

POSITIVE DISRUPTION:
ADDRESSING RACE IN A TIME OF SOCIAL CHANGE THROUGH A TEAM-
TAUGHT, REFLECTION-BASED, OUTWARD-LOOKING LAW SCHOOL
SEMINAR

ALEXI NUNN FREEMAN AND LINDSEY WEBB*

Addressing race in the legal classroom has long been a potentially disruptive, even professionally hazardous, act. Despite multiple innovations in the legal curriculum, the decades-long discussion regarding racial inclusion in law schools has led us to the same, largely race-avoidant, place. Now, as we navigate a tumultuous period in which issues of marginalization, structural oppression, and active movement are occupying a prominent space, the need to respond to the growing demands of marginalized communities as well as students' desires to deepen their understanding of racial injustice is even more pressing. This Article contributes to the literature addressing the inclusion of race in the law school curriculum by providing an analysis of one race-focused course, the Critical Race Reading Seminar (CRRS), developed and taught by a group of professors at the University of Denver Sturm College of Law.

The CRRS is designed to be a source of positive disruption in the legal academy in several ways. Unlike the traditional legal classroom, in which the racial origins and implications of law and policy may be invisible or marginalized, the CRRS centralizes race as its primary focus. Because it is co-taught by a team of instructors, it upends the hierarchical nature of law school classrooms and faculties by modeling collaboration and a shared commitment to the study of race and the law. The seminar also uses non-fiction books rather than legal texts as framing devices for each semester and embraces assessments that are grounded in students' reflections. With its in-depth discussion and analysis of this structure, including lessons learned from implementation, this Article provides a template for other faculty members to more nimbly create and teach classes that address questions of race and other social justice issues of concern to law students and society.

INTRODUCTION	122
I. LEGAL EDUCATION IS RACIAL EDUCATION	124
A. Addressing Race Promotes Competency in Legal Practice.....	126
B. Addressing Race Advances a More Accurate Understanding of the Law.....	127
C. Addressing Race Furthers the Consideration of Justice and Values in the Legal Profession.....	127
D. Addressing Race (Competently) Reduces Alienation in the Legal Academy	128

* Alexi Nunn Freeman, Associate Professor of the Practice and Director of Externships and Public Interest Initiatives, University of Denver Sturm College of Law. J.D., Harvard Law School, B.A. University of North Carolina at Chapel Hill.

Lindsey Webb, Assistant Professor, University of Denver Sturm College of Law. J.D., Stanford Law School, LL.M., Georgetown University Law Center, B.A. Wesleyan University. Thanks to Monica Cueva for her invaluable research support, the members of the Rocky Mountain Collective on Race, Place and Law for the community it provides us as teachers and scholars, and the individual professors who have contributed to the Critical Race Reading Seminar. Thanks also to the University of Denver Interdisciplinary Research Incubator for the Study of (In)Equality (IRISE) for awarding the authors the grant that supported the initiation of this course and the writing of this Article.

II. THE CRITICAL RACE READING SEMINAR AT DENVER LAW	130
A. The Origins of the CRRS	130
B. The CRRS Model	131
1. Faculty Collaboration and the Tag-Team Model of Teaching	132
2. Using a Non-Legal Text as a Framing Device	136
3. Interdisciplinary Focus and Experiences in the Field.....	139
4. Reflection-Focused Assessment.....	141
a. Reflection Through Journal Assignments	143
b. Reflection Through a Final Paper	145
c. Feedback on Student Reflection.....	146
C. The CRRS and Its Challenges	148
1. Challenge One: Faculty Commitments.....	148
2. Challenge Two: Shared Faculty Principles	148
3. Challenge Three: Consistency in Teaching	149
4. Challenge Four: Assessment of Students	150
5. Challenge Five: Compensation for Faculty	151
III. CONCLUSION	152

INTRODUCTION

Even now, well into the 21st century, addressing race in the legal classroom can be a disruptive, even professionally hazardous, act. Although legal scholars, practitioners, and students – along with studies of legal education – have long advocated for law schools to address the ways that race¹ is deeply embedded in the law and its practice, discussions of race in the legal academy often occur sporadically or in a subset of courses. While many law professors understand that the study and practice of law cannot be neatly separated from its racial history and implications, a variety of pressures and fears can push a focus on race to the margins of the course or out of the classroom altogether.

Critics have argued that when a legal curriculum lacks a sustained and thoughtful analysis of race and the law, law students of color can feel marginalized or worse;² white students are not required to examine legal issues from other perspectives or examine the role of race in their own

¹ Because the CRRS focuses primarily on issues of race, we focus on race and legal education in this Article; however, we are cognizant of the importance of intersectionality and ask readers to understand “race” here as representing all identities that require inclusion in the law school classroom, including but not limited to gender, sexual orientation, immigrant status, disability, and religion. The CRRS model could be adapted to address any or all of these topics.

² See Chris J. Iijima, *Separating Support from Betrayal: Examining the Intersections of Racialized Legal Pedagogy, Academic Support, and Subordination*, 33 IND. L. REV. 737, 754-55 (2000) (arguing that the “fiction that the dominant racial perspective is neutral” in law school courses causes law students of color to experience objectification, subjectification, and a sense of invisibility, which can lead to “disengagement and alienation”); Rhonda V. Magee, *Competing Narratives, Competing Jurisprudences: Are Law Schools Racist? And the Case for an Integral Critical Approach to Thinking, Talking, Writing, and Teaching About Race*, 43 U.S.F. L. REV. 777, 780-81 (2009) (“That law schools can and do perpetuate the privileges of “Whiteness” and disadvantages of “Blackness” and “Coloredness” embedded in our culture since the founding – i.e. that law schools inevitably manifest institutionalized racism against people of color – should by now be beyond cavil.”).

lives;³ and all students are deprived of a full understanding of legal history, our legal system, and cultural and interpersonal skills that will benefit their clients and their practice.⁴ Add to these concerns the fact that the legal profession remains among the least diverse vocations in the U.S.,⁵ and it can seem that, despite multiple innovations in the legal curriculum, the decades-long discussion regarding racial inclusion in law schools⁶ has led us to the same, largely race-avoidant, place.

This Article contributes to the literature addressing the inclusion of race in the law school curriculum by providing an analysis of one race-focused course, the Critical Race Reading Seminar (CRRS), developed and taught by a group of professors at the University of Denver Sturm College of Law (Denver Law). The CRRS is designed to be a source of positive disruption in the legal academy in several ways. Unlike the traditional legal classroom, in which the racial origins and implications of law and policy may be invisible or marginalized, the CRRS centralizes race as its primary focus.⁷ Because it is co-taught by a team of instructors, it upends the hierarchical nature of law school classrooms and faculties by modeling collaboration and a shared commitment to the

³ See Margalynne J. Armstrong and Stephanie M. Wildman, *Teaching Race/Teaching Whiteness: Transforming Colorblindness to Color Insight*, 86 N.C. L. REV. 635, 638-39 (2008) (contending that whiteness “often remains invisible during discussions of race,” in law schools and elsewhere, and arguing that “legal educators must develop an understanding of the role of whiteness in the construction of equality and teach future lawyers to do so as well”); Marjorie A. Silver, *Emotional Competence, Multicultural Lawyering and Race*, 3 FLA. COASTAL L.J. 219, 220 (2002) (“[M]ost American lawyers are oblivious to the impact of race on the *practice* of law. Most lawyers are white, and most white people tend not to think about race unless it arises in the context of discrimination claims or other explicit race-related conflicts.”).

⁴ See Ellen Yaroshefsky, *Waiting for the Elevator: Talking About Race*, 27 GEO. J. LEGAL ETHICS 1203, 1203-1204 (2014) (discussing the need for law schools to teach cultural competency, which “allows students to explore the judgements that we all make through our own cultural lens;” helps lawyers establish strong attorney-client relationships by improving their ability to “identify and respond to the needs of their diverse clients” and effectively engage with clients of all backgrounds; and assists lawyers in their “ability to work with colleagues in a multicultural environment, and . . . to be engaged as members of a global world.”).

⁵ Deborah Rhode, *Law is the Least Diverse Profession in the Nation. And Lawyers Aren’t Doing Enough to Change That*, WASH. POST (May 27, 2015), <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/> [<https://perma.cc/MYB9-J5SP>] (“[A]ccording to Bureau of Labor statistics, law is one of the least racially diverse professions in the nation. Eighty-eight percent of lawyers are white. Other careers do better – 81 percent of architects and engineers are white; 78 percent of accountants are white; and 72 percent of physicians and surgeons are white.”); Beverly I. Moran, *Disappearing Act: The Lack of Values Training in Legal Education – A Case for Cultural Competency*, 38 S. UNIV. L. REV. 1, 31 (2010) (describing the lack of diversity in the legal profession and noting that “there are few professional spaces as segregated as United States law schools”).

⁶ See, e.g., Frances Lee Ansley, *Race and the Core Curriculum in Legal Education*, 79 CAL. L. REV. 1511 (1991) (arguing that law schools should integrate a focus on race into the core curriculum); Okianer Christian Dark, *Incorporating Issues of Race, Gender, Class, Sexual Orientation, and Disability into Law School Teaching*, 32 WILLAMETTE L. REV. 541 (1996) (encouraging law professors to incorporate conversations about “diversity issues” in law school courses); Gerald P. López, *Training Future Lawyers to Work with the Politically and Socially Subordinated: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305, 307 (1989) (presenting a critique of legal education’s failure to adequately educate attorneys to represent subordinated people through “its restricted models of teaching and learning, its disdain for lawyering and for training in all but a relatively small number of skills, its neglect of interdisciplinary theoretical ideas, its disregard of everyday life . . .”).

⁷ Denver Law certainly offers other courses that intentionally address race. For example, in addition to several in-house clinics that directly grapple with racial considerations, the law school offers classes such as Multiculturalism, Race and the Law; Race and Reproductive Rights; and Critical Race Theory; among others.

study of race and the law. In order to challenge the conviction, easily gained in law school, that every problem can and should be solved with a legal solution, the course often incorporates experts from other disciplines and requires students to engage in the larger community that is addressing the issues we discuss in class. Finally, while topics discussed in the CRRS have changed each semester, the seminar uses a single, non-fiction book as a framing device each time, thus providing a view of the law that differs from the appellate case study to which most students are accustomed. Through these methods, the CRRS seeks to provide students with a substantive understanding of the application of critical race theory to a variety of contemporary legal and social issues, as well as a sense of professional identity through the examination of lawyering practice in the context of critical race theory.

We are living in a tumultuous period, in which issues of marginalization, structural oppression, and active movement are occupying a prominent space, and many in the legal academy are seeking to address these topics and their legal origins and implications while also coping with time and other demands that can impede meaningful analysis. By examining the structure of the CRRS, along with lessons learned from its implementation, this Article suggests that the course can serve as a template for other law faculties to more nimbly create and teach classes that address questions of race and other social justice issues of pressing concern to law students and society.

Part One reviews the arguments for incorporating race into the law school curriculum and asserts that these arguments have even greater urgency in our current political and social era. Part Two reviews the origins of the CRRS and its pedagogical goals and philosophy, and analyzes whether and how the CRRS has been successful in advancing those ideals. This Part also provides a nuts-and-bolts analysis of how the course is designed and managed, in order to assist other law school faculties who may wish to replicate the class in whole or in part. The Article then concludes.

I. LEGAL EDUCATION IS RACIAL EDUCATION

Whether or not law professors explicitly discuss race in their classes, law students are absorbing lessons about race and the law. Academic silence regarding race does not mean that race is invisible or absent; rather, many argue, the void left by this silence contains the presumption that the law is for and about white people or is somehow racially “neutral.”⁸ Legal professionals, including in formal studies of legal education,⁹ have advocated for decades for a richer curriculum that better reflects the racial underpinnings and impacts of our laws and legal system. They argue that failure to do so can impede students from gaining pragmatic legal skills,¹⁰ fully understanding

⁸ Armstrong and Wildman, *supra* note 3, at 655 (“Even when professors do not mention race as part of a course, race in general and whiteness in particular are present in the law school classroom and embedded in the law that the professor teaches. Race and the whiteness within race infuse discussions from which race is verbally absent, often resulting in alienation of students who become frustrated by the classroom silence on this important topic. Race and whiteness affect students and faculty from all racialized groups, but they often affect students and faculty of color differently from white students and faculty.”); Moran, *supra* note 5, at 29 (“The idea that students learn as much from what schools exclude as from what schools teach is . . . [k]nown as the ‘null curriculum’”).

⁹ See Moran, *supra* note 5, at 50 (reviewing the findings of two reports analyzing legal education – the 1992 report from the American Bar Association’s Legal Education and Professional Development Committee (the “MacCrate Report”) and a 2007 report from the Carnegie Foundation for the Advancement of Teaching (“Educating Lawyers”), and writing that “[b]oth of these reports make strong claims for the importance of educating law students about gender, race, ethnic, and class differences, and the legal issues and professional responsibilities that accompany these identity categories”).

