	1
44	University of Arizona	Public	3
46	Southern Methodist University	Private	3
47	American University	Private	2
47	Tulane University	Private	-
47	University of Connecticut	Public	2
47	University of Florida	Public	3
51	Arizona State University		3
52	Yeshiva University		-
53	Baylor University		-

53	Case Western Reserve University	-
53	Florida State University	2
53	University of Tennessee	-
57	University of Cincinnati	1
57	University of Pittsburgh	1
57	University of Utah	2
60	Brooklyn Law School	-
60	Illinois Institute of Technology	-
60	Temple University	2
60	University of Houston	3
60	University of Kentucky	-
60	Villanova University	-
66	Loyola Law School	2
66	Pepperdine University	2
66	University of Kansas	1
66	University of Missouri-Columbia	-
70	Loyola University Chicago	1
70	Rutgers, State University of N.J.-Camden	-
70	Seton Hall University	2
70	St. John's University	-
70	University of Miami	4
70	University of New Mexico	11
70	University of Oklahoma	1
77	Rutgers, State University of N.J.-Newark	1
77	University at Buffalo-S.U.N.Y.	-
77	University of Denver	3
77	University of Nebraska	-
77	University of Richmond	-
82	Georgia State University	-
82	Lewis and Clark College	1
82	University of Oregon	1
85	Indiana University-Indianapolis	1
85	Northeastern University	1
85	Seattle University	3
85	St. Louis University	-
85	University of San Diego	2
85	University of Toledo	-
91	DePaul University	1
91	Louisiana State University	-
91	Pennsylvania State University	2
91	Santa Clara University	3
91	University of Hawaii	-
91	University of South Carolina	-
97	Catholic University of America (D.C.)	1
97	Marquette University	1
97	University of Louisville	1
100	Mercer University	-
100	Stetson University	2
100	University of Nevada-Las Vegas	4
100	University of San Francisco	4
100	University of the Pacific	2
Tier 3	Albany Law School	-
Tier 3	Cleveland State University	-
Tier 3	Creighton University	-
Tier 3	Drake University	-
Tier 3	Florida International University	6
Tier 3	Franklin Pierce Law Center	-
Tier 3	Gonzaga University	-
Tier 3	Hofstra University	-



Tier 3	Howard University	-
Tier 3	Loyola University New Orleans	1
Tier 3	Michigan State University	-
Tier 3	New York Law School	-
Tier 3	Pace University	-
Tier 3	Quinnipiac University	-
Tier 3	Samford University	-
Tier 3	Southern Illinois University-Carbondale	-
Tier 3	Southwestern Law School	1
Tier 3	Suffolk University	2
Tier 3	Syracuse University	1
Tier 3	Texas Tech University	3
Tier 3	University of Akron	-
Tier 3	University of Arkansas-Fayetteville	-
Tier 3	University of Arkansas-Little Rock	-
Tier 3	University of Idaho	-
Tier 3	University of Maine	-
Tier 3	University of Memphis	1
Tier 3	University of Mississippi	-
Tier 3	University of Missouri-Kansas City	1
Tier 3	University of Montana	-
Tier 3	University of St. Thomas	-
Tier 3	University of Wyoming	-
Tier 3	Vermont Law School	-
Tier 3	Washburn University	-
Tier 3	West Virginia University	1
Tier 3	William Mitchell College of Law	-
Tier 4	Appalachian School of Law	-
Tier 4	Ave Maria School of Law	-
Tier 4	Barry University	1
Tier 4	City University of New York-Queens College	3
Tier 4	California Western School of Law	4
Tier 4	Campbell University	-
Tier 4	Capital University	-
Tier 4	Chapman University	1
Tier 4	Duquense University	1
Tier 4	Florida Coastal School of Law	-
Tier 4	Golden Gate University	-
Tier 4	Hamline University	1
Tier 4	John Marshall Law School	2
Tier 4	Mississippi College	-
Tier 4	New England School of Law	1
Tier 4	North Carolina Central University	-
Tier 4	Northern Illinois University	3
Tier 4	Northern Kentucky University	1
Tier 4	Nova Southeastern University	5
Tier 4	Ohio Northern University	-
Tier 4	Oklahoma City University	-
Tier 4	Regent University	1
Tier 4	Roger Williams University	1
Tier 4	South Texas College of Law	2
Tier 4	Southern University	-
Tier 4	St. Mary's University	4
Tier 4	St. Thomas University	2
Tier 4	Texas Southern University	6
Tier 4	Texas Wesleyan University	1
Tier 4	Thomas Jefferson University	-
Tier 4	Thomas M. Cooley Law School	1
Tier 4	Touro College	1

