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Akilah Folami

Hofstra University Maurice A. Deane School of Law

Susan P. Sturm

Columbia Law School, ssturm@law.columbia.edu

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THE PARADOX OF LEGAL TRAINING AND LEADERSHIP: A CONVERSATION BETWEEN AKILAH FOLAMI AND SUSAN STURM

*Akilah Folami**
*Susan Sturm***

Professor Akilah Folami:

Welcome and thank you for coming. I am eager to engage in this opening exchange with Susan Sturm today in hopes that it will help bring to surface some of the issues that undergird the conversations planned for today in the panels.¹ So let us begin. Susan has been teasing out a series of paradoxes that she argues develops in the tensions built into lawyer-leadership, i.e., legal training and leadership development. Her work on these lawyer-leadership paradoxes grows out of her other work that is related to the theme of this conference: *Leading Differently Across Difference*. She will briefly discuss one or more of these paradoxes and then she and I will build upon them in what we hope will be a very organic conversation that has been going on between us before now.

* Professor of Law, Maurice A. Deane School of Law at Hofstra University.

** George M. Jaffin Professor of Law and Social Responsibility and Founding Director of the Center for Institutional and Social Change, Columbia Law School.

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1. This exchange draws on Professor Sturm’s work, *Lawyering Paradoxes: Making Meaning of the Contradictions*, and is the focus of a forthcoming book entitled *Confronting the Diversity Paradoxes*. Susan Sturm, *Lawyering Paradoxes: Making Meaning of the Contradictions* (Columbia Law Sch. Faculty Scholarship Repository Working Paper, Paper No. 14-642) (2019), https://scholarship.law.columbia.edu/faculty_scholarship/2579; SUSAN STURM, *CONFRONTING THE DIVERSITY PARADOXES* (forthcoming 2021).

Professor Susan Sturm:

I have been writing, teaching, and working with organizations that have been struggling with how to address bias in their systems: law schools, court systems, community colleges, business schools, and liberal arts colleges.² These organizations have often gotten stuck in attempts to do this work of dismantling bias. I argue that the stuck-ness is really, in part, a function of grappling with contradictory ideas and contradictory challenges that they are trying to resolve but that cannot be resolved but have to be held together nevertheless. These are paradoxes. Paradoxes are two conflicting and opposing ideas that actually also are both true and have to be pursued together.³

So, let me begin with an illustration of one of the tensions and contradictions that have prevented these organizations from making real progress. I will illustrate with just one paradox in the interest of time, because we want to make sure that we do not just illustrate the problem, but that we spend most of our time talking about what we do with these paradoxes and about how to address them. I will start the paradox story with the beginning, in other words, with when I have been brought in, sometimes in collaboration with other people, like Heidi Brooks and Judge Julie Bernard, who will provide more detail of this work on a panel later today. These organizations bring me in to help them try to understand and address racial or gender disparities. From the beginning, one of the very first questions posed to the organization's leadership is often how to frame the work and effort to draw in participants and get them engaged.

If you do not frame the issue in ways that put race and gender front and center, then you do not have credibility with people of color, and women, and people who have been marginalized in these organizations. They are like, "Well, this is the same old thing. And nothing is going to change." If you do not confront the kind of issues that we just heard Professor Anthony Thompson⁴ talk about, then this effort is not serious,

2. Sturm, *supra* note 1, at 21. For a published report describing Professor Sturm's framework and methodology, see SUSAN STURM & KINGA MAKOVI, FULL PARTICIPATION IN THE YALE LAW JOURNAL (2015), https://www.yalelawjournal.org/files/FullParticipationintheYaleLawJournal_otc6qdnr.pdf.

3. Sturm, *supra* note 1, at 6 (citing KENWYN K. SMITH AND DAVID N. BERG, PARADOXES OF GROUP LIFE (1987)) ("A paradox is a statement or proposition with positions that are conflicting and yet both are true.").

4. Professor Anthony Thompson's keynote speech summarized the need for leadership to address the structural inequality permeating the legal profession and the broader society. Anthony C. Thompson, *Stepping up to the Challenge of Leadership on Race*, 48 HOFSTRA L. REV. 735, 737

and they will, as a result, say “I am not coming to the table.” You, therefore, have this paradox—I call it the “perception paradox”—that you have to bring all these people together in order to make change, but if you speak about it in the language of inclusion, you lose some people of color; and if you speak of it in the language of exclusion, you lose some white people and people of color.