¹⁰ Shin Imai, *A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyering*, 9 CLINICAL L. REV. 195, 200 (2002) (arguing that law schools should teach students “three core skills necessary for community

legal doctrine,¹¹ and grappling with essential questions implicating values, morality, and justice essential to the practice of law.¹² Suggestions for improvement have included incorporating race throughout the first-year (or entire) curriculum, in clinics and externships, and in specialized seminars.¹³ Some have argued that true reform requires transforming a law school culture that upholds the status quo, promotes hierarchy, and quashes an understanding of and desire to promote social justice.¹⁴

Law schools and individual professors have responded to these critiques by introducing specific classes focused on race¹⁵ and by incorporating racial analyses into courses in creative and meaningful ways.¹⁶ Further, the rise of experiential learning in legal academia has exposed students to the racial origins and impacts of our laws by virtue of increased student contact with clients and the legal system, and many law professors teaching experiential courses explicitly incorporate race into the curriculum. Still, despite these efforts, legal education as a whole is far from a race-conscious discipline,¹⁷ and critiques of its failure to require students to study the connections

lawyering – collaborating with a community . . . recognizing individuality . . . and taking a community perspective”).

¹¹ Dark, *supra* note 6, at 544 (presenting multiple reasons for law professors to include issues of “race, gender, class, sexual orientation, and disability in law school education,” including the argument that “these issues can assist in revealing the limits of legal doctrines and, in some cases, how the doctrine itself undermines the overriding purpose or goals of the law”).

¹² Peter L. Davis, *Why Not a Justice School? On the Role of Justice in Legal Education and the Construction of a Pedagogy of Justice*, 30 *HAMLIN L. REV.* 513, 519-525 (2007) (arguing that “law school has made almost a fetish of discouraging exploration of morality, fairness, and justice,” and suggesting that “in order to fulfill their roles as lawyers, citizens, and morally autonomous individuals, lawyers must also be trained in the issues of justice and inequity facing our society,” including issues relating to race).

¹³ See, e.g., Frank René López, *Pedagogy on Teaching Race & Law: Beyond ‘Talk Show’ Discussions*, 10 *TEX. HISP. J. L. & POL’Y* 39, 41-42 (2004) (asserting that “[l]aw school by its very nature” has ample opportunities to discuss race, “[b]esides topics such as affirmative action, where a discussion on race and racism is essential, there are many other subjects that could easily include material on race, discrimination, and/or racial healing,” including constitutional law, education law, and sports law, but in order to discuss race effectively professors must address history, statistical data, social science, and “critical analysis on how the law is shaped.”); Moran, *supra* note 5, at 29 (discussing ways to incorporate race – and gender, class, and ethnicity – throughout the legal curriculum).

¹⁴ See, e.g., Iijima, *supra* note 2, at 758 (“[M]ere inclusion of racial, gender, or sexual orientation issues into the curriculum is not enough, but rather what is also necessary is the understanding and the acknowledgement of how these issues play out within the law, the society, and the classroom.”) (citing Stephanie M. Wildman, *Privilege and Liberalism in Legal Education: Teaching and Learning in a Diverse Environment*, 10 *BERKELEY WOMEN’S L.J.* 88, 89 (1995); Kathryn M. Stanichi, *Resistance Is Futile: How Legal Writing Pedagogy Contributes to the Law’s Marginalization of Outsider Voices*, 103 *DICK. L. REV.* 7, 9 n.14, 21 n.83 (1998)).

¹⁵ See, e.g., Bill Ong Hing, *Raising Personal Identification Issues of Class, Race, Ethnicity, Gender, Sexual Orientation, Physical Disability, and Age in Lawyering Courses*, 45 *STAN. L. REV.* 1807 (1993) (discussing teaching courses with a focus on a variety of skill sets valuable to working with “subordinated or disadvantaged communities or in public interest law,” including a focus on racial and other identities).

¹⁶ See, e.g., Alina S. Ball, *Disruptive Pedagogy: Critical Theory in Business Law Clinics*, 22 *CLINICAL L. REV.* 1 (2015) (describing the introduction of critical theory into business law clinics, thus “exposing future corporate lawyers to critical legal theory”).

¹⁷ See Deborah N. Archer, *There is No Santa Claus: The Challenge of Teaching the Next Generation of Civil Rights Lawyers in a “Post-Racial” Society*, 4 *COLUM. J. RACE & L.* 55, 61 (2013) (noting that “[r]ace is not significant focus of the typical law school curriculum. Unless a student seeks out courses on race, she will likely graduate having only studied racial discrimination in her constitutional law course.” Further explaining that because the racial cases studied in law school focus “on unambiguous evidence of an intent to discriminate on the basis of race,” and Supreme Court cases in recent years

between race and the law remain relevant today. Before focusing on the development and structure of the CRRS, it is helpful to briefly review the arguments that scholars and practitioners have made for inclusion of race in the legal academy. These arguments both help frame the formation of the CRRS and can guide the analysis of how this model of teaching race in the legal academy succeeds and where it falls short.

A. Addressing Race Promotes Competency in Legal Practice

When law schools fail to address race in a meaningful way, critics argue, students can graduate from law school lacking fundamental skills inherent to the successful practice of law. As Professor Margaret M. Russell wrote more than twenty years ago, law students who have not been required to think meaningfully about race and the law are impeded in achieving one of the fundamental goals of a legal education – learning to “think like a lawyer.”¹⁸ This skill extends beyond the memorization of legal rules to understanding how “to think critically about the function of subordination on the basis of race, gender, sexual orientation, class, age, and disability.”¹⁹

Lawyers lacking an understanding of racial inequities in the application of the law may also fail to fully understand the ways that judges or juries may view their clients or particular legal arguments. This deficiency can negatively impact the ability of lawyers to make informed decisions about their cases and adequately advise their clients about their options.²⁰ In addition, law school graduates may possess insufficient cultural literacy and lack “cross-cultural competencies,” thus impeding relationship-building with their clients and colleagues.²¹ When attorneys are trained in legal academies where they have not been taught to engage with the law from multiple perspectives, they may be hindered in their ability to creatively problem-solve in practice.²² Further, without an understanding of racial realities in our legal system, lawyers may be less inclined or prepared to think critically about the system or pursue reform where needed.²³ When law schools neglect the study of race, they are therefore failing to provide their students with fundamental professional skills required to practice law competently and thoughtfully.

have adopted a “colorblind” perspective, many students are only able to identify racism in “blatant acts of discrimination.”).

¹⁸ Margaret M. Russell, *Beginner’s Resolve: An Essay on Collaboration, Clinical Innovation, and the First-Year Core Curriculum*, 1 CLINICAL L. REV. 135, 138-142 (1994).

¹⁹ *Id.* at 142.

²⁰ Archer, *supra* note 17, at 67, 69-70 (arguing that “post-racial analysis . . . erects barriers to effective representation by limiting students’ thoughts about potential legal options and courses of action” and further noting that an attorney must recognize her own attitudes towards race and racism because those attitudes may “impact her interactions with her client, her examination of the legal and factual issues presented in the case, the course of action selected, and the attribution of blame”).

²¹ *Id.* at 67 (noting that in her experiences supervising clinical students, “the students’ post-racial orientation inhibited the development of a positive lawyer-client relationship. In the end, the burden was placed upon the clients to prove the relevance of race and to thus overcome the students’ post-racial orientation”); Yaroshefsky, *supra* note 4, at 1204 (discussing how cultural competence improves relationships with clients and colleagues).

²² Dark, *supra* note 6, at 552 (stating that incorporating diversity issues into the law classroom pushes students to consider a broader range of problem-solving skills; students must be “shown how they might build a bridge between the legal problem-resolving system and their own so they can be effective lawyers and citizens”).

²³ Davis, *supra* note 12, at 525-527 (asserting that the law school curriculum is designed to create lawyers who defend the status quo, and suggests instead a justice-focused pedagogy that would assist students to “embrace change of a legal system in which fairness, inequity, and injustice cry out for change”).

B. Addressing Race Advances a More Accurate Understanding of the Law

Critics further argue that when law professors do not address issues of race in their courses, they are not providing students with a full and accurate understanding of legal doctrine. Law students have long been encouraged to think of the law as a series of logical principles derived by appellate judges. In truth, as noted by scholars and others, our laws and legal system have emerged from both noble principles and rank bigotry, from egalitarian beliefs and from the desire to maintain power, from human acts ranging from the most principled to the most depraved.²⁴ Property law has connections to slavery and Native American land claims,²⁵ evidence to the introduction of racial bias into criminal trials,²⁶ contract law to questions of inequality in bargaining choices,²⁷ constitutional law to racist legislation.²⁸ When law schools do not address these aspects of the law, students arguably do not have a complete understanding of how legal doctrine is created and of the fact that even seemingly race-neutral laws can be applied in racially discriminatory ways. Without such an understanding, lawyers are not equipped with the tools needed to thoughtfully engage with the law throughout their careers and to participate in creating new law through legislation, rule-making, and litigation.

C. Addressing Race Furthers the Consideration of Justice and Values in the Legal Profession

Among the arguments for the meaningful inclusion of race in the law school curriculum is the belief that considerations of justice and societal values are necessary both to a robust legal education and to the health of the legal profession.²⁹ Students cannot adequately consider what

²⁴ See, e.g., López, *supra* note 13, at 63 (describing aspects of critical race theory, including its analysis of how the law is created and by whom; noting that “[p]eople are influenced by their personal experiences and biases . . . one must not only evaluate the application of the law, but must also remember that it is equally important to consider *who* shapes the law”).

²⁵ See Moran, *supra* note 5, at 46-47 (discussing opportunities to introduce questions of class, sex, race, and ethnicity into first-year law school courses); see also Florence Wagman Roisman, *Teaching About Inequality, Race, and Property*, 45 ST. LOUIS U. L.J. 665, 675 (2002) (discussing the incorporation of a racial focus into a Property course, including addressing the “many cases that appear throughout the Property curriculum [that] illuminate ways in which white supremacist ideology and action have been a substantial cause of racial disparities in control of property”).

²⁶ Isabelle R. Gunning, *An Essay on Teaching Race Issues in the Required Evidence Course: More Lessons from the O.J. Simpson Case*, 28 SW. U. L. REV. 355, 356 (1999) (discussing use of the Simpson case to discuss “the intersection between bias – in particular, racial bias – and various restrictions and prohibitions on the use of character evidence”).

²⁷ Deborah Zalesne, *Racial Inequality in Contracting: Teaching Race as a Core Value*, 3 COLUM. J. RACE & L. 23, 24-25 (2013) (discussing the inclusion of race in a contracts course; “[c]ontract law provides a particularly rich and interesting backdrop for the analysis of racial assumptions, in part because of its racially-charged history and the ways in which the doctrine is inextricably linked to race. Further, a complete understanding of contract disputes routinely requires an analysis of the effects of inequality, including race dynamics, on parties’ bargaining choices.”).

²⁸ See Ansley, *supra* note 6 (discussing teaching race in a variety of law school courses, including Property and a focus on race and the Constitution in a Discrimination class).

²⁹ See, e.g., Moran, *supra* note 5, at 30-31 (positing that values training – including the “gender, race, ethnic, and class aspects” of that training – is essential to legal education, because “[n]ot only are values an essential part of professional development, but law school is the proper place to acquire values. Professional licensing recognizes that professional morals are not private. Instead, professional morals are public morals . . . Public morals require transmission as part of the apprenticeship experience because professional values are an essential part of professional life.”).

constitutes ‘justice’ or ‘good law,’ or what values they themselves hold, without understanding how the law impacts the lives of all those in our society. Failing to address race in law schools thus inhibits a thorough examination of what constitutes a ‘just’ outcome in a case or in addressing an issue of social concern, as students will be ill-equipped to think critically about how and why such outcomes might impact people of color and white people differently.³⁰ Professor Peter Davis and others advocate instead for a legal academy in which “wrestling with justice and injustice” is of as much importance as “advocacy based on distinguishing precedents.”³¹ Students educated in such an academic environment would have the opportunity to gain a more complex and nuanced understanding of what it means to pursue or obtain justice and a more critical lens through which to contemplate whether or not their own law practice is consistent with their values.³²

D. Addressing Race (Competently) Reduces Alienation in the Legal Academy

Critiques of the ways in which legal education fails to adequately address race extend to the traditional Langdellian, lecture-and-Socratic-questioning method of teaching the law.³³ Some observers note that this approach, particularly when coupled with academic silence about race, has served to alienate and even silence students of color.³⁴ To these critics, the hierarchical nature of the traditional law school classroom mirrors structural inequalities in society,³⁵ and a legal education that seeks to promote a concept of the law as racially neutral (or simply side-steps race altogether) can be profoundly troubling to students who know or intuit that the law and race are deeply intertwined.³⁶ Students of color, already a distinct minority at all but a handful of U.S. law

³⁰ M.K.B. Darmer, *Teaching Whren to White Kids*, 15 MICH. J. RACE & L. 109 (2009) (describing the challenges of teaching racial profiling to a classroom of mostly white students who have not experienced profiling themselves, as white people and people of color are likely to have experienced the criminal justice system in vastly different ways).

