

FREEDOM PEDAGOGY: TOWARD TEACHING ANTIRACIST CLINICS

NORRINDA BROWN HAYAT*

Like other sectors of society, legal education is undergoing a reckoning in the wake of the 2020 murder of George Floyd, demands for racial justice from the Movement for Black Lives, and related demands for abolitionism and defunding the police. Through the lens of a formal call to action issued by the Rutgers Law School faculty and the author's own efforts to answer the call and rethink her teaching, this Essay proposes a set of conceptual and concrete steps clinical instructors can take to start to build an antiracist pedagogy, including: (1) centering Blackness; (2) mapping critical race theory onto their pedagogy; (3) citing Black women; and (4) aligning with Black folx organizing for the Afrofuture where Black humanity is recognized and Black Lives Matter is more than an aspirational proposition. The Essay acknowledges that these steps are partial, preliminary, and contingent in the face of larger challenges, including our ability to imagine and build liberatory spaces within existing societal constraints, but urges readers to move toward antiracist pedagogy even in the face of those challenges.

I. GEORGE PERRY FLOYD, JR.

George Floyd, a Black man, was arrested outside a convenience store in the Powderhorn Park neighborhood of south-central Minneapolis by a group of four Minneapolis Police Department (MPD) officers on Memorial Day 2020. George was in his car with friends when the officers approached him for allegedly using a counterfeit \$20 bill to purchase food in the store just minutes before.¹ For more than nine minutes, George was held down under the knee of MPD officer Derrick Chauvin, a White man, while George repeatedly uttered the words, "I can't breathe."²

Derrick Chauvin murdered George Floyd in daylight in front of a crowd of other Black people calling for the execution to stop.³ One of

* Norrinda Brown Hayat is Associate Professor of Law, Rutgers Law School - Newark.

¹ Laura Wamsley, *Passenger in George Floyd's Car Testifies in Derek Chauvin Trial*, NPR (Apr. 12, 2021), <https://www.npr.org/sections/trial-over-killing-of-george-floyd/2021/04/13/986828201/watch-passenger-in-george-floyds-car-testifies-in-derek-chauvin-trial>.

² *How George Floyd Died, and What Happened Next*, N.Y. TIMES (May 25, 2021), <https://www.nytimes.com/article/george-floyd.html>.

³ Amy Forliti & Steve Karnowski, *Chauvin Gets 22 ½ Years in Prison for George*

those Black people, a teenager, Darnella Frazier, recorded what she witnessed on her telephone and circulated it on the Internet.⁴ The video went viral and sparked international outrage.⁵ George left a daughter, Gianna Floyd, whom he called “Buttercup,” a host of other family members, and many friends to mourn his death and remember his life.⁶

George was 46 years old when he was murdered. He was born in Fayetteville, North Carolina,⁷ one of five children of Larcenia “Missy” Floyd and George Perry.⁸ George’s family eventually relocated from North Carolina to Texas and moved into Houston’s Cuney Homes.⁹ George was a successful basketball and football player, and he went on to win several championships during his high school career. George’s athletic skills, height, and dedication earned him a scholarship to play basketball at South Florida Community College, which he did for two years.¹⁰ Shortly before his death, George went back to school to obtain his commercial driver’s license.¹¹ By all accounts, George moved to Minnesota for a better life.

George Floyd’s life and his premature death remind us of why antiracist teaching is so important. Our Black clients are no different than George Floyd, Sandra Bland, Aiyana Stanley-Jones, Trayvon Martin, Sean Bell, Philando Castile, Tanisha Anderson, Atatiana Jefferson, Charleena Lyles, Breonna Taylor, Maurice Gordon, Ahmaud Arbery, Eric Garner, Michael Brown Jr., Tamir Rice, Walter Scott, Tony McDade, and many other unarmed Black people who have been killed at the hands of the state. We owe it to them to practice social justice law in an antiracist way and to teach our students to do the same. Doing so is one way that legal educators can help to realize the commitment that Black lives matter.

In this Essay, I briefly reflect on my own motivations for setting

Floyd’s Death, AP NEWS (June 25, 2021), <https://apnews.com/article/derek-chauvin-sentencing-23c52021812168c579b3886f8139c73d>.

⁴ Amy Forliti, *Teen Who Recorded Floyd’s Arrest, Death Wins Pulitzer Nod*, AP NEWS (June 11, 2021), <https://apnews.com/article/pulitzer-prize-2021-citation-darnella-frazier-george-floyd-dce128319a373ef5360237f4c80dc9bb>.

⁵ *Id.*

⁶ Manny Fernandez & Audra D.S. Burch, *George Floyd, From ‘I Want to Touch the World’ to ‘I Can’t Breathe’*, N.Y. TIMES (Apr. 20, 2021), <https://www.nytimes.com/article/george-floyd-who-is.html>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Maya Rao, *George Floyd’s Search for Salvation*, STARTRIBUNE (Dec. 20, 2020), <https://www.startribune.com/george-floyd-hoped-moving-to-minnesota-would-save-him-what-he-faced-here-killed-him/573417181/>.

out on what Ibram X. Kendi calls the “unlit dirt road of antiracism.”¹² In Part II, against the backdrop of my role co-drafting the Rutgers Law School Resolution on Black Lives Matter in the days immediately following George Floyd’s public execution, I pose a set of normative questions surrounding antiracist clinical teaching. What is the role of clinic in an antiracist curriculum? Is a mandatory clinical requirement necessary to an antiracist legal education? Does a clinic’s social justice mission meet an antiracism requirement *per se*? To explore these questions, I look to W.E.B. Du Bois and Kendi to reflect on the definition of antiracism and conclude that clinics are not *per se* antiracist and that as clinicians, myself included, we will need to take affirmative steps to make our clinics antiracist. In Part III, I offer some thoughts, gathered from observing the Movement for Black Lives, on what those first steps might be. Here I am interested in how clinicians might evolve in the near term to teach our students to be antiracist social justice lawyers. I suggest that the next generation of social justice lawyers should be taught to center Blackness in a way that will allow them to advocate for positions that support Black people’s vision for themselves as liberated, full citizens. I also suggest that lawyering that allows for anti-Blackness and obfuscates Black people’s humanity is actually not social justice lawyering at all.