Professor Folami:

So, how do you deal with this tension in the beginning when even titling the program? Because for me, for someone who looks like me, a black woman, if the conversation is not led with language specifically identifying exclusion, for people, again, like me, who have been excluded, illusory and vague term-of-art, language-of-the-day, like diversity and inclusion, is not necessarily going to bring me in the room. Bring my whole self, I should say, in the room. Maybe, perhaps a mask of me, but not all of me because I need to know for sure that the organization who is seeking corrective action gets it. Otherwise, in the profession itself or whatever the organization is that is reckoning with the history of exclusion—they are starting out with a mask on, if you will, and I will, in turn, follow suit.

Professor Sturm:

Okay. So, this is not easy. So, one important first step is reframing the issue, reframing the issue in terms that will reach this kind of “both/and.”⁵ Really, one way to think about this is, “How do you hold two conflicting ideas simultaneously?”

So, just imagine this. Have any of you ever seen that image of a goblet, where you look at it and it looks like a goblet; but then you shift your gaze, and it looks like two faces facing each other? So, that is kind of the idea, there is research that you cannot multi-task actually. You cannot do

(2020) (“The time has come to break down structures that enable racism and build toward a country that faces its racial legacy and its racist present if we hope to become a more inclusive society. The time has come for our profession to begin the Herculean task of stepping up and addressing race in America and recognizing racial justice work as a central component of what we do as lawyers and as leaders.”). In a forthcoming article, Professor Folami will also highlight some of structural inequalities that she identifies as “self-perpetuating structural inequalities” and will do so through the lens of history and the growing racial and wealth disparities in many professions, with a particular focus on the legal profession.

5. For a more extensive discussion of the “both/and” approach, see Susan Sturm, *Reframing the Civil Rights Narrative: From Compliance to Collective Impact*, in *CIVIL RIGHTS IN THE AMERICAN LAW, HISTORY, AND POLITICS* 145, 163 (Austin Sarat ed., 2014).

two things at once, but what you can do is move back and forth really quickly. And so, the question is, “How do you learn to do that individually, and as an organization, and as a system?”

One thing you need to do first is ask yourself, “Why take this on?” This is really hard to do. So, you have to come up with a framing of a problem that will be sufficiently compelling both to people who do not care about race and gender but do care about, for example, having a justice system that people see as legitimate, and to people who do care about race and gender as pivotal to creating a more legitimate and just system.

You have to frame the question in this “both/and” way, where you have two sides of a problem that are actually in tension with each other, race and not-race; thriving generally and thriving for particular groups, and have that frame continually reground the project. So, sometimes you are talking about race. Sometimes you are talking about gender. Sometimes you are talking about, “How do we deal with the fact that we are all so stressed that people do not experience real justice in our system?”⁶

Professor Folami:

So, I think what I am hearing again is that in pursuing such a program, and here you are speaking specifically about a program that you collaborated with others in creating in the Massachusetts courts to address bias, you had to come up with a common goal that would rise above our differences, and find a value that everyone in the room would be willing to come to talk about.

Again, for me though, even if we get past the title, I am not sure if a common value would be enough to get me in the room because what you are asking for, or what is being asked of people of color in finding that common goal is for people of color, those excluded, to bear the brunt of meeting somewhere in the middle. No matter how strong the purpose is, the value for justice, the value for equality, in fact the value for integration, the brunt of that fell on people of color. So, I do not even know if the value enough, if we get beyond a title or framing that avoids language of exclusion, but rather appeals to the language of a value instead, I am not sure if that gets us there still in terms of full

6. Professor Sturm has been working with the Massachusetts Trial Courts to build the capacity of leadership at every level of the system to address issues of race, gender, and identity. See MASSACHUSETTS TRIAL COURT ANNUAL DIVERSITY REPORT FISCAL YEAR 2018, https://www.mass.gov/files/documents/2019/02/11/jud-FY18-Diversity-Report-20190211_0.pdf.

participation. So, are there other things that you did to effectuate this particular program?

Professor Sturm:

Yes. By the way, what you are saying now is exactly what we experienced in Massachusetts, and is exactly what we have experienced when we have tried to do this in colleges and law schools around the country, which is that if you do not talk explicitly in the language of race and you only talk in the language of something like full participation or belonging, then people will say, “That is not going to make me trust the system.” So, how do you have multiple conversations going on at the same time, some of which framed in terms of race and gender and some of which framed in terms of this language of some pressing real pain point for an organization?