³¹ Davis, *supra* note 12, at 518, 522.

³² Laurie A. Morin, *Reflections on Teaching Law as Right Livelihood: Cultivating Ethics, Professionalism, and Commitment to Public Service From the Inside Out*, 35 TULSA L. J. 227, 229 (2000) (discussing the importance of teaching values in law school through a learning process that will help students “continue to question how to practice law in a way that is consistent with their deepest held values, beliefs, and goals”).

³³ See Iijima, *supra* note 2, at 742-759 (reviewing the critiques of traditional law school pedagogy, and concluding that “[w]ith all the criticism of the law school’s curriculum, the most damning are not those which criticize the distance between what is taught and what must be learned to practice competently and ethically; the most damning are those criticisms about how law teaching obfuscates what law ‘is’ and how that obfuscation exacerbates the alienation of students of color and women from the study of law itself. It is this dynamic that ultimately duplicates and perpetuates the same subordination that these law school populations experience in the larger society.”); Filippa Marullo Anzalone, *It All Begins with You: Improving Law School Learning Through Professional Self-Awareness and Critical Reflection*, 24 HAMLINE L. REV. 324, 345 (2001) (reviewing the history of legal education and the development of the case method and writing that “critical pedagogy views the educational process as an effort by dominant social groups to impose a particular value system on students”).

³⁴ See Iijima, *supra* note 2, at 751-752.

³⁵ *Id.* at 751-752; Lolita Buckner Inniss, ‘Other Spaces’ in *Legal Pedagogy*, 28 HARV. J. RACIAL & ETHNIC JUST. 67, 80 (2012) (noting the educational scholarship that “addresses the extent to which the spatiality of the academy and educational institutions both produce and reproduce social hierarchy”).

³⁶ Inniss, *supra* note 35, at 82-84 (“[C]ritical R[ace] T[heory] classes are often conceived of as ‘safe spaces’ for students of color or other socially-subordinated groups in the legal academy, places where such students can take refuge from the cool rationalism, empiricism, and universalism on display in many standard law school classes.”)

schools,³⁷ can feel further estranged from the law and their learning environment by an academic culture in which they have reason to suspect that their experiences and beliefs are not those imputed to the ubiquitous ‘reasonable man.’³⁸ To those who view legal education in this way, merely incorporating race into the curriculum – while a meaningful effort – does not sufficiently address the deeper inequities of legal academia and its allegiance to hierarchy, power, and prestige.³⁹ In order to take on these issues, legal academics must not only address race in the classroom and the lack of diversity in the profession, but also consider ways to restructure traditional teaching methods and classroom dynamics in an effort to increase collaboration and equality in the legal academy.⁴⁰

Recent years have brought race to the forefront of our social consciousness, with the election of President Barack Obama, societal belief in – and pushback against – a vision of the United States as “colorblind,”⁴¹ a sustained focus on police violence against African American people,⁴² the Black Lives Matter movement, and the election of President Donald Trump with its attendant race-based policies, racial attacks, and rhetoric.⁴³ These events add more urgency to the arguments for addressing race in the law school curriculum, and many law professors are working hard to incorporate these and other race-focused topics into their classrooms, clinics, and externship seminars.

³⁷ See Mike Stetz, *Most Diverse Law Schools*, PRE-LAW 34 (Winter 2015), http://www.nxtbook.com/nxtbooks/cypress/prelaw_2015winter/index.php#/32 [<https://perma.cc/54K9-PZKA>] (listing the law schools that “best match the nation’s mix for racial diversity”).

³⁸ Susan Sturm and Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515, 516 (2007) (discussing the ways in which law school culture fails to adequately prepare students to be attorneys, and “contributes to law student disengagement, particularly for women and people of color”).

³⁹ *Id.* at 524 (noting that those who seek to reform law schools “do not engage those features of law schools that reinforce the culture of competition and conformity . . . They focus on the substance of the curriculum, but leave the underlying culture intact”).

⁴⁰ See, e.g., Armstrong and Wildman, *supra* note 3, at 658 (discussing ways that law faculty can “[develop] an ability to talk in the classroom and in the institution about race and the whiteness that is part of race,” including institutional programming, common reading, and introducing race into a variety of classes).

⁴¹ See Archer, *supra* note 17, at 57 (describing the rise of a “post-racial narrative” in the United States beginning shortly after the abolition of slavery and culminating in the election of Barack Obama, and observing the impact of that narrative on the view, held by some law students, that “racial distinctions are largely irrelevant to them as individuals and their role as lawyers”); Sturm and Guinier, *supra* note 38, at 533 (noting that law schools do not prepare students to work collaboratively).

⁴² See, e.g., Nancy C. Marcus, *From Edward to Eric Garner and Beyond: The Importance of Constitutional Limitations on Lethal Use of Force in Police Reform*, 12 DUKE J. CONST. L. & PUB. POL’Y 53 (2016) (focusing “on a series of notorious police killings of unarmed black civilians that occurred from July 2014 through July 2015 . . . police killings that inspired the Black Lives Matter movement and nationwide discourse—often quite heated—around the issue of discriminatory and excessive police force”).

⁴³ See, e.g., Katie Reilly, *Racist Incidents Are Up Since Donald Trump’s Election. These Are Just a Few of Them*, TIME MAG. (Nov. 13, 2016), <http://time.com/4569129/racist-anti-semitic-incidents-donald-trump/> [<https://perma.cc/52EN-SNMU>] (describing series of race or religion-based attacks in the United States following the election of Donald Trump); Alan Blinder, Serge F. Kovaleski, and Adam Goldman, *Threats and Vandalism Leave American Jews on Edge in Trump Era*, N.Y. TIMES (March 1, 2017), <https://www.nytimes.com/2017/02/28/us/jewish-community-center-donald-trump.html> [<https://perma.cc/G7RE-PNQA>] (describing bomb threats at more than 100 Jewish community centers and vandalism at Jewish cemeteries since the beginning of 2017); Tim Marcin, *In Donald Trump’s America, Racism is Becoming an Even Bigger Problem, Americans Say in Poll*, NEWSWEEK (Sept. 14, 2017), <http://www.newsweek.com/donald-trumps-america-racism-becoming-even-bigger-problem-americans-say-poll-665024> [<https://perma.cc/2VTJ-7S3N>].

Still, the task can seem daunting. Law professors struggle with fears and pressures when they consider how best to undertake this work, including the need to “cover” the law in a single course in a limited period of time; the risk of poor student reviews; the threat of a professional backlash against professors, particularly professors of color or professors without tenure status, who attempt to address race; and nervousness about handling a racial issue insensitively or clumsily.⁴⁴ Mindful both of these concerns and of seeking to promote greater inclusion of race in law school pedagogy, this Article describes a model that can assist law professors in creating courses that address race, with a template that can be adapted to address current events more easily than many traditional law school courses,⁴⁵ and a format that serves to promote collaboration and community, and disrupt hierarchy.⁴⁶

II. THE CRITICAL RACE READING SEMINAR AT DENVER LAW

A. *The Origins of the CRRS*

In 2013, a group of professors at Denver Law formed the Rocky Mountain Collective on Race, Place, and Law (RPL).⁴⁷ This group is open to all employees at the law school who agree to sign on to a list of shared principles rooted in critical race theory,⁴⁸ and currently includes members

⁴⁴ See, e.g., Armstrong and Wildman, *supra* note 3, at 655-656 (discussing barriers to addressing issues of race in the law school classroom, including student hostility to professors of color who address race issues and fears of professors of being “misinterpreted or . . . perceived by students as racially insensitive”); Ansley, *supra* note 6, at 1559 (reporting student comments that the author “favors ‘people of color’ and their comments” in class and also recounting that “some students came to me privately to express their fears of the reaction I might provoke against myself and against other students if I expressed too many ‘pro-black’ or ‘pro-woman’ sentiments”); Kathryn Pourmand Nordick, *A Critical Look at Student Resistance to Non-Traditional Law School Professors*, 27 W. NEW ENG. L. REV. 173, 193 (2005) (reviewing course evaluations of women faculty members and people of color, and noting the differences in criticism of those professors in comparison to male and/or white professors, including comments that these “non-traditional” professors were “too political” and “share their personal views too much”); Dark, *supra* note 6, at 557-560 (addressing barriers to discussing “diversity” in the law school classroom, including fears of student criticism, causing unintentional offense, and introducing strong emotion into the classroom).

⁴⁵ See Ansley, *supra* note 6, at 1590 (proposing that among the barriers to increasing the discussion of race in law schools are “institutional inertia and concerns about teacher autonomy. It is costly for teachers to change the ways they teach; time spent developing new materials and approaches is time not spent on all the other things that professors do.”).

⁴⁶ See Sheila I. Vélez Martínez, *Towards an Outcrit Pedagogy of Anti-Subordination in the Classroom*, 90 CHI.-KENT L. REV. 585, 590-591 (2015) (describing methods by which law professors can avoid “the reproductions of hierarchies of power and subordination” in the classroom).

⁴⁷ The Rocky Mountain Collective on Race, Place, and Law (RPL) “offer[s] a critical lens on the complex dynamics of power, locality, and law, and their impact on subordinated communities. As scholars rooted in critical legal theory, we recognize the intersectionality of all individuals; through our teaching, scholarship and activism we aim to expose and challenge law’s role in perpetuating inequities based on race, class and gender and other sources of disadvantage. We employ our collective efforts and expertise to effect change and pursue social justice.” *Rocky Mountain Collective on Race, Place, and Law*, UNIV. DENV. STURM C. L., <http://www.law.du.edu/index.php/rocky-mountain-collective-on-race-place> [<https://perma.cc/F4WR-AMSH>] (last visited Nov. 26, 2017).

⁴⁸ The list of RPL principles reads:

- Antiessentialism – We resist attributing particular sets of traits to particular groups, or to individual members of those groups.
- Antisubordination – We are concerned about subordination, power, and substantive justice, rather than mere normal equal treatment.

of the staff, administration, and faculty.⁴⁹ RPL hosts and sponsors a variety of events focused on racial justice topics, including lecture series, conferences, and student-oriented lunch presentations, and its members are committed to scholarship, teaching, and action in furtherance of their shared principles.

The idea for the CRRS grew out of RPL's first Critical Race Reading Group, in which employees at the law school met over the course of a semester to discuss Professor Michelle Alexander's influential work, *The New Jim Crow*.⁵⁰ After learning that law students were interested in participating in this group, RPL members began to discuss the possibility of starting a similar program involving students at the school. Upon further reflection, including the belief that law students would have more time to read and prepare for these discussions if they received academic credit, RPL members proposed creating a course focused on racial justice issues, an idea which led to the creation of the Critical Race Reading Seminar.

In many ways, Denver Law is ahead of the curve when it comes to studying race and the law. Many members of the faculty are engaged around these issues, courses focused on race or incorporating racial topics are often included in the curriculum, and the school boasts a well-established clinical program and externship office through which many students experience questions of race and the legal system first-hand. It became clear from speaking with students, however, that during a time of racial tensions and societal turmoil, in a law school with a student body that is majority white, students of all races desired additional forums to address issues involving race, society, and the law.⁵¹

B. *The CRRS Model*

While the CRRS acts in some ways as a traditional legal seminar – a small class focused on a discrete topic, held within the law school and primarily taught by law professors – both the pedagogy and materials of the course are intended to challenge students to think meaningfully about

-
- Globalism – We believe that subordination is both a local and a global phenomenon, and that our principles and values can inform and be informed by subordinated communities, both domestically and internationally.
 - Hegemony – We believe that power works not only directly and coercively but also hegemonically – that power affects the ways people perceive “reality” as well as their understandings of what constitutes “knowledge” about the world.
 - History – We believe that critical engagement with history is centrally important to understanding how power operates through race, gender, sexuality, and class to de-center and marginalize the lived experiences of subordinated peoples.
 - Intersectionality – We recognize the multidimensionality of individual identity and the complex, mutually reinforcing relationships among systems of subordination.
 - “Meritocracy” – We question the notion of “meritocracy,” and the assumption that standards of “merit” can be neutral under current social conditions.
 - Multiplicity of Non-Whiteness – We recognize that non-whiteness takes many forms and has varied impacts.
 - Praxis – We believe in doing as well as talking, in working to make real change in the world.
 - Privilege – We believe that group based privilege, such as race, class, gender, and heterosexual privilege, is pervasive in society.