II. RUTGERS LAW SCHOOL’S RESPONSE

*The faculty of Rutgers Law School joins with other communities around the world, including our own student community, to express our outrage and grief over the public execution of George Floyd. We also join in solidarity with those in the United States and elsewhere who stand in protest against a widespread pattern of state-sanctioned violence directed against Black people and other oppressed communities.*¹³

On June 20, 2020, following George Floyd’s murder, the Rutgers Law School faculty adopted a Resolution on Black Lives Matter and Commitment to Anti-Racist Principles and Action. The language in italics throughout this part is from the Resolution, which I co-drafted with two of my extremely dedicated colleagues, Brandon Paradise and Chrystin Ondersma. The resolution was strong and decisive, but it was not a *fait accompli*. Though a group of faculty members began discussing the idea of a resolution condemning George Floyd’s murder on or about June 6, 2020, two long weeks passed between those first discus-

¹² IBRAM X. KENDI, HOW TO BE AN ANTIRACIST 12-13 (2019).

¹³ Rutgers Law School Faculty Resolution on Black Lives Matter and Commitment to Anti-Racist Principles and Action, <https://law.rutgers.edu/rutgers-law-school-faculty-resolution-black-lives-matter-and-commitment-anti-racist-principles-action>.

sions and the issuance of the final resolution. The discussions that took place in small and large groups, over telephone, email, text, and Zoom in the ensuing days could be described as existential for the institution. Tears were shed. Competing considerations were aired. What was antiracism? What did it mean for Black lives to matter in a law school? Did Black lives matter at Rutgers Law School? If they did not now, might the institution through the process of shared governance transform itself so that Black lives might matter inside and outside the law school in the future? How would we arrive at that future, should the faculty choose to do so? There were more questions than immediate answers.

Some familiar with the storied history of the “People’s Electric Law School” may be tempted to think Rutgers was better positioned to pass such a resolution than their own institution.¹⁴ Others have pointed to Rutgers Law School’s northeastern geography, the diversity of the Rutgers faculty at the current moment in our law school’s history (over 20 faculty members of color and at the time led by the first Black woman and first Latino co-deans, Kimberly Mutcherson and David Lopez), or the longevity and centrality of our clinical program (since 1968) to our larger curriculum. To be clear, progressive credentials and racial diversity did not spare Rutgers’s faculty the hard conversations. Nor will such credentials spare any of us the hard work and inevitable missteps going forward. No American law school is guaranteed to succeed in making legal education antiracist. None of us should be lulled into inaction imagining some other law school, some other clinic, or some other professor is better positioned to do this work.¹⁵

The act of collectively drafting our statement helped the Rutgers law faculty set goals:

We reaffirm our responsibility as legal educators to equip our students with the knowledge and experience to recognize racial injustice and inequality. . . . We call upon all to recognize that our nation’s laws and legal institutions have too often protected and reinforced the white supremacist status quo; our police and penal system have been instruments of racist terror and oppression; our legal system has been deployed to dispossess and deprive Black people of property; and our civil rights laws have been undermined and under-enforced, resulting in the deprivation of Black voting rights, education, housing, safety, dignity, and lives.

¹⁴ George W. Conk, *People’s Electric: Engaged Legal Education at Rutgers-Newark Law School in the 1960s and 1970s*, 40 *FORDHAM URB. L.J.* 503 (2012).

¹⁵ Francesco Arreaga, *Law Schools Have a Moral and Social Responsibility to End Systemic Racism*, *CAL. L. REV. BLOG* (July 2020), <https://www.californialawreview.org/law-schools-systemic-racism>.

Then, as a faculty, we began to review our curriculum, admissions policies, financial aid strategies, and hiring policies to determine where changes needed to be made.¹⁶ Among those decisions was whether there was a sufficient number of courses being offered to satisfy a potential new upper-level antiracism requirement. Here, the role of clinic in an antiracist curriculum came into sharper focus. Was a mandatory clinical requirement necessary to an antiracist education? Embedded in that question was a second one: Given our social justice mission, client income requirements, and the race of the majority of our clients, was every clinic in the program categorically antiracist? Or was something additional necessary to meet the requirements of antiracism? It eventually became clear that clinics were not inherently antiracist because nothing is.

Antiracism is an intentional practice, which requires a “radical reorientation of our consciousness,” asserts Professor Ibram X. Kendi in his book *How to Be an Antiracist*.¹⁷ As just one example of the kind of reorientation antiracism requires, Kendi points to a comparison of assimilationist and segregationist ideas. Segregationist ideas, according to Kendi, claim people of color are incapable of development, incapable of reaching the superior standard, and incapable of becoming White and therefore fully human.¹⁸ Assimilationist ideas, on the other hand, believe that people of color can, in fact, be developed to become fully human like White people.¹⁹ We generally understand segregationist beliefs, which posit a biological hierarchy and consider people of color unteachable to a point, as racist. But what we may not have been taught is that assimilationist thought is racist as well.²⁰ The problem with assimilationism, which posits cultural and behavioral hi-

¹⁶ Rutgers’s co-Dean, Kim Mutcherson, along with four other Black women deans, initiated the Association of American Law Schools Law Deans Antiracist Clearinghouse Project to “creat[e] a space for our collective voices as leaders of law schools to engage our institutions in the fight for justice and equality . . . [in order] to focus our teaching, scholarship, service, activism, programming, and initiatives on strategies to eradicate racism.” *Law Deans Antiracist Clearinghouse Project*, ASS’N AM. L. SCHS., <https://www.aals.org/about/publications/antiracist-clearinghouse/>.

¹⁷ KENDI, *supra* note 12, at 24-34. Here, Kendi is building on DuBois’ work on double consciousness, first theorized in *The Souls of Black Folk*, which acknowledges a second-self Blacks derive as a result of racism and oppression and through the process of looking at themselves through the lens of others – White Americans – who have disdain for Black people. This disdain can be internalized. The universality of double consciousness has been critiqued, the argument being that one experiences double consciousness to a greater degree depending on one’s proximity to whiteness. See L.E. Walker, *Double Consciousness in Today’s Black America*, 12 STANCE 117 (Apr. 2019), <https://openjournals.bsu.edu/stance/article/view/1991/1265>.

¹⁸ KENDI, *supra* note 12, at 30-31.

¹⁹ *Id.* at 31.

²⁰ *Id.*

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erarchy, is that it arguably sees Black people as infantile and needing instruction on how to act humanely.²¹ Antiracism calls for us to see racial groups as equals, but in ways that are different.²² It occurs to me that antiracist legal teaching requires self-emancipation from these dueling racist ideologies within the classroom, in our scholarship, and as we govern our schools.²³ Beyond that, antiracist clinical teaching requires a recognition in our cases of the range of policies that have led to the stark racial inequity faced by many of our clients, such as segregation *and* assimilation, and the differences between those policies and truly antiracist ones that can lead to the liberation our clients seek.

