



UNEQUAL PROFESSION, UNLEASHED†

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The inspiration for *Unequal Profession: Race and Gender in Legal Academia*¹ came to me while attending the Law & Society Association Annual Meeting in Honolulu, Hawai'i, in June 2012.² While listening to

† Eds. Note: This essay is part of a *Rutgers University Law Review* Symposium entitled, *Taking Our Space: Women of Color and Antiracism in Legal Academia*. The Symposium features a collection of essays inspired by Meera E. Deo's *Unequal Profession: Race and Gender in Legal Academia* (2019) and was accompanied by a roundtable discussion with the authors held virtually in March 2021.

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1. MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* (2019) [hereinafter *UNEQUAL PROFESSION*].

2. *2012 International Conference on Law and Society, L. & SOC'Y ASS'N*, https://convention2.allacademic.com/one/lsla/lsla12/index.php?&obf_var=4362197&PHPSESSID=1gr18r605bu8srqnenpb88lm5c (last visited June 9, 2021). I presented a paper drawing from Stephanie Wildman's pioneering book, *STEPHANIE M. WILDMAN, PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA* (1996), now in its 2021 second edition.

another scholar share her own empirical research, I realized that there was little published data on law faculty, and literally no scholarship highlighting what I later coined “raceXgender bias”—the compound negative effects experienced by women of color, especially in the predominantly white male space of the legal academy.³ As someone relatively new to teaching law who nevertheless had for many years employed empirical methods to study marginalized populations in legal education, I saw this as both a glaring omission and an opportunity for me to contribute something meaningful.⁴ Immediately after the presentation, I shared some initial ideas over email with my friend and mentor, Professor—and now Dean—Angela Onwuachi-Willig. On the return flight home, I outlined the project in more detail. Literally as I deplaned, I received a phone call from Professor Onwuachi-Willig and talked through this potential project with her from the jetway itself. Over the next many months and years, I would talk with other friends, mentors, colleagues, and former graduate school classmates about methods, literature, data collection, theoretical frameworks, mixed-method analyses, publication opportunities, and so much more.⁵ Drawing from this well of expertise, I then grew my idea into the book that Stanford University Press published in 2019.⁶ What a tremendous honor that *Unequal Profession* is now the inspiration for this symposium and

See Meera E. Deo, *Two Sides of a Coin: Safe Space & Segregation in Race/Ethnic-Specific Law Student Organizations*, 42 WASH. U. J.L. & POL'Y 83, 85 n.7 (2013).

3. In *Unequal Profession*, I write that the term raceXgender “highlights the compound effects often caused by holding multiple devalued identity characteristics, namely the intersection of race and gender.” UNEQUAL PROFESSION, *supra* note 1, at 8. The “X” is used specifically to resist “thinking of a woman of color as Black ‘plus’ female, or female ‘plus’ Black” instead “emphasiz[ing] the multifactorial effects of race ‘times’ gender for women of color.” *Id.*

4. At that point, I had published a number of articles on the law student experience, focusing primarily on students of color, including work from my dissertation as well as a separate project I initiated the year I joined legal academia. *E.g.*, Meera E. Deo, *The Promise of Grutter: Diverse Interactions at the University of Michigan Law School*, 17 MICH. J. RACE & L. 63 (2011); Meera E. Deo et al., *Paint by Number? How the Race and Gender of Law School Faculty Affect the First Year Curriculum*, 29 CHICANO-LATINO L. REV. 1 (2010); Meera E. Deo et al., *Struggles & Support: Diversity in U.S. Law Schools*, 23 NAT'L BLACK L.J. 71 (2010).

5. I thank many advisors in the Acknowledgments section of *Unequal Profession* and reiterate here that publishing the book would not have been possible without the support of literally dozens of friends, family members, and colleagues.