Professor Folami:

Right. Because in fact, a person, an excluded person, for example, a black person, may feel the emotional labor of trying to get us to the middle, when some might say, “Get yourself there. Bring yourself. This is a needed conversation on systemic inequalities and is beyond the individual challenge that you, white person, may be having in interpreting it as such. But get yourself there.” Otherwise, it is emotional labor for me to have to try and get us in the middle.⁷ So, again, how did you, in that setting, bring it out, bring people out, to get to that value without so much emotional labor falling at the feet of people of color, for example?

Professor Sturm:

Such a great question. And you are also illustrating another paradox, which is that if you do not have a system that holds people accountable in the way that Professor Thompson was talking about, zero tolerance for racism, then people who have been excluded will not believe in the

7. Professor Folami elaborates more on the topic of emotional labor in the legal academic context and uses her experience as a black woman and faculty member of a predominately white law school in her forthcoming book review of Meera Deo’s book, *Unequal Profession: Race and Gender in Legal Academia*. Akilah Folami, *Money, Power, Respect: Book Review of Meera Deo’s Unequal Profession: Race and Gender in Legal Academia* (forthcoming 2020) (defining emotional labor as including “the management of feeling to create a publicly observable facial and body display where women of color faculty regulate their true emotions to comply with workplace norms”); see also MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019).

system. But if you frame the system only around zero tolerance, you create conditions in which people will not feel safe talking and making mistakes and so they will not come to the table. So, that is another paradox. We could call it the legalization paradox or the justice paradox.⁸

This is not a project for quick-fix, off-the-shelf, short-term. We are talking about if you are really serious about this. And one of the things that makes this exciting to do in the context of legal institutions and the justice system is that, notwithstanding all the injustice that is built into the justice system, we still have a commitment to justice, and lawyers have a commitment to doing something that will change this. There is ground to stand on. We are talking about building a longer-term project that combines culture change with short-term shifts. The question is, how do we do that?

Well, one piece of this is to, first of all, do this with bridging agents. I call them “organizational catalysts.”⁹ These are people who have to be leaders at all levels of the organization. To really do this, you do need the support from people at the top of the organization. So, I will be concrete. In Massachusetts, it was the Chief Justice of the court system and the Court Administrator that really took on a culture change project, and basically pulled together a group of leaders that were not only the most formal leaders at the top, but people at every level of the organization.¹⁰ And part of what was really critical about this is, first of all, these are people who are in positions themselves to build the capacity of the organization at many different levels, to have this as the process of doing this work as part of their culture.

Professor Folami:

Do you mean, quite literally, that the building agents were, white leaders, as well as black leaders? I would imagine this would be to help

8. Sturm, *supra* note 1, at 39-40 (describing the paradoxical relationship between formal and substantive justice). See generally Sturm, *supra* note 5 (contrasting a compliance with a collective impact approach to addressing structural inequality).

9. For a fuller discussion of the role of organizational catalysts in promoting full participation, see Susan Sturm, *The Architecture of Inclusion, Advancing Workplace Equity in Higher Education*, 29 HARV. J.L. & GENDER 247, 287 (2006).

10. Chief Justice Paula Carey and the Court Administrators working with her have made a commitment to building culture in the Massachusetts Trial Courts in which they “‘lean in’ to difficult conversations about race instead of avoiding them,” noting that “this work might be the hardest work we will ever do but it may also be the most important.” MASSACHUSETTS TRIAL COURT ANNUAL DIVERSITY REPORT FISCAL YEAR 2018, *supra* note 6.

build the trust of blacks, people of color, or those otherwise excluded? There were people in leadership positions to say, “Hey, this is a space we can build together. I stand as representation to flow us that way,” as well as representation from a predominant group, a white person, for example, to usher in participants from the predominant/white group.

Professor Sturm:

Yes. And Judge Bernard will talk about this in a little bit. But we have judges of color and white judges. And also, we are bringing judges together with people who are not judges to talk about what the experience is like of the justice system, with interpreters and with court officers and with probation. So, they were bringing these folks together and bringing them together not just in a one-shot way but creating a space. This is another critical piece—building spaces where people come together in a sustained way to build capacity to actually do this work.¹¹

And also, you might have noticed, I am a white woman. In the last two years of this project, I was working in this system as a white woman. I do not believe you can do this work alone as a white woman. You have to be in deep collaboration with people of all different races and backgrounds. So, I had internal partners who were all different races, people of color, and they also had credibility. This was critically important. I mean, Judge Bernard and other people in the system have credibility with people who otherwise would never have come into the room. They would not have come into the room with their whole selves without these other bridging agents and leaders.