The Movement for Black Lives platform can serve as a guide for discerning between practices that are racist for those clinicians seeking to set off in the direction of antiracism.²⁴ The Movement for Black Lives protests were the largest in American history.²⁵ Participants in the uprisings over the last decade call for an end to state-sanctioned violence against Black people and transformation of the legal and social welfare systems that are steeped in White supremacy and anti-Blackness. They critique the incrementalism that attends the rights-based agenda that has failed to liberate Black people from their place as a perpetual underclass in America.²⁶ In the same way that previous

²¹ *Id.* at 32.

²² *Id.* at 31. As many scholars have written, race is not biological, but a social construct of which is born racial identities, which are themselves fluid and shift over time and experience. See, e.g., Ian F. Haney-López, *The Social Construction of Race*, 29 HARV. C.R.-C.L. L. REV. 1 (1994); Angela Onwuachi-Willig, *Race and Racial Identity Are Social Constructs*, N.Y. TIMES (Sept 6, 2016) <https://www.nytimes.com/roomfordebate/2015/06/16/how-fluid-is-racial-identity/race-and-racial-identity-are-social-constructs>.

²³ As Kendi writes:

History duels: the undeniable history of antiracist progress, the undeniable history of racist progress. Before and after the Civil War, before and after the civil rights, before and after the first Black presidency, the White consciousness duels. The White body defines the American body. The White body segregates the Black body from American body. The White body instructs the Black body to assimilate into the American body. The White body rejects the Black body assimilating into the American body- and history and consciousness duel anew.

The Black body experiences the same duel. The Black body is instructed to become an American body. The American body is a White body. The Black body strives to assimilate into the American body. The American body rejects the Black body. The Black body separates from the American body. The Black body is instructed to assimilate into the American body – and history and consciousness duel anew.

KENDI, *supra* note 12, at 33.

²⁴ See *Vision for Black Lives*, Movement for Black Lives, <https://m4bl.org/policy-platforms/> (last visited Sept. 23, 2021).

²⁵ Larry Buchanan et al., *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

²⁶ See *Herstory*, Black Lives Matter, <https://blacklivesmatter.com/herstory/> (last visited

Black liberation movements have revolutionized legal academia, the Movement for Black Lives should provoke today's law teachers to reevaluate how we teach our students to practice.

III. FREEDOM PEDAGOGY

As the clinical community processes the longer-term impacts of the Movement for Black Lives on our teaching, practice, and scholarship, we can undertake in the immediate term to be more antiracist in all three. Clinicians will want to examine their syllabi for signs that they have not, for example, presented the law as neutral.²⁷ Clinicians may also want to interrogate aspects of their practice, including how they counsel their clients and the remedies they seek, to assess whether those choices are truly liberatory or gradients of racism.²⁸ Our collective scholarship, which has often explored client-centeredness from the hypothetical perspective of the White, male, ableist, heteronormative lawyer-student might do more to sharpen focus on the lived experience of the Black, female, Queer, and disabled clinic-client through the latter's own firsthand narratives. These are just a few initial ideas.

Even if what we should do differently to represent our clients (now and in the future) and how to do it are far from certain, I hope we will still set out towards antiracism together and without delay. As I have ruminated on antiracism in my own teaching and clinic over the last year and a half, I have settled on a non-exhaustive list of principles that I believe should guide my teaching, praxis, and scholarship on the road to antiracism and which may be helpful to others: (1) centering Blackness; (2) mapping critical race theory onto clinical pedagogy; (3) citing Black women; and (4) aligning with Black folk envisioning the Afrofuture where Black Lives Matter is not an aspirational proposition.

A. Center Blackness

A failure to center Blackness is a failure to be client-centered

Sept. 23, 2021).

²⁷ See, e.g., MARI J. MATSUDA, CHARLES R. LAWRENCE III, RICHARD DELGADO & KIMBERLÉ WILLIAMS CRENSHAW, WORDS THAT WOUND: CRITICAL RACE THEORY, ASSAULTIVE SPEECH, AND THE FIRST AMENDMENT 6 (1994) ("Critical race theory expresses skepticism toward dominant legal claims of neutrality, objectivity, color blindness, and meritocracy."). For additional discussion of insights from critical race theory, see *infra* notes 45-47 and accompanying text.

²⁸ Michelle S. Jacobs, *People from the Footnotes: The Missing Element in Client-Centered Counseling*, 27 GOLDEN GATE U. L. REV. 345 (1997); Susan L. Brooks & Rachel E. Lopez, *Designing a Clinic Model for a Restorative Community Justice Partnership*, 48 WASH. U. J. L. & POL'Y 139 (2015); Wallace J. Mlyniec, *Where to Begin - Training New Teachers in the Art of Clinical Pedagogy*, 18 CLIN. L. REV. 505 (2012).

with respect to Black clients.²⁹ To center Blackness is to see and to understand the world through the Black experience.³⁰ Centering Blackness acknowledges the racial hierarchy that intentionally situates Black people at the bottom of society and it provides an opportunity to “imagine how rules and structures would be reorganized and envision a world where we all thrive because the bottom is removed.”³¹ Clinical pedagogy has struggled to find a space to discuss race, let alone center Blackness. I have relied, as many clinicians likely do, on Professors Sue Bryant and Jean Koh Peters’ chapter “Teaching About Race” from *Transforming the Education of Lawyers* to think through teaching race in a law school classroom that trends White, male, and heteronormative.³² One line gives me pause on each occasion I read it. Bryant and Peters write, “teachers themselves may experience substantial resistance to convening or continuing conversations about race. . . .”³³ I pause at this refrain not because I question the truth in it (I do not), but because each time I wonder anew how it is that our colleagues can represent Black and Brown people while also finding discussions about race so difficult. Laurie Shanks attributes this dissonance to a national reluctance to discuss race and a widely held notion that we are living in a post-racial society.³⁴

The notion of post-racialism is itself elitist fiction.³⁵ Karen Fields and Professor Barbara Fields remind us that the term post-racial reached its pinnacle in the 2008 election at the same time that Barack Obama’s ancestry was being challenged daily.³⁶ Our Black clients, of course, know better than many of us that America is far from post-racial. Race is the central determinant both in the initiation of and outcome of the legal problem that has led them to our clinics after all. Black people represented by our criminal clinics are not unaware that the carceral state, for example, is built on a caste system determined by race.³⁷ In our discrimination clinics Black people understand that

²⁹ Jacobs, *supra* note 28.

³⁰ Siraad Dirshe, *What Does It Mean to ‘Center Black People’?*, N.Y. TIMES (June 19, 2020), <https://www.nytimes.com/2020/06/19/style/self-care/centering-blackness.html>.

³¹ *Id.*

³² Jean Koh Peters & Susan Bryant, *Talking About Race*, in *TRANSFORMING THE EDUCATION OF LAWYERS: THE THEORY AND PRACTICE OF CLINICAL PEDAGOGY* 375-406 (2014).