⁴⁹ RPL does not represent every member of the Denver Law community dedicated to racial justice and critical race theory, and RPL members stand together with our colleagues who may not be a part of RPL but work to further our common values and principles.

⁵⁰ MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* (2011).

⁵¹ This instinct has been reinforced by the waiting lists associated with this course each semester it is offered.

the interconnections between race, society, and the law in a format that seeks to disrupt the dynamics of a traditional law school classroom. At the time of the writing of this Article, the CRRS has been offered four times at Denver Law, and the following observations are based on those four semesters of teaching experiences, student reflections, and student and faculty feedback. The Authors are the two RPL faculty members who have served as CRRS course administrators, and we note that the following analysis reflects our opinions only and not necessarily those of our colleagues.

1. Faculty Collaboration and the Tag-Team Model of Teaching

There is a growing recognition that the art of collaboration is needed for ultimate success as a lawyer.⁵² And, in recent years, more and more faculty are finding ways to teach and foster collaboration in their classrooms.⁵³ What appears to be less common, however, is the idea of collaborative teaching in the legal classroom.⁵⁴ Scholars at the Sandra Day O'Connor College of Law explain collaborative teaching in the following way:

Collaborative teaching (or co-teaching) involves two or more faculty who regularly and purposefully share instructional responsibility for a single group of students. Collaborative teaching has been used in secondary education, special education, and undergraduate courses for quite some time, but has been slow to

⁵² See *The Whole Lawyer and the Character Quotient*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. 27 (2016), http://iaals.du.edu/sites/default/files/reports/foundations_for_practice_whole_lawyer_character_quotient.pdf [https://perma.cc/J25X-RVE5] (reporting that a survey of over 24,000 lawyers from a range of practices found that nearly three in four respondents (73%) indicated that the ability to work collaboratively as part of a team was necessary in the short term for success as new lawyers.). A study by Harvard Law School professor Heidi Gardner found that collaboration creates a “more client-focused approach, and then clients care that their firms are collaborating.” Gardner also found that “collaboration has become necessary in part, because lawyers have become so specialized.” Eilene Spear, *Law Firm Collaboration: A Way Forward*, NAT’L L. REV. (Sept. 29, 2015), <http://www.natlawreview.com/article/law-firm-collaboration-way-forward> [https://perma.cc/ZYU3-4AA7].

⁵³ For example, Professor Robert Schuwerk asks students in a 1L course to organize themselves on the basis of friendship into law firms comprised of two to four students. Robert P. Schuwerk, *The Law Professor as Fiduciary: What Duties Do We Owe to Our Students*, 45 S. TEX. L. REV. 753, 791 (2004). See also Barbara Taylor Mattis, *Teaching Law: An Essay*, 77 NEB. L. REV. 719, 721 (1998); Orin S. Kerr, *The Decline of the Socratic Method at Harvard*, 78 NEB. L. REV. 113, 123-26 (1999); Sarah E. Thiemann, *Beyond Guinier: A Critique of Legal Pedagogy*, 24 N.Y.U. REV. L. & SOC. CHANGE 17, 28-29 (1998); M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 SEATTLE U. L. REV. 139, 168 (2001); Steven I. Friedland, *How We Teach: A Survey of Teaching Techniques in American Law Schools*, 20 SEATTLE U. L. REV. 1, 29-30 (1996) (explaining that a survey exploring professors’ teaching models found that small groups of two or more students in order to work together to resolve doctrinal issues, work out problems, or synthesize rules of law is becoming common, but is used primarily in “skills courses”; in first year courses, for example, only seventeen percent of the respondents who teach those courses stated they used small group methods, while sixty-two percent said they did so in upper level courses).

⁵⁴ Melissa Marlow, *Law Faculties: Moving Beyond Operating as Independent Contractors to Form Communities of Teachers*, 38 OHIO N. UNIV. L. REV. 243, 247 (2011), (noting that the push toward teaching our students to become independent thinkers likely impacts our disinclination to work cooperatively as teachers and that few of us have much real knowledge about what others do in their classes). ANN E. AUSTIN & ROGER G. BALDWIN, *FACULTY COLLABORATION: ENHANCING THE QUALITY OF SCHOLARSHIP AND TEACHING* 44, 62-81 (Bryan Hollister & Barbara Fishel eds., 1991) (“Collaboration among faculty often raises issues of power, influence, professional identity, and integrity. Evaluating individual contributions to collaborative endeavors and allocating credit fairly among partners are difficult challenges that frequently plague collaborators.”).

catch on in legal education . . .⁵⁵

The CRRS is therefore atypical in legal education in that it employs a collaborative, team-teaching model. Because the study of race⁵⁶ – and students interested in studying race,⁵⁷ as well as students of color in general⁵⁸ – have been historically marginalized within legal education, reducing student alienation and promoting community through team-teaching was an explicit pedagogical goal in the development of the CRRS. A team-teaching approach also allows multiple professors to address race in the same class, which may reduce the risk of ‘backlash’ against a particular professor for addressing difficult or controversial issues,⁵⁹ but also serves as a demonstration that teaching and discussing race is the responsibility of all members of the faculty.⁶⁰

The CRRS team-teaching model incorporates faculty from different disciplines within the law school – externship, in-house clinical, podium, and legal writing – who have interest and expertise in critical race theory and racial justice.⁶¹ In addition to the variety in our teaching methods

⁵⁵ Susan M. Chesler and Judith M. Stinson, *Team Up for Collaborative Teaching*, 23 PERSPECTIVES: TEACHING LEGAL RES. & WRITING 169, 170 (2015) (“[T]eachers take turns presenting different content to the same group of students. Alternative teaching can be used for an entire course or select topics. Teachers could, for example, alternate by teaching different topics every class period throughout the semester, or one faculty member may teach only one (or a few) topics throughout the course. Alternative teaching does involve more than just being a guest lecturer; both faculty have responsibility, to some extent, for planning, teaching, and assessing students . . . Alternative teaching works well in classes with discrete topics that can be naturally divided.”).

⁵⁶ See, e.g., Francisco Valdes, *Insisting on Critical Theory in Legal Education: Making Do While Making Waves*, 12 BERKELEY LA RAZA L.J. 137, 153 (2001) (citing Francisco Valdes, *Foreword—Under Construction: LatCrit Consciousness, Community and Theory*, 85 CAL. L. REV. 1089, 1093-94 (1997), 10 LA RAZA L.J. 1, 7-8 (1998)) (discussing “outsider jurisprudence,” a category that includes “critical legal studies, feminist legal theory, critical race theory, critical race feminism, Asian American legal scholarship, . . . queer, and LatCrit theory”; “these different genres of outsider jurisprudence have in common a critical outsider perspective vis-à-vis law and society . . .”).

⁵⁷ Mary Jo Eyster, *Designing and Teaching the Large Externship Clinic*, 5 CLINICAL L. REV. 347, 358 (1999) (“My sense is that for these students [interested in social justice], there is little enough in the curriculum to sustain them while they are in law school. It is usually their passion that brings them to law school, and in the three or four years of law school they have limited opportunities to express that passion, or to discuss it with others.”). See also Robert A. Solomon, *Teaching Morality*, 40 CLEV. ST. L. REV. 507, 507-08 (1992).

⁵⁸ See, e.g., Iijima, *supra* note 2, at 757.

⁵⁹ Although most if not all of the professors teaching in the CRRS, along with other professors at Denver Law who have not taught the course, do address race in their individual classes as well.

⁶⁰ See Armstrong and Wildman, *supra* note 3, at 656-57 (“Some white students even may assume they lack as much of a personal stake in racial justice issues as non-white students. However, because lawyers are officers of the court, race and whiteness are issues for which we are all responsible.”); Stephanie M. Wildman, Margalynne Armstrong, and Beverly Moran, *Revisiting the Work We Know So Little About: Race, Wealth, Privilege, and Social Justice*, 2 U.C. IRVINE L. REV. 1011, 1015 (2012) (citing William M. Sullivan Et Al., *Educating Lawyers: Preparation For The Profession of Law* (2007)) (noting that law students can graduate from law school “without ever considering wealth or race as legitimate topics of study,” and arguing that “[w]e all have a stake in changing this omission. Students and faculty of color should not be the only ones to care about race, nor should they shoulder the primary responsibility for educating white colleagues, who also have a race, about the role of race and socioeconomic wealth in society”).

⁶¹ The set of principles outlined in note 48 represent the core of the critical race perspective of RPL-affiliated employees at Denver Law, but there is extensive literature on the history and pedagogy of the critical race movement. See, e.g., Kimberlé Williams Crenshaw, *Twenty Years of Critical Race Theory: Looking Back to Move Forward*, 43 CONN. L. REV. 1253 (2011) (providing a review and analysis of the history of Critical Race Theory); Daniel G. Solorzano and Tara J. Yosso, *Maintaining Social Justice Hopes Within Academic Realities: A Freirean Approach to Critical Race/Latcrit*

and areas of expertise, the CRRS faculty is diverse in other ways, including our races, genders, ages, and amount of experience in legal education. The professors in the teaching team decide on the topic of the course, choose the book or series of works that will serve to frame that topic, teach individual classes, and report back⁶² on those classes to the team as a whole.⁶³ Under this format, students form the permanent “core” of the class and professors are rotating visitors to the classroom, a change in dynamic from the hierarchical professor-as-lawgiver model of traditional legal education.

In order to keep the faculty team organized and connected, one or two professors serve as faculty administrators for the course each semester. The faculty administrator⁶⁴ serves as the main contact for students, participating faculty, and the administration. The administrator recruits faculty to teach, organizes faculty conversations regarding the course topic and readings, advertises the course to students, and works with the administration to offer the course. During the semester, the administrator serves as point person for students, fielding questions, sharing announcements, and leading and responding to all reflection-based assessment, for example. On the faculty side, the administrator collects and distributes any additional readings chosen by the professor teaching each class, ensures the relevant information from class to class is shared among faculty, disseminates formal and informal feedback from the students, and handles grading.

This team-teaching effort is aided by the faculty’s commitment to the shared RPL principles – principles which are shared with the students but to which they are not required to subscribe – as well as a mutual belief in the importance of addressing race in the law school curriculum. These shared principles and mutual engagement in a common teaching enterprise help the CRRS faculty overcome barriers that often divide legal academics, including status

Pedagogy, 78 DENV. L. REV. 595, 596-99 (2001) (citing Daniel G. Solórzano, *Critical Race Theory, Race and Gender Microaggressions, and the Experience of Chicana and Chicago Scholars*, 11 Int’l J. Qualitative Stud. Edu. 121 (1998); Daniel G. Solórzano, *Images and Words that Wound: Critical Race Theory, Racial Stereotyping, and Teacher Education*, 24 TEACHER EDUC. Q. 5 (1997)) (defining the “five elements” of “critical race pedagogy in education” as “(1) the centrality and intersectionality of race and racism; (2) the challenge to dominant ideology; (3) the commitment to social justice; (4) the importance of experiential knowledge; (5) the use of interdisciplinary perspectives”); Lolita Buckner Inniss, *‘Other Spaces’ in Legal Pedagogy*, 28 HARV. J. RACIAL & ETHNIC JUST. 67 (2012) (discussing the history and principles of critical race theory in legal pedagogy).

⁶² Each class session is recorded so that participating faculty can view what happened in a session. This helps inform faculty foci and avoid redundancy. In addition, generally after each session, the teaching faculty member writes a short blurb on how the class went, including the topics students expressed particular interest in, ideas for what might be good discussion points or questions to explore in future sessions, challenges encountered, and any other information that would be helpful to the team.

⁶³ Benefits of collaborative teaching for faculty that are not tied to the study of race include: improving the quality of faculty teaching and scholarship by “learn[ing] new perspectives, teaching techniques, and areas of expertise” and “learn[ing] from each other and broadening horizons in terms of how faculty teach, what they teach, and what knowledge they have to offer others (in terms of scholarship and conference presentations). Learning from each other can occur during planning discussions, through sharing teaching ideas, and by watching each other in the classroom. Collaborative teaching can also promote effective mentorship to new faculty, presenting unique opportunities for hands-on mentoring of newer teachers or teachers who are new to the particular field . . . sharing some of the workload involved in planning, teaching, and assessing students can lessen faculty fatigue and burnout, especially for those who have been teaching the same courses for a long time. Collaborative teaching also provides an incentive to do things differently in your classes.” Chesler and Stinson, *supra* note 55, at 170.