Tier 4	University of Baltimore		1
Tier 4	University of Dayton		-
Tier 4	University of Detroit Mercy		-
Tier 4	University of North Dakota		1
Tier 4	University of South Dakota		-
Tier 4	University of Tulsa		1
Tier 4	University of the District of Columbia		-
Tier 4	Valparaiso University		1
Tier 4	Wayne State University		-
Tier 4	Western New England College		-
Tier 4	Whittier Law School		-
Tier 4	Widener University		-
Tier 4	Willamette University		2

APPENDIX B:  
LAW SCHOOLS LACKING LATINA FACULTY REPRESENTATION

U.S. News Ranking	School
1	Yale University
6	University of Chicago
6	University of Pennsylvania
8	University of Michigan
10	Duke University
10	University of Virginia
12	Northwestern University
20	Boston University
20	University of Minnesota
22	Emory University
25	University of Illinois
25	Washington and Lee University
28	University of Washington
31	College of William and Mary
34	George Mason University
36	University of Alabama
36	University of Georgia
36	University of North Carolina
36	Wake Forest University
47	Tulane University
52	Yeshiva University
53	Baylor University
53	Case Western Reserve University
53	University of Tennessee
60	Brooklyn Law School
60	Illinois Institute of Technology
60	University of Kentucky
60	Villanova University
66	University of Missouri-Columbia
70	Rutgers, State University of N.J.-Camden
70	St. John's University
77	University at Buffalo-S.U.N.Y.
77	University of Nebraska
77	University of Richmond
82	Georgia State University
85	St. Louis University
85	University of Toledo
91	Louisiana State University
91	University of Hawaii
91	University of South Carolina
100	Mercer University
Tier 3	Albany Law School
Tier 3	Cleveland State University
Tier 3	Creighton University
Tier 3	Drake University
Tier 3	Franklin Pierce Law Center
Tier 3	Gonzaga University
Tier 3	Hofstra University
Tier 3	Howard University
Tier 3	Michigan State University
Tier 3	New York Law School
Tier 3	Pace University
Tier 3	Quinnipiac University

Tier 3	Samford University
Tier 3	Southern Illinois University-Carbondale
Tier 3	University of Akron
Tier 3	University of Arkansas-Fayetteville
Tier 3	University of Arkansas-Little Rock
Tier 3	University of Idaho
Tier 3	University of Maine
Tier 3	University of Mississippi
Tier 3	University of Montana
Tier 3	University of St. Thomas
Tier 3	University of Wyoming
Tier 3	Vermont Law School
Tier 3	Washburn University
Tier 3	William Mitchell College of Law
Tier 4	Appalachian School of Law
Tier 4	Ave Maria School of Law
Tier 4	Campbell University
Tier 4	Capital University
Tier 4	Florida Coastal School of Law
Tier 4	Golden Gate University
Tier 4	Mississippi College
Tier 4	North Carolina Central University
Tier 4	Ohio Northern University
Tier 4	Oklahoma City University
Tier 4	Southern University
Tier 4	Thomas Jefferson University
Tier 4	University of Dayton
Tier 4	University of Detroit Mercy
Tier 4	University of South Dakota
Tier 4	University of the District of Columbia
Tier 4	Wayne State University
Tier 4	Western New England College
Tier 4	Whittier Law School
Tier 4	Widener University

APPENDIX C:  
LIST OF LATINO AND LATINA PROFESSORS AT U.S. LAW SCHOOLS

American University:  
Anthony Varona  
Claudio Grossman

Arizona State University:  
Charles Calleros  
Evelyn Cruz  
Orde Kittrie

Barry University:  
Leticia Diaz

Boston College:  
Leslie Espinosa-Garvey  
Frank Garcia

Brigham Young University:  
David Dominguez

California Western School of Law:  
William Aceves  
Ruben Garcia  
Laura Padilla  
Gloria Sandrino