³³ *Id.* at 378.

³⁴ Laurie Shanks, *Whose Story Is It, Anyway? – Guiding Students to Client-Centered Interviewing Through Storytelling*, 14 CLIN. L. REV. 509 (2008).

³⁵ KAREN E. FIELDS & BARBARA J. FIELDS, *RACECRAFT: THE SOUL OF INEQUALITY IN AMERICAN LIFE* (2012).

³⁶ *Id.* at 1.

³⁷ ISABEL WILKERSON, *CASTE: THE ORIGINS OF OUR DISCONTENTS* (2020). *But see* Charisse Burden-Stelly, *Caste Does Not Explain Race*, BOS. REV. (Dec. 15, 2020), <https://bostonreview.net/race/charisse-burden-stelly-caste-does-not-explain-race>.

race is the basis for their exclusion from housing, education, and employment.³⁸ Gender intersecting with race is central to the problems of reproductive rights, gender-based violence, and sex work in our gender justice clinics, and our Black-women clients know this.³⁹

After surfacing the reticence of many clinicians to discuss race, Bryant and Peters make the argument that clinicians should “deepen” the conversations anyway.⁴⁰ The goals of discussing race in clinic, they offer, are to: (1) improve our students’ understanding of how racism operates in the legal system and to urge students to confront that racism outright; (2) encourage social justice leadership among students; (3) deepen students’ own understanding of their racial and cultural background in the context of lawyering; and (4) improve client outcomes. Over the course of several pieces building on the *Habits*,⁴¹ Bryant and Peters offer the modest clinician suggestions for “removing the rocks and sowing the seeds of constructive conversations about race” in class and suggest a structure for holding such conversations.⁴² There is no place for racial modesty in the era of the Movement for Black Lives. We cannot merely discuss race in class, but must center Blackness in our teaching, scholarship, and practices. So doing recognizes our clients as experts in their own lived experiences, including about their own lived experiences as Black people in America, and is literally central to understanding them and their legal cases and what will make them whole.⁴³ Alternately, a failure to acknowledge the centrality of race in lawyering and counseling not only breeds distrust between lawyer and client, but it also harms outcomes.⁴⁴

³⁸ Devah Pager & Hana Shepherd, *The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets*, 34 ANN. REV. SOCIO. 181 (2008); 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 (2013).

³⁹ Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (1989); Dorothy E. Roberts, *The Future of Reproductive Choice for Poor Women and Women of Color*, 14 WOMEN’S RTS. L. REP. 305 (1992); Dorothy E. Roberts, *Crime, Race, and Reproduction*, 67 TUL. L. REV. 1945 (1993).

⁴⁰ Peters & Bryant, *supra* note 32, at 371.

⁴¹ *Id.*

⁴² *Id.*

⁴³ See Christopher P. Gilkerson, *Poverty Law Narratives: The Critical Practice and Theory of Receiving and Translating Client Stories*, 43 HASTINGS L.J. (1992); Lani Guinier & Gerald Torres, *Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements*, 123 YALE L.J. (2014); GERALD P. LÓPEZ, REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE (1992); Austin Sarat, “. . . *The Law Is All Over*”: Power, Resistance and the Legal Consciousness of the Welfare Poor, 2 YALE J. L. & HUMANS. (1990); Lucie E. White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 BUFF. L. REV. (1990).

⁴⁴ See Jacobs, *supra* note 28; Paul R. Tremblay, *Interviewing and Counseling Across*

B. *Map Critical Race Theory onto Clinical Pedagogy*

Clinicians who aspire for their teaching to be antiracist can merge critical race theory (CRT) with our other pedagogical tools to further illuminate the impact race has on clinic cases. CRT developed in the 1970s during a period when lawyers, activists, and legal scholars across the country realized (almost simultaneously) that the advances of the civil rights era had stalled or were being rolled back.⁴⁵ It occurred to these scholars that new theories and strategies would be needed going forward to combat a subtler form of racism than had been experienced pre-*Brown*.⁴⁶

The tenets of CRT⁴⁷ can offer clinicians additional language and theoretical frames to help our students better understand how race operates in the law, including:

- **Ordinariness: *Racism is normal*** and not aberrational. Therefore, we need to teach our students to expect race to be a factor in all of their cases involving Black clients and to examine its impact on the facts and the law without exception.

- **Interest convergence: *Racism only gives way when it is in the interest of White people***. Here, we might teach our students to look for other better positioned groups (particularly Whites) to align with to achieve a freedom goal. My clinic attempted to align with White small business owners during the pandemic who were harmed by discriminatory stay-at-home-orders enforced against Black residents of Newark.

- **Social construction: *Race is a product of social thought***. Clinicians should have students examine what they consider racialized behavior and their own biases when formulating case theories and narratives.

Cultures: Heuristics and Biases, 9 CLIN. L. REV. 373 (2002).

⁴⁵ RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* (3d ed. 2017).

⁴⁶ The legal scholars that contributed to birthing the CRT movement included Derrick Bell, Richard Delgado, Kimberlé Crenshaw, Allan Freeman, Angela Harris, Cheryl Harris, Charles Lawrence, Mari Matsuda, Patricia Williams, Neil Gotanda, and Gerald López, among others. Critical race theory built on critical legal studies, radical feminist discourse, and the American radical tradition animated by Sojourner Truth, W.E.B. Du Bois, Cesar Chavez, and the Black and the Chicano Power Movements, amongst others. See Kimberlé Crenshaw, *Twenty Years of Critical Race Theory: Looking Back to Move Forward Commentary: Critical Race Theory: A Commemoration: Lead Article*, 43 CONN. L. REV. 1253, 1260-61 (2011) (describing how CRT emerged from intellectual and activist critiques of the limitations liberal reform). Subsequently, sister movements such as LatCrit, LGBTQ, Muslim Arab Caucus, and Asian American jurisprudence have been founded and contribute to the critical pedagogy. See Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320, 2323-26 (1989) (describing the development of "outsider jurisprudence").

⁴⁷ DELGADO & STEFANCIC, *supra* note 45, at 8-11.

- **Revisionist history:** *America's historical record is a collection of myths* based on majoritarian interpretations. For example, in my clinic, I challenge the traditionally offered causes of inner city demise (i.e., Black pathology) and the onset of gentrification (i.e., White industriousness) as opposed to federal and local government's intentional disinvestment in housing, education, infrastructure, and business.

- **Critique of liberalism:** *Colorblindness and rights-based analysis cannot resolve structural race problems.* We should teach our students to pressure test ideas that center class instead of or in addition to race.