6. More information on *Unequal Profession*, including excerpts and reviews, is available on the Stanford University Press website at: <https://www.sup.org/books/title/?id=25601>.

the six powerful essays written by women of color teacher-scholars published in this issue.⁷

Today, *Unequal Profession* is stocked in dozens of law school libraries and on the shelves of hundreds of law professors, academics in other disciplines, practicing attorneys, and others. I am in high demand as a speaker and consultant to educational and other institutions seeking to improve diversity, equity, and inclusion on their campuses and workplaces. Yet there was not a uniformly warm and welcoming reception to the book. Certainly, there has been more interest in it recently than when it was first released, and far less pushback than when I first conceived of the idea and began presenting preliminary analyses in faculty workshops around the country.⁸ But the path to its success has been neither smooth nor straightforward.⁹

In this essay, I share five themes that outline responses as well as updates to the book since *Unequal Profession* was unleashed in February 2019: (1) claiming my worth; (2) jumping on the bandwagon; (3) centering structural solutions; (4) being part of the solution—not the solution; and (5) understanding pandemic effects on legal academia. Together, these themes reveal the depth and difficulty of the work that the legal academy must take on in order to move our profession closer to equity. As the five themes outlined here demonstrate, achieving a more equal profession involves working not only to address naysayers, whose implicit and explicit biases may reinforce inequities, but also for each one of us to critically reflect on our own individual prejudices and opportunities for improvement. As I found myself teaching others about the biases that women of color law faculty face in all aspects of the profession—hiring, scholarship, teaching, service, leadership, work/life balance, and more—I also found myself learning about the ways in which I once, though no

7. I am so grateful to Dean Kimberly Mutcherson for conceptualizing this Symposium and bringing it to fruition. Working with her is always a tremendous pleasure. It has also brought me great joy to work with and read the words of the other authors published in this volume, especially recognizing that their contributions are inspired by *Unequal Profession*.

8. At one memorable lunchtime event, a white man who had arrived late to the presentation raised his hand to ask the first question, challenging a footnote detailing my analytical approach though he had neither empirical methods training, nor workable alternatives. Tellingly, the three women of color in the room also spoke up to voice their strong support of the project, especially noting the ways in which it reflected their lived experiences.

9. In fact, immediately after a book event at another venue a few years later, a friend of mine who lived locally and attended as a guest brought to my attention the *mansplaining* I (again) had been subjected to during the talk itself. Mansplaining is when men with little knowledge of a particular subject nevertheless try to explain that topic to a woman who is an expert in the field. Rebecca Solnit, *Why “Mansplaining” Is Still a Problem*, ALTERNET (Aug. 20, 2012), <http://www.alternet.org/why-mansplaining-still-problem>.

longer, allowed myself to be undervalued. That I have unlearned this pattern of behavior, and work to keep it at bay, means that all of us can contribute to overcoming numerous barriers in legal academia.

The five themes presented here are insights I have gleaned along the way since *Unequal Profession* was published. Just as a qualitative researcher draws out patterns and observations from the data, I have performed some preliminary analyses on two-plus years' worth of responses to *Unequal Profession*, as well as crafted a brief update on how various events of this past unfathomable year exacerbate raceXgender biases in legal academia. I share these observations so that aspiring authors, current academics, allies in practice, and administrative leaders can work together with me to craft a more equal profession.

I. CLAIMING MY WORTH

Congresswoman Maxine Waters modeled for us how to reclaim our time.¹⁰ While promoting my book, I learned, with the encouragement of friends and colleagues, how to claim and reclaim my worth.¹¹ At the Association of American Law Schools ("AALS") Annual Meeting in January 2019, I received an advance copy of *Unequal Profession* from editor extraordinaire Michelle Lipinski at the Stanford University Press sales booth. There is a singular pride in holding your own book in your hands, thumbing through the pages, and smiling down at your name on the front cover. As I was in that moment of joy, my friend Professor Liz McCuskey walked by and coaxed me into an impromptu photo shoot featuring me and my book. In the pictures, I look radiant, relieved, and relaxed. I felt my work was done. But that evening, I had a long conversation with two more friends in the legal academy, Professors Wendy Greene and Gregory Parks, that crystalized that I was far from done: I still needed to claim my worth, and thereby claim value in the work itself.

As soon as Professors Greene and Parks had congratulated me that evening, Professor Greene asserted that my work was just beginning. It was time to start promoting the book. She was especially clear on one point: I was an undisputed expert now on diversity in legal education and should be compensated for sharing my wisdom with individual schools

10. Christine Emba, *Opinion: 'Reclaiming My Time' is Bigger than Maxine Waters*, WASH. POST (Aug. 1, 2017, 2:17 PM), <https://www.washingtonpost.com/blogs/post-partisan/wp/2017/08/01/reclaiming-my-time-is-bigger-than-maxine-waters>.