Catholic University of America  
(D.C.):  
Antonio Perez

Chapman University:  
Ernesto Hernandez

City University of New York Law  
School-Queens College:  
Maria Arias  
Natalie Gomez-Velez  
Jenny Rivera

Columbia University:  
Jose Alvarez  
Christina Duffy Burnett

Cornell University:  
Eduardo Penalver

DePaul University:  
Alberto Coll

Duquense University:  
Alfred S. Palaez

Florida International University:  
Lillian Aponte Miranda  
Jorge L. Esquirol  
Jose Gabilondo  
Manuel Gomez  
Joelle Moreno  
Ediberto Roman

Florida State University:  
Fernando Teson  
Manuel Utset

Fordham University:  
Jeffery Colon

Georgetown University:  
Carlos Vazquez

George Washington University:  
Alberto Benitez  
Theres Gabaldon  
Tanya Kateri Hernandez

Hamline University:  
Tom Romero

Harvard University  
Einer Elhauge

Indiana University-Bloomington:  
Luis Fuentes-Rohwer  
Christiana Ochoa

Indiana University-Indianapolis:  
Maria Pabon Lopez

John Marshall Law School:  
Alberto Bernabe  
Roselio Lasso

Lewis and Clark College:  
H. Tomas Gomez Arostegui

Loyola Law School:  
William Araiza  
Yxta Maya Murray

Loyola University New Orleans:  
Isabel Medina

Loyola University of Chicago:  
Steven Ramirez

Marquette University:  
Edward Fallone

New England School of Law:  
Sonya Garza

New York University:  
Gerald Lopez  
Cristina Rodriguez  
Florescia Marotta-Wurgler

Northeastern University:  
Deborah Ramirez

Northern Illinois University:  
Elvia Arriola  
Robert Jones  
Guadalupe Luna

Northern Kentucky University:  
Alberto Lopez

Nova Southeastern University:  
Catherine Arcabascio  
Elena Marty-Nelson  
Eloisa C. Rodriguez-Dod  
John Sanchez  
Cathy Velez-Lippman

Ohio State University:  
Christopher Fairman

Penn State University:  
Larry Cata Backer  
Carlos Ball

Pepperdine University:  
Antonio Mendoza  
Maureen Weston

Regent University:  
Michael Hernandez

Roger Williams University:  
Jorge Elerza

Rutgers, State University of New  
Jersey-Newark:  
Carlos Gonzalez

Santa Clara University:  
Phillip Jimenez  
Tyler Ochoa  
Catherine Sandoval

Seattle University:  
Juaquin Avila  
Carmen Gonzalez  
Rafael Ignacio Pardo

Seton Hall University:  
Wilfredo Caraballo  
Solangel Maldonado

Southern Methodist University:  
Nathan Cortez  
George Martinez  
Victoria Palacios

South Texas College of Law:  
Olga Moya  
Fran Ortiz

Southwestern University:  
Christopher David Ruiz Cameron

Stanford University:  
Tino Cuellar  
Jenny Martinez  
Miguel Mendez

Stetson University:  
Marco Jimenez  
Luz Nagle-Ortiz

## St. Mary's University:

Charles Cantu  
Ana Novoa  
Bill Piatt  
Rey Valencia

## St. Thomas University:

Alfredo Garcia  
Lydie Nadia Cabrera Pierre-Louis

## Suffolk University:

Miguel Schor  
Elizabeth Trujillo

## Syracuse University:

Suzette M. Melendez

## Temple University:

Alice Abreu  
Rafael Porrata-Doria

## Texas Southern University

Jason Dominguez  
Fernando Colon-Navarro  
Manuel Leal  
Ruben Lugo-Rigau  
Ana Otero  
Lupe Salinas

## Texas Tech University:

Jared Gonzalez

## Jorge Ramirez

Arturo Torres

## Texas Wesleyan University:

Margarita Trevino Balli Coale  
Thomas M. Cooley  
Anthony Flores  
Touro College:  
Fabio Arcila, Jr.