- **Structural determinism:** *Our system is ill-equipped to redress certain racial harms.* There needs to be a recognition that Black clients may not be able to be made whole by the legal system because it is designed in a way that does not recognize their full personhood under the law. For example, in the case of Black land loss in Tulsa and the Delta, we see civil procedure rules, such as statute of limitations, blocking reparations in courts.

By integrating these tenets into our traditional clinical pedagogy, clinicians can give students a deeper understanding of how to analyze and treat race in their cases. For example, when I teach Habit 2 of the Five Habits (The 3 Rings: The Worlds of Client, Lawyer and Law), which is designed to focus student learning on taking a holistic view of the case, including aspects that may catch the decisionmaker's focus or contempt,⁴⁸ I have used CRT principles of interest convergence and counternarrative to explore what narratives are "believable" to the judge, trier of fact, and opposing counsel. In a subsidized housing case, for example, I might ask the students to list what the court, the law, and the lawyer might think of our client. At first, students will offer polite, race-neutral descriptors such as our client is a "mother." Eventually, sometimes after prodding from me that it is acceptable to do so, we get to some version of "welfare queendom."⁴⁹ As racist and unsavory as this trope is, I feel it has to be named out loud in the room. Once this trope is out in the open, the class commences to have a real discussion about how to defend a Black woman who is thought to be a fraud by critical players in her case before she even steps into the courtroom. Freed from the farce of pretending discrimination and

⁴⁸ Sue Bryant & Jean Koh Peters, *Habit 2: Three Rings: The Worlds of Client, Law, and Lawyer*, FIVE HABITS OF CROSS-CULTURAL LAWYERING AND MORE, <https://fivehabitsandmore.law.yale.edu/jean-and-sues-materials/habits/habit-2/> (last visited Sept. 15, 2021).

⁴⁹ Risa E. Kaufman, *The Cultural Meaning of the Welfare Queen: Using State Constitutions to Challenge Child Exclusion Provisions*, 23 N.Y.U. REV. L. & SOC. CHANGE 301 (1997).

stereotyping do not exist in the courtroom, we can think generatively about counternarratives, solutions, and remedies.

C. *Cite Black Women*

Making space for Black scholars on our syllabi is a matter of both exposure and trust. Do we trust Black people to reflect the experiences of other Black people? Do we trust Black people to reflect the experiences of non-Black people? At one point in the spring of 2021, I realized my syllabus was “racist.” By that, I mean I realized I was not citing scholars of color, and specifically Black women scholars with any level of intentionality. In fact, outside of short excerpts from Carol Nicole Brown’s *Experiencing Housing Law*,⁵⁰ I was not routinely citing *any* Black scholars – not even myself. Instead, depending on the semester, I had alternately assigned Matthew Desmond’s *Evicted*,⁵¹ Richard Rothstein’s *The Color of Law*,⁵² or Pete Moskowitz’s *How to Kill a City*.⁵³ All of these texts offer valuable contributions to our understanding of the role of race in American housing law. But those contributions are no more valuable than the perspective of Black scholars to our understanding of the topic. Indeed, Black women arguably know more about race and the American housing crisis than any other group.⁵⁴ It made no sense for me not to lead with Black women’s perspective on a topic they are so expert in.

I saw *Cite Black Women* posted variously on social media as the Movement for Black Lives was growing in the spring 2020, but it was not until I began intentional work as part of Rutgers’ antiracism audit of our curriculum – one of the commitments made by the faculty in our Resolution – that the message really found a home in my own teaching.⁵⁵ Once I recognized my error, I feverishly started seeking

⁵⁰ CAROL NECOLE BROWN, *EXPERIENCING HOUSING LAW* (2016).

⁵¹ MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* (2016).

⁵² RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* (2017).

⁵³ P.E. MOSKOWITZ, *HOW TO KILL A CITY: GENTRIFICATION, INEQUALITY, AND THE FIGHT FOR THE NEIGHBORHOOD* (2017).

⁵⁴ *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*, ACLU (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>; see, e.g., Priscilla Ocen, *The New Racially Restrictive Covenant: Race, Welfare and the Policing of Black Women in Public Housing*, 59 UCLA L. REV. 1540 (2012); Deborah N. Archer, *The New Housing Segregation: The Jim Crow Effects of Crime-Free Housing Ordinances*, 118 MICH. L. REV. 173 (2019); Audrey McFarlane, *The Properties of Integration: Mixed-Income Housing as Discrimination Management*, 66 UCLA L. REV. 1140 (2019); Kaaryn Gustafson, *Degradation Ceremonies and the Criminalization of Low-Income Women*, 3 U.C. IRVINE L. REV. 297 (2013).

⁵⁵ In 2017, Christen A. Smith, an associate professor of Anthropology and African and

out books about the housing crisis written by Black women to add to my syllabus by the fall semester. My Rutgers colleague, Alexis Karteron, recommended Sarah M. Broom's *A Yellow House*, which explores the effects of Black erasure in a memoir focused on her childhood neighborhood in New Orleans.⁵⁶ I came across a reference to Keenanga-Yamahtta Taylor's *Race for Profit* detailing the impact of exploitive real estate practices on extracted wealth from urban centers immediately following the passage of the Housing and Urban Development Act of 1968.⁵⁷ Then there was adrienne maree brown's short story *The River* and the impact of gentrification on Detroit from the anthology she co-edited with Walidah Imarisha, *Octavia's Brood: Science Fiction Stories from Social Justice Movements*.⁵⁸ Titles kept coming. In the summer, I received a research grant that afforded me the opportunity to purchase more books ranging from classics like Patricia Williams's *Alchemy of Race and Rights*⁵⁹ to new releases like *Black Futures* edited by Kimberly Drew and Jenna Wortham.⁶⁰ On this first pass at decolonizing my syllabus this semester, instead of leading with Moskowitz's entire book as I have done in past years, the first assignment pairs brown's Detroit-based short story with Moskowitz's chapter on that city. I made similar changes throughout the syllabus.

Cite Black Women is both literal and a metaphor. Black women have written on every subject and we should mine their intellectual contributions, generally, as we do with White men. Substantively, as director of a clinic focused on affordable housing, it also makes sense

African Diasporic Studies at The University of Texas at Austin, created *Cite Black Women* as a campaign to push people to engage in a radical praxis of citation that values Black women's transnational intellectual production. Smith cites five goals of her campaign: (1) read Black women's work; (2) integrate Black women into the CORE of your syllabus; (3) acknowledge Black women's intellectual production; (4) make space for Black women to speak; and (5) give Black women space and time to breathe. *Our Praxis*, CITE BLACK WOMEN COLLECTIVE, <https://www.citeblackwomenscollective.org/> (last visited Sept. 15, 2021). The hashtag #CiteBlackWomen is new, but not the sentiment. More than 40 years ago, Audre Lorde proclaimed:

It is a particular academic arrogance to assume any discussion of feminist theory without examining our many differences, and without significant input from poor women, Black and Third World women, and lesbians. And yet, I stand here as a Black lesbian feminist, having been invited to comment within the only panel (at this conference), where the input of Black feminists and lesbians is represented. What this says about the vision of this conference is sad, in a country where racism, sexism, and homophobia are inseparable.