11. Minda Harts and her groundbreaking book, MINDA HARTS, THE MEMO: WHAT WOMEN OF COLOR NEED TO KNOW TO SECURE A SEAT AT THE TABLE (2019), are instructive in this regard too.

seeking to improve their own state of affairs. I appreciated her sentiments, but I had no idea how to earn or signal the value of my expertise.

Neither did the legal academy. Academia is not easily set up for valuing expertise, especially when related to diversity, equity, and inclusion—and particularly when wielded by women of color. Virtually everyone publishes in the academy. And we all love to talk about our research! Most women of color, no matter what heights we achieve, feel fortunate to be invited to share a work-in-progress—we will spend all day flying out and all day flying back to give a one-hour talk, get fabulous feedback, and enjoy a fun dinner out with new faculty friends. I had done this many times myself, even sharing findings from earlier publications that drew from some of the same data later published in the book. And yet, as Professor Greene reminded me, I now had the book in hand, published by a prominent establishment—Stanford University Press. This was not a work-in-progress. I was not seeking feedback. I was coming in as an expert, and experts are compensated for their time. It was time to reclaim my worth.

As an expert, I would be offering to share the knowledge I had amassed through many years of painstaking empirical research, including meticulous data collection, careful quantitative and qualitative analysis, and the eventual drafting of 256 pages based on almost 100 surveys and interviews with legal academics throughout the United States. Thus, at the behest of Professor Greene and Professor Parks and with their ongoing support, I sought out opportunities to share my expertise with individual law schools, at regional and national conferences, and in other institutional settings. Because of Professor Greene's directive, I presented *Unequal Profession* at numerous law firm and bar association events that gave attendees CLE credit; with the support of many colleagues, universities brought me to campus to share my empirical findings with faculty, staff, and students. I was compensated for lending them my time, knowledge, and expertise.

But the invitations did not all come easily. Law professors and practitioners did not immediately flock to me. Many who expressed an initial interest in learning more about the first formal empirical study of law faculty with a focus on raceXgender biases balked at valuing the work with an honorarium. Serendipitously, the Fourth National People of Color Legal Scholarship Conference—the first in a decade—was arranged for March 2019 at American University Washington College of Law, just one month after publication of the book.¹² That event was a

12. Professor Tony Varona deserves special mention here for immediately and enthusiastically adding an Author-Meets-Reader session for *Unequal Profession* to the

fantastic opportunity for me to share *Unequal Profession* at its first Author-Meets-Reader session. With my target audience on hand throughout the weekend, the two cases of books Stanford University Press had shipped to the venue quickly sold out. Yet in the months after, many schools declined my offer to visit with them. Others suggested hosting me as a colloquium speaker, without an honorarium, expressing surprise when I reminded them that my goal was not to get feedback on a work-in-progress, but to work with them toward greater equity in legal education. Still, enough schools recognized the value in my work that I averaged about two paid talks every month in Spring 2019, and by Fall 2019 many more schools were calling. Not only had I learned my worth and the worth of my research, so had these schools. During the first two weeks of March 2020, I gave five different presentations in two different cities, flying home cross-country from Virginia to California one day after one hundred universities closed their campuses due to worsening concerns about COVID-19.¹³

II. JUMPING ON THE BANDWAGON

The rest of Spring 2020 I spent at home with two children; each of us, like everyone we knew, was filled with uncertainty. The world was reeling in the midst of a global pandemic that even the medical community did not fully understand.¹⁴ Faculty and students were adjusting to online teaching and learning.¹⁵ All of my pending speaking

conference lineup when he heard about its forthcoming publication. For more information on the event, see *Fourth National People of Color Legal Scholarship Conference*, AM. U. WASH. COLL. L., <https://www.wcl.american.edu/news-events/special-events-cle/npoc19/#:~:text=The%20conference%20will%20be%20held,United%20States%20and%20the%20world> (last visited June 9, 2021).

13. “Several statewide systems and more than 100 colleges and universities now have announced campus closures or moved in-person classes online.” IHE Staff, *Pandemic Triggers Chaos*, INSIDE HIGHER ED (Mar. 12, 2020), <https://www.insidehighered.com/news/2020/03/12/coronavirus-news-updates-wed-march-11>.

14. “Unrecognized transmission played a key role in the initiation and acceleration phases of the U.S. outbreak.” Anne Schuchat, *Public Health Response to the Initiation and Spread of Pandemic COVID-19 in the United States, February 24–April 21, 2020*, 69 MORBIDITY & MORTALITY WKLY. REP. 551, 554 (2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6918e2.htm>.