⁶⁴ For three semesters, the course was administered by two professors, the authors of this article. Professor Freeman administered the course alone for one semester. For ease of reference, however, we refer to the “administrator” role in the singular throughout this Article.

differences,⁶⁵ silos that can be created by different pedagogies within academia,⁶⁶ and the racial and gender divisions reported by many law professors.⁶⁷ The course thus models an approach to teaching that seeks to promote a non-hierarchical and inclusive community of instructors, with the intention that the course structure reflects rather than undermines its instructional goals.

While the collaborative teaching model is not without its challenges,⁶⁸ it can provide a range of benefits to students that serve to advance meaningful engagement around race and our legal system. These advantages include broader coverage of course material due to the expanded expertise of the teachers; exposure to different teaching styles which may keep students more engaged by avoiding monotony, increasing creativity in the classroom, and appealing to different ways of learning; and giving students an opportunity to engage with professors with differing vantage points, thus promoting engagement with more than one side of or perspective on an issue.⁶⁹ As some students noted:

I was really happy to have the guidance of people who see issues of race from a variety of perspectives . . . It provided me with a better overall picture of the issues and a better idea about the many ways in which I might be able to contribute my efforts to changing the status quo.⁷⁰

Since the brief few weeks of Constitutional Law that addressed Equal Protection and affirmative action, I have not had such an opportunity to engage in conversations about race and the law. I have never had the opportunity to engage in the dialogue about the racial components of our criminal justice system in an academic setting. I appreciated having professors who have spent years studying and exploring these notions there to guide me through these thoughts, to help connect the dots, and to facilitate reflection and action.

While these benefits are noteworthy, what is perhaps most significant is the message that students received from the collaborative, team-teaching model itself. The CRRS faculty hoped that the experience of being taught by a group of law professors with a commitment to the study of race could help students feel more connected to the law school and to the practice of law. Some students reflected:

⁶⁵ Sameer M. Ashar, *Deep Critique and Democratic Lawyering in Clinical Practice*, 104 CAL. L. REV. 201, 226, 231 (2016) (noting that the lack of faculty “parity across faculties, including clinicians, legal writing teachers, and academic support specialists” can result in marginalization of these members of the faculty, but also stating that “legal educators have the capacity to break down subject matter silos within our institutions and across the university”).

⁶⁶ Marlow, *supra* note 54, at 245-46 (“In terms of forming communities of teachers, status differences cause us to work and plan our teaching in separate ways. In essence, the various subsets of the academy, with their corresponding status distinctions, operate as separate teaching units within the same building.”).

⁶⁷ See, e.g., Robert A. Williams, Jr., *Vampires Anonymous and Critical Race Practice*, 95 MICH. L. REV. 741 (1997) (discussing the author’s experiences as a Native American law professor in the primarily white legal academy).

⁶⁸ Challenges, and how we have managed them, are discussed in detail below.

⁶⁹ Chesler and Stinson, *supra* note 55, at 170.

⁷⁰ This and all subsequent reflections submitted by students enrolled in the Critical Race Reading Seminar are on file with the authors.

I think seeing different professors, who all looked different and came from different backgrounds but shared the same passions, was very comforting. These are hard topics, and it's not easy to open up to a room full of people. Knowing that it's not just one professor that cares about these things, but there is a team of professors that think the way I do was a great feeling. I think it provided different perspectives and allowed me to see that people really do care about these issues.

I thought it was interesting to have a different professor during each class. I liked it because I feel like I gained "allies" (for lack of a better term) at school. Law school has a very privileged, conservative atmosphere, and it has been nice to connect with professors who share my point of view.

I really appreciated the ways in which free thought and expression [were supported] that I don't think I have ever experienced elsewhere at the law school.

. . . to be able to see such a spectrum of professors that are focused on and aware of the importance of race in all areas of law is really encouraging.

These comments indicate that the CRRS's team-teaching model, when coupled with the course's explicit focus on race, may contribute to reduced feelings of isolation in the law school building and, while it is an unfamiliar teaching and learning method, it disrupts the status quo in a productive and supportive way.⁷¹

2. Using a Non-Legal Text as a Framing Device

The CRRS is not meant to be a static course, but rather one that reacts to and addresses the changing world. The team-teaching model, which divides teaching responsibilities among faculty members and makes it fairly easy for professors to join or step away from the teaching team each semester, supports the incorporation of variation in the curriculum. New topics for the course, centered on questions of race, law, and society, are determined by the faculty team as well. In making this decision, the faculty considers a number of factors, including whether any relevant books or articles have recently been published, what current events require discussion, and what race-based topics have been formally addressed within the school in recent months. The faculty takes a pulse on what sounds most exciting, intellectually interesting, and relevant to the political climate, racial dynamics, and student interest.

While the focus of the class may change, the seminar consistently uses a non-fiction written work to serve as a framing device. Individual professors are welcome to supplement this text with additional resources such as articles or videos, but the primary text provides the through-line that binds the course together. For its first two semesters, the students enrolled in the CRRS considered issues of race and the criminal justice system by undertaking a systemic analysis of *The New Jim Crow* by Professor Michelle Alexander.⁷² In its third semester, which took place as the

⁷¹ For an example of a collaboratively-taught class on race, see Crenshaw, *supra* note 61, at 1264-87 (discussing the creation of an "Alternative Course" at Harvard Law School in the early 1980s in reaction to the lack of a race-focused courses and professors of color at the law school; "various student groups agreed to pool resources to invite . . . purportedly non-existent minority scholars to come Harvard to offer lectures in the weekly series").

⁷² Alexander, *supra* note 50.

2016 presidential primaries got underway, the course focused on the ways in which issues of race were presented and analyzed on a variety of subjects (immigration, criminal justice, and more) within the context of the presidential election, using *Dog Whistle Politics* by Professor Ian Haney López as the overarching text.⁷³ In its fourth semester, the CRRS centered on the writings of Ta-Nehisi Coates,⁷⁴ including his best-selling book, *Between the World and Me*,⁷⁵ as well as other essays⁷⁶ and a portion of his comic, *Black Panther*,⁷⁷ as a frame for its focus on African-Americans in the United States during a time of political upheaval.

The use of non-traditional texts as primary course materials is not particularly common in legal academia, although it does occur most frequently within clinical or simulation courses.⁷⁸ The focus on such materials in the CRRS reflects the faculty's desire to push students to think broadly and creatively about the problems regarding, and solutions to, racial injustice in our society. This approach was also motivated by conclusions drawn by scholars and others who associate traditional law school course content, materials, and structure as contributing to the disengagement of students, particularly those drawn to the law as a tool for social justice and reform. These critics have argued that law schools should explore methods of teaching and learning beyond the traditional case method format;⁷⁹ Professors Erlanger and Lessard, for example, describe how groups of professors who seek to provide more than substantive legal knowledge and expand students' consciousness do this, in part, by incorporating theoretical and nonlegal concepts and readings, and by "teaching perspectives as well as rules."⁸⁰

⁷³ Ian Haney López, *Dog Whistle Politics: How Coded Racial Appeals Have Reinvented Racism and Wrecked the Middle Class* (2014).

⁷⁴ Due to the of the timing of the submission of this article, we do not go into detail on the experience of the Spring 2017 seminar.

⁷⁵ TA-NEHISI COATES, *BETWEEN THE WORLD AND ME* (2015).

⁷⁶ For example, students read Ta-Nehisi Coates, *The Case for Reparations*, *THE ATLANTIC* (June 2014) and Ta-Nehisi Coates, *My President was Black*, *THE ATLANTIC* (January/February 2017).

⁷⁷ TA-NEHISI COATES, *BLACK PANTHER: A NATION UNDER OUR FEET*, Book 1 (Sept. 13, 2016). This has been the one fictional component of the course.

⁷⁸ See, e.g. Andrea M. Seielstad, *Community Building As A Means of Teaching Creative, Cooperative, and Complex Problem Solving in Clinical Legal Education*, 8 *CLINICAL L. REV.* 445, 500–01 (2002) ("While students may learn most actively when engaged in the actual experiential process of community building, exposure to contextual information and background readings and dialogue about culture and community may assist in the acquisition of problem-solving skills . . . In circumstances where students may plan to work with specific communities, those students may be encouraged to conduct contextual research about the geography, demographics, politics, economics, and cultural characteristics of the relevant community."); Susan B. Apel, *No More Casebooks: Using Simulation-Based Learning to Educate Future Family Law Practitioners*, 49 *FAM. CT. REV.* 700, 701 (2011) (describing a course where students assume the role of practicing attorneys, but rather than a casebook they are provided with a short treatise on family law: a copy of Vermont Family Law which contains Vermont statutes and family court rules, a course pack, a copy of the Model Rules of Professional Conduct, a text on interviewing, counseling and negotiation skills, and some other online resources are made available to students.).

⁷⁹ Claudio Grossman, *Chapter 3: Building the World Community Through Legal Education*, 14 *IUS GENTIUM* 21, 30 (2008) ("Clinical programs, moot court competitions, study-abroad courses, debate clubs, and an increased reliance on non-legal disciplines such as economics, psychology, political science, anthropology, and sociology have made the study of law based exclusively on readings cases obsolete. Today's law school graduates must have the skills to play the role of facilitators and problem solvers in international transactions. They must also be able to act as liaisons between and among formally organized legal systems with differing national histories, customs, and experiences. Put simply, the philosophical foundation of Langdell's case theory is insufficient to prepare law students for the world they will encounter.").

⁸⁰ Howard S. Erlanger & Gabrielle Lessard, *Mobilizing Law Schools in Response to Poverty: A Report on*

In the CRRS, the faculty have opted to use non-traditional texts in the law school classroom with two goals in mind. The first, in the spirit of Erlander and Lessard, is to expand students' understanding around racial justice and make explicit connections to structural racism and critical race theory. By focusing on readings other than cases and statutes, students are encouraged to evaluate the law's impact on people of color from a variety of perspectives. Reading the law in the context of politics, campaigns, grassroots efforts, and history offers a different view than do the appellate cases and statutes to which the students are generally most accustomed. Some student reflections commented on a sense of expanded understanding of race and the law as a result of the fact that the CRRS focuses on more than pure "legal" materials:

I enrolled [in the CRRS] because, after the first year curriculum, I was quite desperate for context. In so many of our doctrinal classes, if you want context (i.e. whiteness as property), you have to read it outside on your own time. These conversations aren't happening in class, and when they do, people are quite annoyed.

This class frames criminal law and criminal procedure in a way that is very different from the doctrinal classes (because it challenges the assumptions underlying all of the jurisprudence). It was critical to being able to articulate the flaws in the current criminal justice system in a way that I have not been taught before.

Second, the CRRS's use of non-traditional texts is an attempt to challenge student reliance on the notion that every social problem should be viewed solely through a legal lens. Law schools can be too far removed from the perspectives of non-lawyers and other community members.⁸¹ The reality is that racial justice issues are not relegated to the courthouse. The CRRS is designed to expose students to broader sociopolitical dynamics and to challenge them to connect the law to those dynamics. Thus, because the first two books addressed in the CRRS – *The New Jim Crow* and *Dog Whistle Politics* – are written by law professors, we ensured that students also were assigned complementary articles by non-lawyers. Because Coates is not a lawyer, faculty members supplemented his readings with law review articles, and also used our classroom discussions to relate his writings to the study of the law. Student comments reflected appreciation of an approach to studying race that pushed them to consider causes of and solutions to issues of racial concern beyond the law:

It was a refreshing experience being able to approach such a large problem from so many angles. Most social problems are multi-faceted and focusing on one

Experiments in Progress, 43 J. LEGAL EDUC. 199, 203 (1993).

⁸¹ A notable exception here of course can be within the clinical legal education model, though that model is also not without its critics. See, e.g., Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLINICAL L. REV. 355, 357–58 (2008) (“The canonical approaches to clinical legal education, which focus nearly exclusively on individual client empowerment, the transfer of a limited number of professional skills, and lawyer-led impact litigation and law reform, are not sufficient to sustain effective public interest practice. These approaches . . . reinforce the norms of conventional practice in the legal profession. However, they rely on a practice narrative that does not accurately portray the conditions that poor people face, the resistance strategies that activist, organized groups deploy, or the new reality of public interest practice.”).

aspect would be doing it a disservice.

I liked that we were regularly challenged to try to think about how to create a change. I think that talking about the problem doesn't necessarily really make you think critically about a topic, because you can just accept that it is a problem and move on, versus having to think about why it is a problem in order to find a solution to directly address it.

The crimmigration class was great because I was not familiar with the subject, and I loved being challenged on my ideas. I also liked the school to prison pipeline discussion and the fact that the guest speaker was able to contribute and give different grassroots ideas rather than litigation to fix a problem. I thought the discussion about the intersection of race and gender was great because it is often an issue that is disregarded in the context of prison and mass incarceration issues.