AUDRE LORDE, *SISTER OUTSIDER* 110 (2007).

⁵⁶ SARAH M. BROOM, *THE YELLOW HOUSE* (2019).

⁵⁷ KEENANGA-YAMAHTTA TAYLOR, *RACE FOR PROFIT* (2019).

⁵⁸ ADRIENNE MAREE BROWN, *the river*, in *OCTAVIA'S BROOD: SCIENCE FICTION STORIES FROM SOCIAL JUSTICE MOVEMENTS* (2015).

⁵⁹ PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (1992).

⁶⁰ KIMBERLY DREW & JENNA WORTHAM, *BLACK FUTURES* (2021).

for me to cite Black women since they are more impacted by our lack of affordable housing than any other demographic. But if you are directing an immigration clinic, cite immigrants. If you are directing a criminal clinic, cite incarcerated people. If you are directing a clinic that represents indigenous people, consider populating your syllabus with the intellectual production of Native people. The idea here is to trust oppressed people to prescribe their own emancipation, read what they have written on their pain and prescriptions, and then as an antiracist clinic set out to be an ally.

D. Align With Black Folx Organizing for the Afrofuture

In an antiracist clinic, remedies should be based on the goals Black people have articulated for themselves. Clinicians and their students, it has been said, may be hesitant to discuss race in the classroom in the absence of readily available answers for how best to fight against these inequalities and struggle to connect our work with that of others to achieve more systemic change. Perhaps lawyers do not have to develop the answers. In *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, Professor Derrick Bell questioned the social justice lawyer's relationship to her "client," especially in cases that directly impact social movements.⁶¹ Reflecting on lessons learned twenty-two years post-*Brown v. Board of Education*, Bell argued there was then a tension between the integration strategy architected by counsel in the case and the desire for educational quality desired by the individual clients.⁶² In Bell's view, some civil rights and poverty law lawyers were "making decisions, setting priorities, and undertaking responsibilities that should be determined by their clients and shaped by the community."⁶³ Bell went further to suggest "the inability of Black clients to pay handsome fees for legal services can cause their lawyers, unconsciously perhaps, to adopt an attitude of 'we know what's best' in determining legal strategy."⁶⁴

Brown is novel, one might say, all of a clinic's cases may not directly touch on the Black freedom movement, and the Black community is not a monolith, so how do you know which direction to turn?⁶⁵ These concerns are red herrings. An antiracist clinic will want to move in tandem with the community their clients live in and look to advo-

⁶¹ Derrick A. Bell Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 *YALE L.J.* 470 (1976).

⁶² *Id.* at 482-88.

⁶³ *Id.* at 512.

⁶⁴ *Id.*

⁶⁵ *Id.* at 507.

icates for direction with respect to remedies. Doing so will require developing comfort not just speaking about race, or even centering Blackness, but listening to and working in collaboration with varying levels of community leadership, from elected officials and business leaders, to non-governmental organizations, to advocates and movement activists. Some Black commentators have observed a societal reluctance, “even among the progressive-minded, to consider the Black experience as unique and foundational to shaping America’s economic and social policies – and our nation’s collective future.”⁶⁶ Mari Matsuda eloquently offers that “those who have been discriminated against speak with a special voice to which we should listen” and urges critical scholars to “adopt the perspective of those who have seen and felt the falsity of the liberal promise,” so that we might better define justice.⁶⁷

Clinicians seeking to be antiracist may want to reflect on their own knowledge of and respect for the Black experience and then teach their students to do the same. Some clinics are ahead on this. For example, Renee Hatcher’s Community Enterprise & Solidarity Economy Clinic at University of Illinois Chicago⁶⁸ is a part of the Law for Black Lives (L4BL) Movement Lawyering Squad, which “strives to provide opportunities for clinical students and professors to build relationships with movement actors and ground law students and professors in the theory, practice and politics of movement lawyering.”⁶⁹ There is also the phenomenal work of Stephanie Sena, an Anti-Poverty Fellow at Villanova University Charles Widger School of Law in Philadelphia.⁷⁰ Sena provides legal support for #OccupyPHA, which backs activist Jennifer Bennetch’s efforts to convert empty houses owned by the Philadelphia Housing Authority into permanent housing for women and children in the pandemic.⁷¹

Not nearly enough of us are in conversation with the communities we serve. Think back to the 2018 Association of American Law

⁶⁶ *Our Work: Centering Blackness*, INSIGHT CTR. (June 19, 2016), <https://insightced.org/centering-blackness/>.

⁶⁷ Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. REV. 324 (1987).

⁶⁸ *Community Enterprise and Solidarity Economy Clinic*, UIC L., <https://law.uic.edu/experiential-education/clinics/community-enterprise/> (last visited Sept. 15, 2021).

⁶⁹ *Movement Lawyering Squad*, L4BL: LAW FOR BLACK LIVES, <http://www.law4blacklives.org/new-page> (last visited Sept. 15, 2021).

⁷⁰ *Stephanie Sena*, VILL. U. CHARLES WIDGER SCH. L., <https://www1.villanova.edu/villanova/law/academics/faculty/Facultyprofiles/StephanieSena.html> (last visited Sept. 15, 2021).

⁷¹ Robin Kaiser-Schatzlein, *How Housing Activists Took on Philadelphia and Won*, NEW REPUBLIC (Mar. 29, 2021), <https://newrepublic.com/article/161730/housing-activists-took-philadelphia-won>.

Schools (AALS) Conference on Clinical Legal Education in Chicago. Professors Deborah Archer and Margaret Barry co-moderated a clinic community town hall, *Gathering Momentum for Racial Justice*. Two of the panelists, L4BL leaders Mabre Stahly-Butts and Erica Perry, were asked to discuss transformative models for engaging clinics in racial advocacy. By the time we gathered in Chicago, L4BL had already led several successful actions in alignment with the Movement for Black Lives, including the successful Black Mama's Day Bailout program.⁷² The AALS L4BL plenary was a powerful program, but also sparsely attended. Some suggested the program had been competing with *Hamilton*, which was being performed a couple of blocks away. Still others of us wondered if there was an unspoken belief amongst our colleagues that these speakers had no wisdom to offer.