And then what did we do in the room? So, first, there is the task of building the space to bring these folks together, then . . .

Professor Folami:

But . . . before you actually built up the space to bring people together, did the building agents meet together themselves, as a collective group, to engage in a level of training and building trust among them?

11. For a discussion of the importance of taking an “architectural” approach to advancing equity, see Susan Sturm et al., *Full Participation: Building the Architecture for Diversity and Community Engagement in Higher Education* 13 (2011) (Syracuse Univ. Surface), <http://imaginingamerica.org/wp-content/uploads/2015/09/fullparticipation.pdf> (explaining the role of “the co-creation of spaces, relationships, and practices that support movement toward full participation”).

Professor Sturm:

Yes.

Professor Folami:

Meaning, did the building agents work among themselves first and then come together to bring this trust? Once they had developed capacity for it, did they bring this into the space of participants, or was all this actually happening at one time, with the bridging agents and participants all building capacity together in that space for the first time?

Professor Sturm:

Well, so the people who are leading and facilitating this effort themselves become a cohort. You could call it converging commitments. So, you are actually building a cohort of leadership at many different levels of the system. Not just judges, but probation, and other members of the court system, what Heidi Brooks would call “everyday leadership.” And so, they came together and actually learned. We developed their capacity. This is another critical piece of it. We developed their capacity to build other people’s capacity. And so, they become the drivers. And then they are the ones who are then bringing together a group of people.

And we are talking now about strong commitment from leadership. These folks came together for three full days over the course of a two-and-a-half-month period. They had homework. They did reading. And their homework involved doing things in their workplaces. So, the idea was you build this capacity not as a training or an education, but as a way to change the way they do business on a day-to-day basis, and then have them incorporate this into their practice. They then become the ones who set up the next set of workshops, who set up the next set of systems. And so, there is quite literally this space of interaction and connection and capacity-building, not as a one-shot thing, but as a way of doing work within the organization in an everyday way.

And the other thing that was very important is these folks were in positions of real leverage in the organization. So, who is in the room? We have Human Resources in the room. We have people who are a part of various unions in the room. We have people of all different backgrounds in the room. We have the people who are doing the compliance work. And this is really important.

Another real challenge that is also really important is how do you simultaneously hold people accountable when they cross a line, and still build the capacity for people to have these kinds of conversations?

Professor Folami:

Well, that is what I was going to ask in terms of who was in the room, who is engaging in this capacity building, if you will? Because in doing this work, I think you have to build a level of trust among the leaders themselves and those who come in to be a part of the conversation. And so, for me, these one-off, one-day, off-shot diversity and inclusion trainings do not work because they really do not get at the hard to have and hold conversations that will be triggering on both sides. So, there has to be a level of trust that is built-in.

Is that what was going on? And also, as you mention in terms of enforcement, accountability, and commitment, in some spaces we are seeing in the news, that even diversity and inclusion officers do not necessarily feel safe to do the very job that they were hired to do because they are getting fired. And therefore, how do you resolve that level of trust that goes into what you are asking people to engage in in these conversations?

Professor Sturm:

Yes. So, that is what was going on and goes on in the terms of the context of capacity-building. And so, they are really starting out with the narrative, again, to Professor Thompson's point—a really important one—of creating spaces where people who may have never actually engaged in this way with each other can have the opportunity to tell their stories but also to build the capacity to have difficult conversations, to build the capacity to hold discomfort around, perhaps, other's stories, et cetera.¹² These kinds of conversations have to happen and the organization has to build capacity for them to be had and held in a way that itself builds.

We start out with people sharing narratives about their own experience in the organization, identifying what the issues are, then building the

12. See GLENN E. SINGLETON, *COURAGEOUS CONVERSATIONS ABOUT RACE: A FIELD GUIDE FOR ACHIEVING EQUITY IN SCHOOLS* 70 (2d ed. 2015) (identifying the agreements and conditions enabling people to have courageous conversations about race). See generally DOUGLAS STONE ET AL., *DIFFICULT CONVERSATIONS: HOW TO DISCUSS WHAT MATTERS MOST* (1999) (providing a general framework for undertaking difficult conversations).

capacity for racial and cultural literacy for difficult conversations. By the last part of the workshops, we had people in the room, white judges, probation officers, and participants reading *White Fragility*.¹³ At the beginning of this, the idea that you would have this group of people sitting down and actually having a conversation about white fragility was really . . .