These comments demonstrate the value of identifying ways for students to study how topics of race are examined and portrayed, but then also to begin to transition to praxis – what can be done to address the injustices beyond the strictly legal lens. Moving to solution is hard – and unfamiliar – for many within legal education, especially outside of the clinical setting. This movement is necessary, however, if we ultimately want our students to not just deepen their understanding of critical theory, but also be armed with knowledge and tools to impact racial justice.

3. Interdisciplinary Focus and Experiences in the Field

After having offered the CRRS once in a (somewhat) traditional seminar format, the administrators applied for and received a university grant that provided sufficient funding to allow expansion of the Critical Race Reading Seminar in two ways: (1) by introducing “fieldwork” into the course and (2) by adding an interdisciplinary component. By requiring students to move outside of the classroom and asking them to think about issues of race from different perspectives, the CRRS encouraged students to take their study of race and the law from the theoretical and law-focused to the practical and multi-faceted.

In the semester in which these components were introduced into the CRRS, the course focused on race and criminal justice. Students in the seminar were required to observe or participate – and then reflect on – a range of different events occurring in the community related to the study of racial inequities in the criminal justice system. First, all students were required to observe the proceedings in any criminal court for a minimum of one hour. Students were then asked to choose between attending an organizing conference offered by the Denver Freedom Riders – Black Lives Matter group, or attending a Colorado legislature session addressing criminal justice issues. These experiences were intended to encourage students to connect local action around criminal justice to the legal and policy historic study that Professor Alexander presents in *The New Jim Crow*. Finally, students were given the choice of either participating in a police ride-along in the metro Denver region or attending a board meeting or a quarterly public forum organized by the Office of the Independent Monitor (Denver's police oversight organization). Initially some students were nervous and maybe even a bit skeptical about engaging in these activities. With this exception of visiting a criminal courtroom, these types of assignments were not typical of what they had experienced in their legal education thus far.

However, after participating in these events, students commented:

I think the most beneficial aspect of requiring students to have these experiences was that it enriched classroom discussions. People could refer to what they saw and everyone had different experiences and perspectives. As far as my own enrichment from participating in the experience, they were all experiences I would like to have but often don't have the motivation to go beyond my commitments to arrange. It was a great motivator to get out in community and learn about important things going on outside the law school.

I think the "learning in the field" components were very helpful. My first attempt at applying the issues we discussed to what I saw in the courtroom felt very clumsy. However, going to a range of events helped to give me a better understanding of how these issues play out in the real world and also gave me a greater sense of urgency in achieving some form of resolution.

In addition to incorporating experiential components, and toward the same ends, the administrators of the CRRS also invited guest speakers from a range of professions to address various aspects of criminal law and reform. These interdisciplinary guest lecturers included a former police officer, a member of an organization that focuses on the societal reintegration of incarcerated persons, a youth organizer, and a media specialist with a national advocacy group who focused on effective messaging and communication around issues of race. Students commented:

I felt that it was helpful to get different perspectives on this important issue. The guest speakers provided us with tangible information and the guest professors all had a different teaching approach, which allowed every student to participate in useful dialogue.

I enjoyed our guest speaker from the Colorado organization who helps felons reenter into society. It gives me great comfort to know that there are people/organizations providing tangible assistance. Also, the guest speaker who trained us on the importance of your message. There were important tips and examples that she gave us to use in the future, but more importantly showed us what we are doing wrong. In addition, I enjoyed the . . . former police officer . . . The speaker was able to explain the conduct of police officers in certain situations. It provided me with a perspective I had never taken into consideration.

These experiential and interdisciplinary components were intended to assist students in contextualizing the complex topics addressed in class and to help students consider the broad range of strategies that can be employed to combat racial inequities in the criminal justice system. Student reflections demonstrated that they were seeking to look beyond the surface of the criminal proceedings, police enforcement, or other events that they observed, and were pushing themselves to think more carefully about ways in which discrimination can shape a system that is, formally at least, race-neutral. While classroom discussions can of course invoke these types of questions, these and other student reflections demonstrated that the experience of engaging with the community and heeding non-lawyer voices can help students to become more immersed in a subject and to begin to question their role and their identity in racial inequality work.

4. Reflection-Focused Assessment

Student enrolled in the CRRS are assessed based on three sets of expectations: meaningful class participation, three short reflection journals, and a final paper. These requirements are designed to encourage students to engage in reflective practice. Reflective practice has been defined as “[t]he integration of intentional thought and specific action within a professional context Reflective practice is not the same as occasional review or reflection about a past professional experience, rather, it is the ingrained habit of constant reflection.”⁸² Another scholar “has described reflective practice as the process that produces *praxis* – informed, committed action.”⁸³ A third has described reflection as “a basic mental process with a purpose, an outcome, or both, applied in situations in which material is unstructured or uncertain and where there is no obvious solution.”⁸⁴

While reflective practice is a fundamental value in clinical legal education (both in-house clinics and externships, among other experiential learning opportunities),⁸⁵ it is far less common in other law school courses.⁸⁶ Even though the CRRS does not involve live-client experiences, it is nevertheless designed with the goal of helping students develop the reflective skills that can contribute to effective decision-making, learning from past action, and gaining a deeper sense of one’s own values as an attorney and person.⁸⁷ The CRRS also focuses on active reflection as a pathway to increased cultural competence and reduced bias, both of which are relevant to RPL’s philosophy and vision for lawyering and are goals that the CRRS faculty have individually and as a collective for the legal profession and society.⁸⁸

Reflective practice is helpful for all attorneys, and self-reflection by members of the dominant culture in particular can assist them in helping to identify biases and cultural assumptions that can negatively affect their relationships with their clients and their legal practice as a whole.⁸⁹

⁸² Timothy Casey, *Reflective Practice in Legal Education: The Stages of Reflection*, CLINICAL L. REV. 318, 322 (2014) (citing CHRIS ARGYRIS & DONALD A. SCHOEN, *THEORY IN PRACTICE: INCREASING PROFESSIONAL EFFECTIVENESS* 12 (1989)).

⁸³ *Id.* at n. 21 (citing Stephen Kemmis, *Action Research and the Politics of Reflection*, in REFLECTION: TURNING EXPERIENCE INTO LEARNING 139, 141 (David Boud, Rosemary Keough & David Walker eds., 1985)).

⁸⁴ *Id.* at n. 22 (citing JENNIFER A. MOON, *REFLECTION IN LEARNING AND PROFESSIONAL DEVELOPMENT: THEORY AND PRACTICE* (1999)).

⁸⁵ See, e.g., Brook K. Baker, *Learning to Fish, Fishing to Learn: Guided Participation in the Interpersonal Ecology of Practice*, 6 CLINICAL L. REV. 1, 21–22 (1999) (“No decent clinician would allow a student to move on to his or her next task without a ritual degree of reflection whether in a journal, in grand rounds, or in direct inquisitive conversation with the clinician.”) (citing Jennifer P. Lyman, *Getting Personal in Supervision: Looking for That Fine Line*, 2 CLINICAL L. REV. 211, 214 (1995)); Rebecca B. Rosenfeld, *The Examined Externship Is Worth Doing: Critical Self-Reflection and Externship Pedagogy*, 21 CLINICAL L. REV. 127, 130 (2014) (“Externships should teach skills to help students learn from mistakes, solve supervision problems, critique institutions from within, and sound out the values that will undergird their careers among other skills.”).

⁸⁶ Rosenfeld, *supra* note 85, at 158 (“The idea that reflection is itself a stand-alone lawyering skill that can be taught in a classroom is likely to be completely new to those outside the clinical academy.”).

⁸⁷ *Id.* at 145; L. LERMAN, J.P. OGILVY, L. WORTHAM, *LEARNING FROM PRACTICE* (Westgroup 1998).

⁸⁸ *Rocky Mountain Collective on Race, Place, and Law*, UNIV. DENV. STURM C. L., <http://www.law.du.edu/index.php/rocky-mountain-collective-on-race-place> [https://perma.cc/F4WR-AMSH] (last visited Nov. 26, 2017).

⁸⁹ Paul R. Tremblay, *Interviewing and Counseling Across Cultures: Heuristics and Biases*, 9 CLINICAL L. REV. 373, 410-15 (2002); Antoinette Sedillo López, *Making and Breaking Habits: Teaching (and Learning) Cultural Context, Self-Awareness, and Intercultural Communication Through Case Supervision in A Client-Service Legal Clinic*, 28 WASH. U. J.L. & POL’Y 37, 47-48 (2008).

In Professor Susan Bryant's frequently cited article, *The Five Habits of Cross-Cultural Lawyering*, each of the five habits emphasizes reflection as a way to examine one's bias and promote effective cross-cultural communication.⁹⁰ As scholars proposing a survey instrument to assess students' cultural sensitivity recently noted, "[the]culturally sensible lawyer is aware of the need to be self-reflective about the role culture plays in our interactions."⁹¹

As professors responsible for helping students prepare for the practice of law, the CRRS faculty are invested in helping students further develop their interpersonal skills and self-awareness through reflection, towards the goal of reducing bias and promoting cross-cultural skills among other benefits. Further, by prioritizing reflection as a necessary skill and assessment point in the seminar, we demonstrate that we as faculty are concerned about students' experiences, thoughts, and questions as much as we are with their analysis of cases and statutes, with the intention of increasing student connection to the study and practice of law.⁹²

Despite our firm beliefs in the value of reflection, we know that students may, at least initially be resistant to this form of engagement. In his piece studying the process and teaching of reflection, Professor Tim Casey lays out some obstacles of teaching reflection, including student resistance to the "touchy-feely" practice⁹³ and discouragement among professors regarding student engagement.⁹⁴

Overall, however, we have found that while students may initially be surprised by this component of the course, over time they become willing to engage in this nontraditional assessment and appear to appreciate the opportunity to reflect. Certainly for the students who are less comfortable or less confident with speaking in class, the reflection assignments afford them an opportunity to ask questions, voice concerns, and think on their own experiences in a more private outlet.

While how students reflect ranges, we understand that students arrive at this work from different places, at different times, with different experiences, and with different perspectives. Reflection-based assessments allow us to understand where they are coming from, and then assess their growth in thought over time. The faculty administrators who are responsible for reviewing the reflection assignments also genuinely enjoy and learn from the relationships such assignments allow us to develop with the students. Outside of the clinical setting, we are less likely to engage in such thoughtful dialogue with students and this disruption of the traditional professor student relationship serves as a welcome change.

⁹⁰ Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33, 75-78 (2001). As one example, Habit Five requires lawyers to explore their own cultural framework and view of the world. It asks the attorney to acknowledge every thought, including the "ugly ones," and find a way to investigate and control for those factors that influence lawyering in unacceptable ways. Habit Five focuses on self-analysis and reflection (not self-judgment) with the goal of changing perspectives and eliminating biases, thus ultimately affecting the way the lawyer engages with the client.

⁹¹ Andrea A. Curcio, Teresa E. Ward, & Nisha Dogra, *A Survey Instrument to Develop, Tailor, and Help Measure Law Student Cultural Diversity Education Learning Outcomes*, 38 NOVA L. REV. 177, 228 (2014).

⁹² Anzalone, *supra* note 33, at 335 (Stating that "[a]lthough the choice of teaching methodologies and techniques is of utmost importance, the pedagogical goal of encouraging law students to become reflective practitioners has greater significance," and urging law professors to practice reflection themselves and thus "model[] positive self-assessment for their students).

⁹³ Casey, *supra* note 82, at 320.

⁹⁴ *Id.*

a. Reflection Through Journal Assignments

Students in the CRRS must complete three individual reflection journals each semester. The topics of the journals differ depending on the focus of the course. For example, for the seminars centered around race, criminal justice, and *The New Jim Crow*, the journals directly related to the events they were asked to attend. With each event, they were specifically asked to examine the racial and power dynamics with a critical lens. For example, those students who attended a legislative hearing or city council meeting in which bills or issue related to issues of race, criminal justice, and/or juvenile justice, were asked to consider:

What was taking place, and who were the actors? What did you observe about the interactions between those testifying and those listening? What, if any, thoughts do you have about the role that race played in those interactions or in the hearing generally? Did anyone's testimony resonate with you and why? What are your thoughts overall on the idea of legislative strategies for reform[ing] criminal justice issues and/or issues related to race?

Each journal assignment was intended to help students make connections between the discussion of mass incarceration and race in *The New Jim Crow* and in class with the realities of their own community. The assignments further served to encourage students to explore the dynamics Alexander describes in the book in 'real life' settings in which the law plays a role but is not the sole factor. In their journal responses, students reflected on what these experiences helped them to learn about themselves and the criminal justice system:

I have always considered myself pro-police and pro-military, meaning I have family members in both lines of service and I was raised to respect that kind of authority. I still feel that way, but I'm conflicted. No one should get that kind of respect, coupled with automatic assignment of power, unless they deserve it. Having a badge and gun means something different than it did when I was younger. Or does it? Obviously we have been arresting and imprisoning people of color at astonishing rates for much longer than my adulthood. I guess I feel naive and a little clueless about what's been going on around me.