The Chicago conference was after the "Black Spring" that followed Freddie Gray's murder in Baltimore in 2015⁷³ but preceded the 2020 protest wave. In the opening plenary of the AALS Clinical Section's virtual conference in the weeks after George Floyd's murder, I was joined in conversation with Community Legal Services Attorney Rasheedah Phillips who was very active in supporting #OccupyPHA. This time, hundreds of clinicians joined the virtual meeting – paying attention – as Phillips connected the dots for us between housing, #OccupyPHA, and the Afrofuture.⁷⁴ Still, it might be naïve to think all has magically changed among even our group. Teachers of antiracist clinics will want to work to break through the individual and collective reluctance to trust the Movement for Black Lives as a legitimate source of ideas for law reform.

Aligning with community is not without fault lines. For one, communities are not monolithic and instead are constituted of many, often times conflicting strands, representing generational, class, and gender-based splits. These divisions are timeless. There is no way to avoid growth and division in movement spaces. Both clinicians and student lawyers will need to be sensitive to those divides and agile in our work. But the natural divides should not keep us on the sidelines. Finally, there are practical challenges to doing this work – meeting times will likely not be during the school day, the arc of movements will not

⁷² *Black Mama's Day Bailout*, L4BL: LAW FOR BLACK LIVES, <http://www.law4blacklives.org/blackmamasbailout> (last visited Sept. 15, 2021).

⁷³ Khaled Beydoun & Priscilla Ocen, *Baltimore and the Emergence of a Black Spring*, AL JAZEERA (May 5, 2015), <https://www.aljazeera.com/opinions/2015/5/5/baltimore-and-the-emergence-of-a-black-spring>.

⁷⁴ Cassie Owens, *Are You Thinking About Time Right Now? For 'Black Futures' Contributor Rasheedah Phillips, It's a Lifelong Pursuit.*, THE PHILADELPHIA INQUIRER (Jan. 1, 2021), <https://www.inquirer.com/news/black-futures-book-afrofuturist-rasheedah-phillips-philadelphia-20210101.html>.

naturally align with semesters, and the goals of organizations may not neatly fit into learning goals in a particular semester. Inspired by Renee's work, I have tried twice to bring L4BL projects into my clinic. I will admit here, both times I have failed. And with each failure, I feel ashamed of myself that I did not do a better job. Reflection is key. I can and want to do better. I am trying again this semester, this time with more local actions hoping to get me over some of the logistical hurdles. The point though is not to give up even if these changes do not work the first time. Try again and again.

"Black lives matter" as an idea is an Afrofuturist assertion.⁷⁵ Meaning the outcome of the Movement for Black Lives is imagining a future none of us has ever seen in the history of this county – a time when Black people will reach full citizenship. At the same time, the Movement for Black Lives platform, including calls for abolition⁷⁶ and to defund,⁷⁷ builds on a longstanding tradition of Black self-sufficiency in its embrace of the negative project of deconstructing White supremacist systems and the positive project of building systems that support full citizenship.⁷⁸ As for the former, Black people went about freeing themselves from chattel slavery – understanding their condition was inhumane.⁷⁹ In the 1950s, Black people devised their own boycotts to improve their access to accommodations.⁸⁰ In the 1960s, Black people organized their own March on Washington for Jobs and

⁷⁵ ADRIENNE MAREE BROWN, EMERGENT STRATEGY 161 ("We say Black lives matter!/ An afrofuturist assertion."). In 2013, interdisciplinary artist Alisha Wormsley first began using the phrase "[t]here are Black people in the future" as a response to the lack of nonwhite faces in science fiction films. DREW & WORTHAM, *supra* note 60, at 46. Wormsley attributes the statement to Florence Okoye, founder of Afrofutures_UK.

⁷⁶ The positive abolition project requires confronting the structural conditions that give rise to penal suffering, including militarization of schools, colonization of education at all levels, and broken health systems. Allegra M. McLeod, *Envisioning Abolition Democracy*, 32 HARV. L. REV. 1613, 1617 (2019). The project acknowledges abolitionists' calls for the country to look to local social change projects as a bridge to the decarcerated free state, a process called "prefiguration." See generally HARSHA WALIA, UNDOING BORDER IMPERIALISM (2013). According to Walia, fundamental change requires "imagining and generating alternative institutions and relations . . . resistance that is responsive to dismantling current systems of colonial empire and system hierarchies, while also prefiguring societies based on equity, mutual aide, and self-determination." *Id.* at 249.

⁷⁷ Jalila Jefferson-Bullock & Jelani Jefferson Exum, *That Is Enough Punishment: Situating Defunding the Police Within Antiracist Sentencing Reform*, 48 FORDHAM URB. L.J. 625 (2021).

⁷⁸ James W. Fox Jr., *Intimations of Citizenship: Repressions and Expressions of Equal Citizenship in the Era of Jim Crow*, 50 HOWARD L.J. 113 (2006).

⁷⁹ Ira Berlin, *How the Slaves Freed Themselves*, WASH. POST (Dec. 27, 1992), <https://www.washingtonpost.com/archive/opinions/1992/12/27/how-the-slaves-freed-themselves/7d58b82c-3446-4f96-a07d-52fc868eb960/>.

⁸⁰ Alton Hornsby Jr., *Looking Back on the Fight for Equal Access to Public Accommodations*, ECON. POL'Y INST. (July 2, 2014), <https://www.epi.org/publication/fight-equal-access-public-accommodations/>.

Freedom.⁸¹ In the 1970s and 1980s, Black incarcerated men and women developed their own prison protests.⁸² The point here is that in each case it was the Black imagination that first conceived an end to Black oppression and took action to make the imagined a reality. Now is no different. Antiracist clinics will not only work in the current status quo – Black oppression in the carceral and social welfare systems – but also will look to the future as Black people see it for themselves.

Allyship with Black organizations engaged in a freedom agenda, such as the Movement for Black Lives or Law for Black Lives, is one way to bring antiracism into clinics. How allyship manifests in each clinic and for each client will undoubtedly vary. There are already clinics that model allyship. For example, last year the East Bay Community Law Center's Education Advocacy Clinic was one of many allies supporting the Oakland Black Organizing Project's decade-long effort to disband the school district's police force, which had commanded a \$6 million budget. The Project's Communications Director recognized the clinic for being a "strategic partner" that honored the expertise of the community organization's members, which she noted was especially important in dealing with a Black organization.⁸³ Allyship will look different for those who represent individuals. Yet, even individual case representation and organizational partnerships can be aligned with the goals of the Movement for Black Lives. Professor Erika Wilson's Critical Race Lawyering Civil Rights Clinic at the University of North Carolina at Chapel Hill is an example of how a clinic that represents individual clients can still align with antiracism and the Movement for Black Lives platform.⁸⁴ Other clinics aspiring to be antiracist might consider finding similar ways to either collaborate with Black organizations or represent individual clients in a manner that is consistent with the larger Black freedom agenda and to utilize clinic resources to move towards an Afrofuture where Black people achieve full citizenship.