Professor Folami:

Okay. So, pause. At what point did you bring that in? Because I am sitting here thinking, “As soon as you brought out *White Fragility*, folks checked out, right? The predominant group checked out?”

Professor Sturm:

Well, what was critically important was how that whole conversation was framed. The conversation was not framed around “you have to buy this,” but rather, “we are trying to learn how to talk about this and how to engage with it, and you have some skills that you have been developing.” So, they would already have been introduced to nonviolent communication,¹⁴ to difficult conversations,¹⁵ to basically learning how to give and receive feedback¹⁶ and had some practice around that, to concepts of racial literacy,¹⁷ and knowing what you do not know. And then you introduce this, and you basically say, “You know what? In this space, it is really okay for you to say what it is that you think about this book.”

I just have to say one other thing that is critically important, which is that while whatever is going on in this room, at the same time that this is

13. ROBIN DIANGELO, *WHITE FRAGILITY: WHY IT’S SO HARD FOR WHITE PEOPLE TO TALK ABOUT RACISM* (2018).

14. *See generally* MARSHALL B. ROSENBERG, *NONVIOLENT COMMUNICATION* (2015) (discussing the way in which our everyday language can lead to violence, resistance, and defensiveness, and posing practical changes to vocabulary and demeanor that can promote relationship-building, trust, and positivity).

15. *See generally* STONE ET AL., *supra* note 10 (teaching the reader to take a systematic approach to tough conversations and build better listening and communication skills).

16. *See generally* DOUGLAS STONE & SHEILA HEIN, *THANKS FOR THE FEEDBACK: THE SCIENCE AND ART OF RECEIVING FEEDBACK WELL* (2014) (discussing ways to navigate giving and receiving feedback in a way that is productive and leads to growth).

17. Lani Guinier, *From Racial Liberalism to Racial Literacy: Brown v. Board of Education and the Interest-Divergence Dilemma*, 91 J. AM. HIST. 92, 100 (2006) (defining racial literacy as “the capacity to decipher the durable racial grammar that structures racialized hierarchies and frames the narrative of our republic”). *See generally* RHONDA V. MAGEE, *THE INNER WORK OF RACIAL JUSTICE: HEALING OURSELVES AND TRANSFORMING OUR COMMUNITIES THROUGH MINDFULNESS* 116 (2019).

going on, if you think that the court system now is free of racial bias, it is not. I mean, I am looking over at Judge Bernard, and we know that that is not the case. So, at the same time that this is happening, we are still having investigations by the Justice Department. We are still having discrimination claims being brought. There is still protest and pressure from people outside the system. And so, the organization has to still be accountable, and that is critically important. This work was not a substitute for accountability.

Professor Folami:

And so, with that said, with the challenges to the system, I am wondering how does that show up in the room itself where the conversations are going on? Because triggering is going to happen, right? Sometimes by and from the pressures from the outside even as trust and capacity building is going on in this space on the inside.

Professor Sturm:

Yes.

Professor Folami:

So, do you have people who checked out as a result?

Professor Sturm:

Yes.

Professor Folami:

And how did the leaders or building agents encourage them to still stay involved? I mean, I have been teaching a “Lawyers as Leaders” class. We read *White Fragility*, and I watched play out in class exactly what we had just read and ironically discussed in the class discussion. A white woman student responded to a black woman’s comment about the policing of black hair in the workplace. The white student, in essence, said that hairstyles in the workplace was not a race or black woman issue, but had to do with professionalism. She meant her comment innocently, and somehow, she did not see the long-standing issue in the workplace that relates specifically to black women, their natural hair, and hairstyles like cornrows or other hair-braiding styles. Of course, the black women in the room picked that up, right?

Professor Sturm:

Yes.

Professor Folami:

I chimed in about the current legal movements across the nation towards freeing black women and their hairstyles from bias and discrimination in the workplace that is aptly called, the “Free the Hair Movement”¹⁸ through legislations like The CROWN Act.¹⁹ I saw her shut down because it all was very triggering. She was quite upset, and I attempted to draw her back into the class discussion. She was triggered and visibly upset. After class, she told me, “In essence, they called me a racist.” I sat with her after class going into twenty minutes, attempting to expand the conversation for her to consider that they did not call her a racist, but they did say that her comment was about race.