The court ran like a machine, with prosecutors directing defendants through the system and managing their every move from the moment they arrived until the moment they left. What struck me most was the sense that the prosecutors were in complete control of the space below the bench. The chaotic scene, the fast pace, and the use of legalese seemed to provide a clear advantage to prosecutors while disorienting those appearing as defendants. Making it to the front of a long line of defendants, a young Hispanic male, barely 18 and appearing *pro se*, approached one prosecutor. The prosecutor took his name, pulled up his case number and rapidly ran through the State's offer for a plea deal, telling him that, in exchange for his guilty plea, he would stipulate to liability, etc., etc. He asked for whatever would get him out of there fastest.

Comparing what's been happening across the country regarding police interactions to what I witnessed during my ride along, I can say that even though

I was not expecting to see any kind of police abuse. . . . I found an explanation for people's general mistrust of police. The police's superiority over people and discretion as to whom to charge with the crime and how to treat people are the reasons why the recent events happened. . . .

Throughout the four iterations of the course, journal assignments were not limited to reflections on fieldwork experiences. They also focus on the course materials or other aspects of the class. For example, during the semester in which the course focused on race and the presidential campaigns, students did not participate in fieldwork of the type described above. Students were instead required to view the four presidential debates that took place during the course of the semester. They were then asked to choose among the following journal topics, which were intended to push students to watch the debates through a critical race lens:

Reflect on any topic [in the debate] in which race was explicitly or implicitly at issue. If race is not discussed explicitly, what are the implications of that omission? Consider also the readings from week one⁹⁵ – were the candidates systemically aware or absent? Did you notice any of the seven harmful discourses at practice? When reflecting on these questions, consider whether you noticed any differences between the two debates and how the moderators/sponsors impacted those differences.

Share what, if anything, you have learned about the candidates from these debates as it relates to their analysis of, understanding of, and agenda for racial justice issues.

Now that you have watched four debates, who do you think is the best candidate – regardless of political party – for fighting for racial justice issues specifically and why?

Observations shared by students in response to these prompts included:

The question of race was . . . never raised by the moderators. But to me it's this silence that is most troubling. . . . Confronting the likely-candidate on his racist remarks and proposed policies is not how the republican party calls the masses to its side. That would be far too audible. Instead, the moderators comfortably blew on their dog whistles (one question specifically referred to undocumented immigrants as "aliens"). The candidates followed suit (i.e. "we need welfare reform that gets people off welfare and back to work").

During the Democratic debate the Twitter hashtag #DemDebateSoWhite was created and people took time to compare the lack of diversity of the Democratic presidential candidates to the lack of diversity at the Oscars . . . The candidates on stage do come from a place of privilege and do lack the personal experiences

⁹⁵ *Race Forward: Moving the Race Conversation Forward Part 1 – How the Media Covers Racism and other Barriers to Productive Racial Discourse*, CTR. FOR RACIAL JUST. INNOVATION (January 2014), http://act.colorlines.com/acton/attachment/1069/f-0114/1/-/-/-/-/Racial_Discourse_Part_1.PDF [<https://perma.cc/H264-NVCJ>].

that many people of color have. The lack of diversity seems symptomatic of the systemic problems identified in the debate as well as our class . . . it seems like an indictment of a party that believes in elevating communities of color when their candidates lack racial diversity. It's a conversation to be had and this hashtag identified that. This conversation also shows that we are still grappling with how to talk about these issues and proactively promote the voices of people of color.

Though the moderators of the Republican debate [chose] to include a question from a YouTube contributor about whether they believed that insensitive rhetoric regarding immigration was having a negative effect on the country, in particular by discouraging entrepreneurial people from other countries from immigrating to the U.S. Unfortunately, though the question invited the candidates to think about stereotypes that they relied upon to support their policy suggestions, the candidates merely doubled down on the rhetoric. . . .The message from the candidates regarding immigration was not explicit, but it was nonetheless clear: people with brown skin, especially from Middle-Eastern countries, are dangerous. This narrative, in the minds of the candidates, justified immigration reform that would codify institutional racism. Further, the discussion focused on prioritizing intent (policy) over impact. For the republican candidates, the focus was on "safety" and "legality," and the conversation disregarded discriminatory impact and that they were reinforcing false stereotypes.

b. Reflection Through a Final Paper

The capstone course assignment is a paper. The prompts for this paper are intended to encourage students to think broadly about the racial issues they have considered in the course. The final paper is distinct from the journals in that, while it is not a research paper, it cannot solely discuss personal observations and reactions. Personal reactions and experiences can and should be a component of the paper, but it must also include an analysis and assessment based on a semester's worth of study, readings, and class discussions. Examples of prompts for the final paper included:

Now that you have completed *The New Jim Crow*, if you had the freedom and flexibility to address issues of race and the criminal justice system with no funding constraints, what would you do and why? How would you do it?

What other topics do you think Michele Alexander should have addressed in the book and why? How do you think these topic(s) would have strengthened her argument?

You are running for President of the United States. Share with us the core components of your racial justice agenda. When crafting your agenda, consider: What barriers you anticipate facing (include legal and socio-political challenges), who might be key allies and detractors, and what are your key talking points.

This final assignment is intended to challenge the notion that non-research based papers are less intellectually rigorous, and to require students to consider their own perspectives on the issues studied in class as well as the complexities of seeking solutions to these racial concerns.

Having students grapple with this challenge is part of our vision for assigning this type of paper rather than a heavily research-based paper in which students can fail to think beyond the targeted issue they are addressing or get lost in providing too much detail.

Students who have actively engaged with the topics become creative and think outside of the box. For example, one student proposed starting urban farms as an option for youth who had been expelled or suspended from school or adults with criminal convictions, where work would be complemented by robust curricula on power, oppression, and inequities. Another student discussed the idea of ensuring that police arrest rates tracked the racial composition of the community, suggesting that if the community you police is 50% African American, then no more than 50% of arrestees should be African American.

Based on formal evaluations and informal student feedback, students tend to enjoy writing the final paper, but it is also evident that some struggle with how to answer these broad-based questions. Given that legal education tends to train students to answer questions issue by issue and to find discrete answers,⁹⁶ this is perhaps not surprising. Compounding the challenge is the fact that many of the white students in the CRRS report that they are thinking and studying about racial issues for the first time, and struggling with personal challenges such as how best to “talk about race” with friends and family members. The CRRS faculty is mindful that the students come to the class from different backgrounds and experiences but justice work, and certainly work on behalf of people of color, does not end with an easy fix and is rarely easily siloed.⁹⁷ If we do not introduce students to big picture thinking about these issues, their ability to begin to consider how to address issues of injustice will fall short.

c. Feedback on Student Reflection

The CRRS’s reflective focus is intended to prepare students to become reflective learners and lawyers throughout the duration of their careers. Faculty feedback on reflective efforts is an essential component to remaining on that path. Because students in the CRRS are asked to share so much of themselves throughout the semester, and because we provide a grade that assesses the products of such sharing, it is incumbent upon the faculty administrators not just to review their work, but also to respond to it in meaningful ways. The CRRS course administrator provides written feedback to students on the work they submit, posing questions and offering commentary, as well as providing guidance on the structural topics such as writing, narrative, and organization.

For example, in response to a journal that focused on observations made at legislative

⁹⁶ See, e.g., Matthew J. Wilson, *U.S. Legal Education Methods and Ideals: Application to the Japanese and Korean Systems*, 18 CARDOZO J. INT’L & COMP. L. 295, 303 (2010) (noting how one of the fundamental goals of all law schools is teaching students “how to think like lawyers,” which requires them to learn how to spot legal issues, carefully analyze all aspects of a legal problem, and formulate possible solutions”); Linda H. Edwards, *The Trouble with Categories: What Theory Can Teach Us About the Doctrine-Skills Divide*, 64 J. LEGAL EDUC. 181, 194 (2014) (discussing how Best Practices for Legal Education, the study initiated in 2001 by the Clinical Legal Education Association (CLEA), recognizes the case method as the principal method for teaching analytical legal skills)

⁹⁷ See, e.g., Elizabeth L. MacDowell, *Reimagining Access to Justice in the Poor People’s Courts*, 22 GEO. J. ON POVERTY L. & POL’Y 473, 530 (2015) (discussing how a social justice advocacy perspective demands that advocates advise client-litigants in a more comprehensive and holistic manner than the manner artificially imposed by the structure of the legal system or practice “silos” created through legal specialization); Ali Miller, *Fighting over the Figure of Gender*, 31 PACE L. REV. 837, 871 (2011) (discussing how intersectionality is needed in rights-oriented policy work as a way to move advocates away from isolating or de-contextualizing solutions for silo-ed groups of victims and toward more structural and sustainable change).

testimony, the professor encouraged a student to think about restorative practices as an alternative:

I think your point about re-victimization is a very good one and one that is often overlooked. People have to live through their experiences day in and day out . . . With that said, on the other side, people who made a mistake in life or who face the effects of structural oppression in their daily lives, also have to relive their experiences all the time (as do their families as they notice the lack of presence of another family member and feel that void constantly). My point is not to minimize the traditional victim but to realize that perhaps this system is broken and our process is simply not working for anyone who has been harmed. I wonder if the restorative justice based techniques we touched on briefly in class yesterday could be useful in these types of situations. Giving people space to talk out about what happened, issuing apologies, and the like. . . It might help people see both sides as human beings who are suffering just in different way . . .

In response to a student's observations of events at a community forum, the professor engaged the student in a discussion of strategies for successfully navigating power dynamics:

Based on your description, the community gave some of the same suggestions as the board did, but delivered them with more hostility. This may be true – and unwarranted. But, I wonder how the board members reacted? For example, did they say something to the effect that indicated they had already given the suggestion? I ask because I think sometimes it would be beneficial for people to think an idea was their own versus simply agreeing with another, let alone a “power player.” Strategically, the board . . . could . . . react in a way that is appreciative of the community's suggestions and allows them to believe it was their suggestion that caused reform. This same approach could be said for a situation that is reversed. A community can often benefit by somehow having a power player take credit for an idea that they brought to the table. The key is satisfying the hostile/upset party – and sometimes that might mean swallowing a pill that takes the glory and credit away from you but ultimately gets the job done that you are seeking.

Providing feedback is an essential part of reinforcing reflection, and is of particular importance when students open up in their reflective work. They share their vulnerabilities and such vulnerability warrants acknowledgement. Further, in justice related and racial justice work specifically, research indicates that when organizations fail to provide feedback that holds decision makers accountable for their judgments and actions, individuals are less likely to remain vigilant for possible bias in their own decision-making processes.⁹⁸ While the dynamics between organizations and their leadership are different than those of students and faculty, an analogy can be made. If we engage and offer suggestions and commentary on the reflective work that students have done, students may then have a deeper or more nuanced perspective on their thoughts, judgments, and actions that will help them continue to grow as attorneys.

⁹⁸ Pamela M. Casey et. al., *Addressing Implicit Bias in the Courts*, 49 CT. REV. 64, 68 (2013), <http://aja.ncsc.dni.us/publications/courtrv/cr49-1/CR49-1Casey.pdf> [<https://perma.cc/DK3P-56ZG>].

C. The CRRS and Its Challenges

Before turning to final thoughts about the ways in which the CRRS contributes positively to the incorporation of race in legal academia, along with addressing potential critiques of this model, it is important to identify the challenges encountered in the planning, teaching, and administration of the CRRS as well as to suggest ways to manage them. Ultimately, we have found that the benefits for faculty and students outweigh such challenges. Nevertheless, challenges do and always will occur, and acknowledging what we have experienced thus far and how we have sought to resolve these issues may be of use to those seeking to replicate the CRRS model.

1. Challenge One: Faculty Commitments

In addition to required teaching loads, faculty have other existing commitments. Research and scholarly pursuits tend to flare up at particular moments; clinical professors' caseloads and ever-changing schedules often make it hard to commit to teach overall, let alone on a particular preassigned date. Faculty members have pro bono work, community service, or other broader university responsibilities. Signing on to teach an additional class and being willing to put the time in to collaborate and engage in discussions about the model, best practices, and even grading is not manageable for everyone who might otherwise be interested in participating.

The CRRS faculty have addressed this issue both by creating the administrator role and by streamlining faculty participation in the course. Participating faculty members are only required to teach one, 100-minute session class. If there are insufficient faculty to cover all the class sessions – a rare occurrence – the administrator typically steps in and teaches extra session(s) and/or invites guest speakers to participate in the course. Teaching faculty have limited grading responsibilities (with the exception of evaluating class participation, described further below); while all participating faculty are encouraged to provide input into grading, including reviewing final papers and the like, ultimately the administrator is responsible for reading student assignments, providing feedback, and assigning grades. As the seminar has become more established, the faculty as a whole has found it helpful for one or two faculty members take the lead on student feedback and assessment as well as general course organization.