⁸¹ *March on Washington for Jobs and Freedom*, STAN. MARTIN LUTHER KING, JR. RSCH. & EDUC. INST., <https://kinginstitute.stanford.edu/encyclopedia/march-washington-jobs-and-freedom> (last visited Sept. 16, 2021).

⁸² Dan Berger, "We Are the Revolutionaries": Visibility, Protest, and Racial Formation in 1970's Prison Radicalism 47 (Dec. 22, 2010) (unpublished Ph.D. dissertation, University of Pennsylvania), <http://repository.upenn.edu/cgi/viewcontent.cgi?article=1321&context=EDissertations>.

⁸³ Sarah Weld, *School's East Bay Community Law Center Helps Advocate for Cutting Ties with Oakland School Police*, E. BAY CMTY. L. CTR. (Mar. 25, 2021), <https://ebclc.org/in-the-news/schools-east-bay-community-law-center-helps-advocate-for-cutting-ties-with-oakland-school-police/>.

⁸⁴ *Critical Race Lawyering Civil Rights Clinic*, UNC SCH. L., <https://law.unc.edu/experiential-learning/clinics/critical-race-lawyering-civil-rights-clinic/> (last visited Sept. 16, 2021).

IV. NEXT MOST ELEGANT STEPS

*There is nothing new
under the sun,
but there are new suns.*

- Octavia Butler⁸⁵

We are in an imagination battle. Trayvon Martin and Mike Brown and Renisha McBride and so many others are dead because, in some white imagination, they were dangerous. And that imagination is so respected that those who kill, based on an imagined, racialized fear of Black people, are rarely held accountable. . . . We have to imagine beyond those fears. . . . We have to ideate – imagine and conceive – together.

- adrienne maree brown⁸⁶

The most difficult steps towards antiracism for all law teachers are, I believe, in the years ahead. Nowhere is the metamorphosis of legal teaching more urgent than in clinics, where we are retained by members of the very communities that are articulating the Movement for Black Lives' demands. Many of our clients are traumatized daily by a legal system fueled on an anti-Black racism that the Movement for Black Lives names. We should take steps now. It is less important whether our institutions issued a statement immediately following George Floyd's murder, or our syllabus was colonized prior to Breonna Taylor's massacre,⁸⁷ or how we selected cases before Ahmaud Arbery was gunned down and his execution was covered up by the state⁸⁸ than how we evolve our pedagogy now, but also in the future, to meet the demands of the Movement for Black Lives.⁸⁹ Can we stay committed to antiracism in the face of anticipated student pushback? How do we balance teaching antiracism with courses that are viewed as more helpful to bar passage? Is there tension between our teaching goals, such as student desire for in-court experiences, and antiracist practice goals such as diverting clients from the legal system altogether? These are among the many questions we will have to confront.

⁸⁵ Gerry Canavan, *Recovering Octavia E. Butler's Lost Parables*, L.A. REV. BOOKS (June 9, 2014), <https://lareviewofbooks.org/article/theres-nothing-new-sun-new-suns-recovering-octavia-e-butlers-lost-parables/>.

⁸⁶ brown, *supra* note 75, at 18.

⁸⁷ Richard A. Oppel Jr. et al., *What to Know About Breonna Taylor's Death*, N.Y. TIMES (Apr. 26, 2021), <https://www.nytimes.com/article/breonna-taylor-police.html>.

⁸⁸ Char Adams, *Ahmaud Arbery's Mother Accuses Officials of 'Vast Cover-Up' in Lawsuit*, NBC (Feb. 23, 2021, 8:24 PM), <https://www.nbcnews.com/news/nbcblk/ahmaud-arbery-s-mother-accuses-officials-vast-cover-lawsuit-n1258655>.

⁸⁹ Sameer M. Ashar, *Law Clinics and Collective Mobilization*, 14 CLIN. L. REV. 355 (2008); Marcy L. Karin & Robin R. Runge, *Toward Integrated Law Clinics that Train Social Change Advocates*, 17 CLIN. L. REV. 563 (2011).

I am obviously not the first law teacher to urge this kind of evolution in our pedagogy.⁹⁰ But in the face of renewed attention to the depth and breadth of racial oppression in America, I hope to underscore the urgency of the call.

Evolving clinical teaching further along the pathway to antiracism, inspiring our students, utilizing freedom pedagogy, to be in authentic partnerships with our clients and their communities as they work to liberate themselves: this is a long-term project. Even if each clinician took every step I suggest here, there would be much more work to do. Indeed, what I am proposing here is a pre-process that may make conditions more conducive to the real evolution of our teaching and practice.

Recognizing how much there is to do, what is the next most elegant step for clinicians to take?⁹¹ Some of the steps are clear enough from here, such as diversifying hiring, integrating interdisciplinary pan-African research into the work our clinics do for Black clients, and in some cases working with stakeholders such as non-profit partners, local governments, and courts who will also need to do their work in an antiracist manner. Some of the next pathways clinicians may not be able to see until we take the first few steps forward. The last steps, however, lawyers may not need to ideate at all, but will be asked of us by the People. And for that work, we will need to simply do what is needed given our legal expertise to make Black Lives Matter present tense. To this last point, I think it is worth sharing two pieces of advice from adrienne maree brown for group adaptation to achieve social change – “trust the people” and “move at the speed of trust.”⁹² Despite the unknowns, I hope clinicians set out elegantly.

⁹⁰ See Jacobs, *supra* note 28; Gerald López, *Training Future Lawyers to Work with the Politically and Socially Subordinate: Anti-Generic Legal Education*, 91 W. VA. L. REV. 305 (1989); Matsuda, *supra* note 67.

⁹¹ adrienne maree brown tells the story of her friend Gibrán Rivera once articulating a question to her: “what is the next most elegant step?” She writes:

oh i love this question. too often we come up with plans that don't take into account the fog on the horizon. then we go off and the work doesn't happen, perhaps can't happen, and then we feel demoralized because our energy doesn't flow into action. an elegant step is one that acknowledges what is known and unknown, and what the capacity of this group actually is. an elegant step allows humility, allows people to say 'actually we need to do some research' or 'actually we need to talk to some folks not in this room' or 'actually we need a full day to build this plan out into something realistic and attainable'. in any conversation – and i would say in any moment in life – there is a next elegant step – one that is possible and strategic based on who is taking it and where they are trying to go. find it and you cannot fail.

Trust the People, ADRIENNE MAREE BROWN (Feb. 2, 2015), <https://adriennemareebrown.net/2015/02/02/trust-the-people/>.

⁹² *Id.*