I noticed two things happening, her trigger and shut down, and my emotional labor to get her to rejoin the conversation both during class and after—for about thirty minutes. I finally suggested that she journal about it in the journals that I had purchased for her and her classmates for such moments as this, as this was her work to do.

So, how do leaders—those who are the building-agents—continue to stay engaged, and at the same time keep participants engaged even as triggering conversations and events were happening with them and around them in ways that may have not had anything to do with them directly?

18. The Free the Hair Movement was founded by law Professor Wendy Greene of Drexel University Thomas R. Kline School of Law to celebrate and advocate the right of people of color, particularly black women, to wear their natural hair as it naturally grows if they choose to do so, without repercussions in the workplace or otherwise. The movement builds on some of Professor Greene’s scholarship, namely, *Title VII: What’s Hair (And Other Race-Based Characteristics) Got to Do With It?*, 79 U. COLO. L. REV. 1355 (2008), which itself builds upon on the seminal work of Professor Paulette Caldwell of New York University School of Law, titled, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 79 DUKE U. L. REV. 365 (1991).

19. See *The Official Campaign of the CROWN Act*, CROWN ACT, <https://www.thecrownact.com> (last visited May 18, 2020) (“The CROWN Act ensures protection against discrimination based on hairstyles by extending statutory protection to hair texture and protective styles in the Fair Employment and Housing Act (FEHA) and state Education Codes.”).

Professor Sturm:

Again, this is not easy work, but part of what building capacity is about is to actually be prepared for the moment when something like that happens. And many of us that have been in such a situation. I know for myself, I often find myself having to deal with difficult conversations about something that I said or did, where I did not see or understand something. It does not matter how long you are in the work, I know that I still do not see things.

And so, part of what was important was to stop and slow things down in the moment that it happened and to equip the people in the room to both be in it and to be seeing themselves in it. It is also to show them that what they are doing here is not only learning how to have these conversations themselves and stay in it, but to equip others to do so as well in a conversation with them.

And then critically important is that the workshop efforts are themselves part of a larger effort. So, if it is only the workshops, and then that ends, even if the workshops were incredibly successful in those three days, and we built these kinds of relationships, and we built peer-coaching, and we built forms of sustainability, that is not going to last. What is critically important is that it is embedded in a much larger project. So, strategic planning is serious in Massachusetts. This is being included in the strategic planning process by building these skill sets into the strategic planning process and then following up.²⁰

So, all of the cohorts that go through this workshop get brought together afterwards with support from an office: the diversity office. The shift is with the diversity office, an office that is responsible for education and training related to difference and diversity and is responsible for essentially equipping everyone else in the organization to do this work. They are not the ones who are responsible; they are responsible for equipping everyone else.

I mean, the first time around with this effort, this was my role as the outside facilitator to follow-up, to bring them back together, to have the conversations so that this would be a learning moment rather than a moment of shutting things down. And now, it is the responsibility of people in the organization. And as I exit the organization in this role,

20. See MASSACHUSETTS TRIAL COURTS STRATEGIC PLAN 3.0, 2-8 (2019), <https://www.mass.gov/doc/massachusetts-trial-court-strategic-plan-30-2019/download> (integrating leadership capacity building related to race and bias into every aspect of the strategic plan).

there are people in the organization, including the judges who facilitated, including Judge Bernard, including others, who are now the ones who are responsible for doing this long-run within the organization.

Professor Folami:

So, I am understanding you to say that in starting with this group of people who built out trust in and with this cohort, the goal, the larger goal, was always to sort of build this strong cohort first and to then extend outward, to change the systemic structure and culture itself to dismantle the ways that inequality and exclusion show up.

Professor Sturm:

Exactly. And just to kind of sum it up, if you think about this, these paradoxes will exist. I think when an organization tries to resolve them by saying “I am going to do one” or “I am going to do the other” (but not both) or “I am going to ignore them,” then you end up with this kind of back-and-forth. A paradox can create these kinds of vicious cycles.

But if you build a structure that basically allows you, number one, to make mistakes and recover from them because there is a system that is bringing together groups of people who are learning continually how to respond to failure, how to stay engaged in the conversation, how to know where and when to link this into policy and practice. So now, we are seeing this progress, for example, in how you onboard people into the organization, how you make decisions about job candidates with an eye towards addressing bias and the like.