2. Challenge Two: Shared Faculty Principles

The question of whether or not a group of faculty members co-teaching a race-focused course should possess a set of common principles and beliefs is one to which thoughtful people can disagree. Because the CRRS grew out of a RPL, it is primarily, though not exclusively, taught by RPL members who, while diverse in many ways, share a set of critical race-informed beliefs. These principles, as stated previously, are provided to the students in the interests of transparency and as a basis for discussion, and each time the course is taught it begins with a class session focused on the core doctrines of critical race theory. Students are thus made aware of the shared commitment of many of the faculty members to these viewpoints, while also being explicitly reassured that the purpose of the course is to encourage students to develop their own thoughtful, informed, and independent perspectives on the issues discussed in class.

Others teaching a course such as this may choose a different tactic, and even in the CRRS, guest speakers and others who join in the course are not necessarily those conversant in or in agreement with all aspects of critical race theory. Further, a diversity of perspectives is one of the aspects of the class that students reported enjoying most about the CRRS, and is among the reasons

that the course requirements have included community engagement with a variety of organizations and exposure to multiple viewpoints (for example, through the required viewing of all presidential debates). At the same time, the CRRS faculty is of the belief that fostering a “subculture” around social justice issues can be essential to supporting students with social justice interests,⁹⁹ and is also seeking to create a classroom environment that promotes the exchange of ideas while also supporting those students who may have felt marginalized or alienated in other courses.¹⁰⁰ While of course all the faculty teaching the CRRS have different life experiences, belief systems, and outlooks on the world, a shared set of viewpoints has assisted in creating consistency and coherence in this team-taught class.

3. Challenge Three: Consistency in Teaching

When a class is taught by a team of professors, students are exposed to diverse teaching styles in the classroom. Some professors prefer a lecture style format; some professors like to weave into related topics that are not precisely tied to the theme. Ultimately, this diversity can be beneficial, as students experience a range of methods, expertise, and approaches. Nevertheless, striking the appropriate balance between academic freedom¹⁰¹ and cohesion in a seminar can be difficult with a

⁹⁹ By analogy, consider the well-documented public interest subculture within legal education:

This separation inherent in legal education’s curriculum often contributes to the creation of a subculture within many law schools of public interest students. Students who want to enter the public sector face similar situations. They fail to see their interests reflected in their doctrinal classes and often feel like pressured to enter the private world. In an attempt to resist such pressure, public interest students can fortify themselves in the small communities at their law schools with other public interest students. Such communities are beneficial and crucial to help students to understand other career paths, create strong bonds and networks, and keep students’ commitment to the public sector strong. Indeed, numerous scholars have noted the importance of a public interest subculture for students who maintain their commitment to practice public interest law upon graduation.

Alexi Freeman and Katherine Steefel, *The Pledge for the Public Good: A Student-Led Initiative to Incorporate Morality and Justice in Every Classroom*, 22 WASH. & LEE J. CIV. RTS. & SOC. JUST. 49, 72 (2016) (citations omitted).

See also Lynn A. Addington and Jessica L. Waters, *Public Interest 101: Using the Law School Curriculum to Quell Public Interest Drift and Expand Students’ Public Interest Commitment*, 21 AM. U. J. GENDER, SOC. POL’Y & L. 79, 87 (2012) (“Researchers have found that ‘subcultural support’—that is, ‘students’ involvement in law school subcultures supportive of public interest employment’—may act as a ‘bulwark’ against this drift.”); Robert Stover, *Making It And Breaking It, The Fact of Public Interest Commitment During Law School* 46 (Howard S. Erlanger 1989); Howard S. Erlanger et al., *Law Student Idealism and Job Choice: Some New Data on Old Question*, 30 LAW & SOC’Y REV. 851, 860-62 (1996) (summarizing legal scholars’ suggestions that subcultural support help students maintain their commitment to pursuing “nontraditional” or public interest jobs).

¹⁰⁰ See Anzalone, *supra* note 33, at 345 (citing Stephen D. Brookfield, *Becoming a Critically Reflective Teacher* 208, 214 (1995) (explaining that teachers “may either impose . . . dominant [social] values in the classroom, or act as an agent of change, liberation, and transformation. Through this prism, teaching is a political act and a key concern of critical pedagogy is that educators recognize the innate imbalance of power in our institutions and classrooms.”)); Ansley, *supra* note 6, at 1579-80 (stating that professors should respect the autonomy of their students and empower them to take ownership of their own learning, and going on to discuss “what role the teacher’s own values should play in the classroom”).

¹⁰¹ Walter P. Metzger, *Profession and Constitution: Two Definitions of Academic Freedom in America*, 66 TEX. L. REV. 1265, 1265-67 (1988); see also Robert R. Kuehn & Peter A. Joy, *Lawyering in the Academy: The Intersection of Academic Freedom and Professional Responsibility*, 59 J. LEGAL. EDUC. 97, 103 (2009) (“The AAUP, AALS, and ABA each promote academic freedom principles in law school teaching. The AAUP separates academic freedom into three elements: freedom of inquiry and research; freedom of teaching, including both what may be taught and how it shall be

multitude of voices. Among the primary student critiques of the CRRS is a concern that each class stands on its own rather than building together towards a larger goal, as well as comments about repetition of material over several classes or individual professors veering off-topic, that students (perhaps rightly) attribute to insufficient communication among the teaching team.

In addressing this challenge, CRRS faculty have found that maintaining faculty focus on the overall course topic is key; when the faculty are clear about the course theme and how each person is contributing towards it the students experience far more consistency over the course of the semester. Ongoing communication, facilitated by the administrator, regarding the materials assigned and the information covered in each class is also essential to reducing confusion and inconsistency. In the first class, the faculty administrator explains that because the class is team-taught, students should expect a variety of teaching approaches and, while we do our best to ensure connection and consistency, there may be times when things do not gel perfectly. Sharing our expectations and reality often helps offset any surprise or confusion if and when a particular session seems a little different than the rest.

Another concern can be variation in the materials that individual professors assign for each class. The course often follows the particular chapters of the framing book, but professors almost always assign supplemental reading assignments as well. The largest challenge becomes deviation in the volume of reading assigned per week. Variation in the volume of assignments makes it difficult for students to know how much time to allot for class preparation, and students are also sensitive to coursework expectations that appear excessive in comparison to the number of credits they are earning.

In the CRRS, we have sought to address this issue in a variety of ways. The course administrator informs students from the outset that a particular book frames the class, but other readings from a range of sources, including law review articles, news clips, and other materials, will be assigned. The administrator also provides the faculty with loose guidelines regarding assignments, namely reminding professors of the number of credits for the seminar, providing examples of readings assigned for previous semesters, and sharing past student reflections on what the materials they enjoyed most and found most useful. These efforts have assisted in maintaining uniformity in the volume of assignments throughout the course of the semester.

4. Challenge Four: Assessment of Students

How do you assess student performance in which there are rotating faculty? Does every faculty member offer their assessments? Who assigns the grades? When we embarked on teaching this seminar, these were questions we attempted to address early on, knowing that students generally asking about grading mechanisms right away (even prior to enrollment) and that this would be a critical component of securing administration approval. The CRRS faculty ultimately determined that the faculty administrator would take on the bulk of the grading role, which is important for organization, lightening of the load for faculty participants, and consistent engagement with students. Individual professors do play a smaller role in grading, and have the option of being more

taught; and freedom of extramural utterance or action. The AAUP notes that academic freedom in teaching is 'fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.' Through its bylaws, the AALS and its member law schools have adopted the AAUP academic freedom principles, and stated that law professors must enjoy the benefit of academic freedom to pursue their teaching obligations effectively.") (citing AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, *1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments*, reprinted in AAUP, POLICY DOCUMENTS & REPORTS 13, 10th ed. (2006)).

involved if they express interest.

Teaching professors provide a participation grade for their individual session. The administrator provides each professor with a grading rubric, a number scale, and pictures of the students, and the professors send their participation grade to the administrator after their course session is concluded. If, at the end of the semester, the administrator observes a large discrepancy between faculty members regarding points awarded (for example, one professor giving all students very low scores, while another giving each student the highest score possible), there are two options available to the administrator: follow up with the individual professor to gain more insight and/or review a recording of the class session.¹⁰²

The faculty administrator is responsible for awarding grades and providing feedback on each of the reflection journals. The administrator does not generally share the journals with the other participating faculty. This is so because the reflection journals submitted are often quite intimate and honest. For those students who are less active in class, these journals also provide another outlet in which to express reactions and questions. The success of the CRRS relies in many ways on students sharing their thoughts and questions in writing, and if ten or more faculty members reviewed such journals, we fear that it could have a chilling effect on student participation. We also find that as we provide our own reflections to the students in response to their writing, students tend to open up even more in the remaining journals. Thus, a relationship forms between administrator and student, and preservation of this relationship seems important given the risk of disconnection in a team-taught environment.

This relationship continues with the review of the final paper. While all faculty can provide input if they wish, the administrator is ultimately responsible for reading and reviewing the final paper. Again, this approach is important for continuity for the student and for the preservation of the trust that has been formed. The administrator can also assess growth in the student's perspective, having read the other written assignments, and can provide insight and feedback that builds on this prior work.

5. Challenge Five: Compensation for Faculty

As the CRRS is not a required teaching load for any of the faculty members, and because it involves a large number of professors teaching a single course, the question of how to handle compensation is an understandable concern. Because the CRRS emerged out of a collective and follows a team model, we have been able to navigate this question fairly easily. Only the administrator receives a stipend from the law school, and other participating faculty teach sessions on a volunteer basis. The shared belief among CRRS faculty in the effectiveness of the course model, as well as our belief in the need to teach a course that responds to current issues in racial justice (and the minimal commitment required of individual faculty), has created a spirit of collaboration and mutual support. Everyone contributes to the course equally, and the faculty administrator who

¹⁰² At Denver Law, our technology system allows us to videotape each individual session without having an actual video camera on display. While students are made aware both in the syllabus and in person during the first day of the seminar that they will be taped, the lack of a noticeable physical camera helps conversation continue naturally and limits distraction to both the students and the professor. The faculty administrator views the video to assess participation as needed. The videos are also made available to each individual professor in case someone wants to view what occurred in previous sessions. The videos are only viewed by participating faculty in the course, and again students are made aware of this at the onset of the semester.

carries the bulk of the organizational and grading load is compensated for that additional time and effort.

III. CONCLUSION

In creating the CRRS at Denver Law, the faculty was mindful of the work of those who have long advocated for, and sought to create, a law school curriculum in which race is centralized. These voices have called for law school courses that focus on race, for new teaching methods that dismantle the hierarchy of the traditional law school classroom, and for professors to incorporate race into the curriculum as part of a larger challenge to a law school culture that values neutrality and conformity over creativity and critique. The CRRS seeks to embody these values by centralizing race, pushing law students to think beyond the law and the law school classroom when considering the origins of and solutions to racial concerns in our society, and modeling collaboration rather than an allegiance to status or divisions.

The CRRS is imperfect, of course; one clear critique is that the creation of a small, race-focused seminar suggests that the study of race is an add-on topic to the legal curriculum rather than an integral part of the practice of law. Further, as discussed above, the CRRS has its organizational and pedagogical challenges, and team-teaching, even among the most devoted of colleagues, does not erase inequities within or outside the legal academy. In addition, while the reflective nature of the course assignments and the feedback we have received gives us some insight into student opinions regarding the course, there is still much to explore regarding the ways in which the class may be experienced differently by white students and students of color. In reflecting on their teaching experiences in the CRRS, the faculty must think carefully about the role that students of color play or feel called upon to play in a race-focused class taught in a majority-white institution, as well as whether the teaching methods and structure of the course are providing all students with a learning experience that is both challenging and compassionate. Finally, faculty must ensure the CRRS is viewed as an additional, complementary model to existing race-focused courses versus a cheaper replacement.

Despite its challenges and areas for caution, the CRRS does provide a model by which faculties can incorporate race into the legal curriculum in ways that are positively disruptive but not prohibitively onerous. In sharing this model, along with its successes and limitations, we hope to provide law school faculties with a clear path by which to create similar courses in their own institutions. In a time of social upheaval, when legal education has an even greater obligation to address racial and other societal concerns, the CRRS format allows for classes to be created more quickly, to change focus more easily, and to provide space for more creativity and collaboration than do many traditional law school classes. This approach doesn't require a formal organization of critical race-focused professors; all that is required is a group of interested faculty with the will to work together and try something new.