## University of Arizona:

James Anaya  
Rafael Porrata-Doria  
Ana Maria Merico

## University of Baltimore:

Arthur Acevedo

## University of California-Berkley:

Andrew Guzman  
Ian Haney-Lopez  
Rachel Moran

## University of California-Davis:

Jennifer Chacon  
Arturo Gandara  
Kevin R. Johnson

## University of California-Hastings:

Jo Carillo  
Leo Martinez

## University of California-Los Angeles:

Maximo Langer

## University of Cincinnati:

Rafael Gely

## University of Colorado:

Paul Campos

## University of Connecticut:

Sara Galvan  
Angel Oquendo

## University of Denver:

Roberto Corrada  
Berto Juarez  
Mike Mirales

## University of Florida:

Berta Hernandez-Truyol  
Pedro Malavet  
Juan Perea

## University of Houston:

Michael A. Olivas  
Sandra Guerra Thompson  
Steve Zamora

## University of Iowa:

Enrique Carrasco

## University of Kansas:

Phillip De La Torre

University of Louisville:  
Enid Trucios-Haynes

University of Maryland:  
Thomas Perez

University of Memphis:  
Amanda Esquibel

University of Miami:  
Ricardo J. Bascuas  
Lisa Iglesias  
Edgardo Rotman  
Frank Valdez

University of Missouri-Kansas City:  
Jasmine Abdel-Khalik

University of Nevada-Las Vegas:  
Raquel Aldana  
Robert Corrales  
Sylvia Lazos  
Leticia Saucedo

University of New Mexico:  
Louis Caldera  
Eileen Guana  
Laura Gomez

Richard Gonzalez  
Antoinette Sedillo Lopez  
Jose Martinez  
Margaret Montoya  
Sergio Pareja  
Michelle Rigual  
Leo Romero  
Gloria Valencia Weber

University of North Dakota:  
James Grijalva

University of Notre Dame:  
Alejandro Camacho  
Jimmy Gurule  
Juan Mendez  
Julian Velasco

University of Oklahoma:  
Katheleen Guzman

University of Oregon:  
Steve Bender

University of Pittsburgh:  
Richard Delgado

University of San Diego  
Jean Montoya  
Jorge Vargas

University of San Francisco  
Connie De La Vega  
Timothy Iglesias  
Thomas Nazario  
Maria Ontiveros

University of Southern California:  
David Cruz  
Daria Rythmeyer

University of Texas:  
Patricia Hansen  
Gerald Torres  
Dan Rodriguez

University of the Pacific:  
Fred Galves  
Rachael Salcido

University of Tulsa:  
Madeleine Plascencia

University of Utah:  
Robert Flores  
John Martinez

University of Wisconsin:  
Alexandra Huneenus  
Pilar Ossorio

Valparaiso University:  
Bernard Trujillio

Vanderbilt University:  
Terry Maroney

Washington University:  
Troy Paredes



West Virginia University:  
Vivian Hamilton

Willamette University:  
Gil Carrasco  
Yvonne Tamayo

APPENDIX D:  
TOP-27 MOST LATINA DIVERSE U.S. LAW SCHOOL FACULTIES

U.S. News Rank	School	Latina Professors
70	University of New Mexico	11
Tier 3	Florida International University	6
Tier 3	Texas Southern University	6
Tier 4	Nova Southeastern University	5
28	University of Notre Dame	4
77	University of Miami	4
100	University of San Francisco	4
100	University of Nevada-Las Vegas	4
Tier 4	St. Mary's University	4
Tier 4	California Western School of Law	4
4	New York University	3
8	University of California-Berkeley	3
18	University of Texas	3
22	George Washington University	3
34	University of California-Davis	3
44	University of Arizona	3
46	Southern Methodist University	3
47	University of Florida	3
51	Arizona State University	3
60	University of Houston	3
70	Stanford University	3
77	University of Denver	3
85	Seattle University	3
91	Santa Clara University	3
Tier 3	Texas Tech University	3
Tier 4	City University of New York-Queens College	3
Tier 4	Northern Illinois University	3