Professor Folami:

So, the system itself, meaning whatever the organization you are dealing with or that is facilitating this, has to be more than nominally committed to the effort, right?

Professor Sturm:

Yes.

Professor Folami:

In order for folks to continue the work of dismantling bias, right?

Professor Sturm:

Absolutely.

Professor Folami:

So, rather than what we are seeing, diversity and inclusion officers getting dismissed for taking a real go at dismantling bias and inequity,²¹ there needs to be from the start a real and true commitment to this effort that is slated to become a part of the organization's very fiber from leadership to other areas of organization as well.

Professor Sturm:

Yes. And one of the ways in which that showed up is that the leadership of this organization actually went through this workshop with everyone else. So, they did the three days. And they come back often. Similarly, in the context of legal education, I think it is the same thing. I do not think you can teach this in a one-credit, after the fact, class. I mean, I teach a lawyer-leadership course that is a five-credit, one-semester course with a follow-up, and programs, and fellowships, and now we are developing a certificate.²² This has to get integrated into the whole fiber of education. And diversity, equity, inclusion, race, gender has to be just completely integrated into this leadership work so that you cannot teach a course about leadership without doing so. We do not have a one day that is our race day, or a one day that is our gender day, but that you are infusing these issues throughout every part of the course. And then that becomes connected to how students lead their organizations, how they participate

21. See, e.g., Nolan Atkinson Jr., *Philadelphia's Chief Diversity Officer to Resign*, PHILA. TRIBUNE (Apr. 28, 2020), https://www.phillytrib.com/news/local_news/philadelphia-s-chief-diversity-officer-to-resign/article_0bc710dc-14a4-5598-9744-c426b10be64e.html; Vanessa Miller, *New University of Iowa Diversity Head Resigns After Seven Weeks*, THE GAZETTE (Aug. 15, 2019), <https://www.thegazette.com/subject/news/education/new-university-of-iowa-diversity-head-tajuan-wilson-resigns-after-one-month-20190815>; Paul Stewart, *Bias Complaints at SUNY Brockport Reach a New Level with Firing of Diversity Chief*, DIVERSE EDUC. (Mar. 2, 2020), <https://diverseeducation.com/article/168537>.

22. For a description of the Columbia Law School course, Lawyer Leadership: Leading Self, Leading Others, Leading Change, see *Lawyer Leadership: Leading Self, Leading Others, Leading Change*, WEEBLY, <https://lawyerleaders.weebly.com> (last visited May 18, 2020) ("Participating in this course will build your capacity to hit the ground running as lawyers and to have impact in your work, your lives, and your world.").

in their clinics, how they look for their jobs, how they support each other in their peer-coaching relationships.²³

So, this is serious, sustained commitment. You have to have small wins along the way. So, when you have somebody who can actually go to a judge where it is been identified and to say, “Judge, I am seeing a pattern here,” to Professor Thompson’s point. “I am seeing a pattern. Do you want to look at this to see whether you are seeing a pattern in the way you are making decisions?” Where a judge is willing to say, “Yes, I will look,” and then does so. Or having a white judge say in front of the whole room, “I cannot believe that I did not identify myself as a white male as the most important part of my identity, when that is the thing that most of the people who appear before me see first. And I never thought about that as an important part of my identity.” There is nothing that I could have said that would have communicated that as loudly and clearly as having a white judge say that in a diverse room of people.

This is what is possible. I do not want to sugarcoat it. This is really hard work. And there are all kinds of pushback. But I see possibility for holding paradox and making momentum when you make these kinds of commitments.

Professor Folami:

And you and I have had pushback with each other in these conversations and in preparing for this brief exchange, but it is much needed and well worth it. And so, with that said, I have enjoyed this conversation and I hope you all have as well, and that you will have gleaned something from this exchange that will infuse the discussions that are to come today. Thank you very much and thank you Professor Sturm.

23. See *Davis Polk Leadership Initiative*, COLUM. L. SCH., <https://leadership-initiative.law.columbia.edu> (last visited May 18, 2020) (stating the purpose of Columbia Law School’s Davis Polk Leadership Initiative as “building capacity for real world impact through intensive experiential courses, fellowships, innovation grants, and a wide array of lawyer leadership programming”).