15. As I have found in my ongoing research, many students and faculty are still adjusting to distance learning. Meera E. Deo, *Investigating Pandemic Effects on Legal Academia*, 89 FORDHAM L. REV. 2467 (2021). The Law School Survey of Student Engagement (“LSSSE”) has also collected law student data on these topics through modules focused on “Coping with COVID” and “Experiences with Online Learning.” *About Topical Survey Modules*, LSSSE, <https://lssse.indiana.edu/topical-survey-modules/> (last accessed July 6, 2021). Analyses of data from these modules are on file with the author and serve as the basis for the 2021 LSSSE Annual Report.

engagements were postponed to Fall 2020, when we assumed, incorrectly, universities would resume in-person classes and activities.¹⁶ In the meantime, one tragedy in a long line of others exposed ongoing injustice, pushing many in academia to jump on the racial equity bandwagon and rekindling interest in my book.

On May 25, 2020, a Black man named George Floyd was killed by a white Minneapolis police officer.¹⁷ His tragic killing was one more slaying of an unarmed, non-threatening Black man by the police, one that seemed to awaken thousands of Americans of all backgrounds to the realities of police brutality against Black Americans.¹⁸ The following weeks saw an eruption of protests across the country and the world.¹⁹ Millions of people, including me and my children, donned masks and joined peaceful protests supporting the Black Lives Matter movement, creating what was likely the largest protest movement in United States history.²⁰ Twitter was awash in protest lingo, with renewed interest in all things related to intersectionality, praxis, Critical Race Theory, and diversity and inclusion.²¹ My book, which centers all of those concepts, was swept into the mix.

Within a week, and throughout the month of June 2020, I received roughly one invitation *every day* to share my book with a different

16. Lilah Burke, *Cutting the In-Person Semester Short*, INSIDE HIGHER ED (Nov. 17, 2020), <https://www.insidehighered.com/news/2020/11/17/colleges-end-person-instruction-early-due-covid-19-spread>; Emma Whitford, *August Wave of Campus Reopening Reversals*, INSIDE HIGHER ED (Aug. 12, 2020), <https://www.insidehighered.com/news/2020/08/12/colleges-walk-back-fall-reopening-plans-and-opt-online-only-instruction>.

17. Evan Hill et. al, *How George Floyd Was Killed in Police Custody*, N.Y. TIMES (May 31, 2020), <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.

18. See Angela Onwuachi-Willig, *The Trauma of Awakening to Racism: Did the Tragic Killing of George Floyd Result in Cultural Trauma for Whites?*, 58 HOUS. L. REV. 817 (2021).

19. See, e.g., Jen Kirby, *"Black Lives Matter" Has Become a Global Rallying Cry Against Racism and Police Brutality*, VOX (June 12, 2020, 7:30 AM), <https://www.vox.com/2020/6/12/21285244/black-lives-matter-global-protests-george-floyd-uk-belgium> ("The police killing of George Floyd has sparked a worldwide reckoning."); *Taking a Knee: Athletes Protest Against Racism Around the World*, GUARDIAN (Aug. 27, 2020, 4:35 PM), <https://www.theguardian.com/sport/gallery/2020/aug/27/nba-strike-athletes-kneeling-black-lives-matter-protest> ("[A]thletes around the world have been kneeling in support of Black Lives Matter and wearing the phrase on jerseys and T-shirts while NBA players boycotted game five of their playoff series in protest of the police shooting against Jacob Blake.").

20. E.g., Larry Buchanan, Quoc Trung Bui & Jugal K. Patel, *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>.

21. Jamillah Bowman Williams, Naomi Mezey & Lisa Singh, *#BlackLivesMatter—Getting from Contemporary Social Movements to Structural Change*, 12 CALIF. L. REV. ONLINE 1 (2021), <https://www.californialawreview.org/blacklivesmatter-getting-from-contemporary-social-movements-to-structural-change>. See generally RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* (3d ed. 2017).

audience. In one summer book club meeting for *Unequal Profession* composed of both students and professors, a student asked me how I felt about people who were only recently expressing interest in the book and espousing a nascent commitment to working toward antiracism—though the book had been published 18 months prior. I surprised myself with my response, saying, “I don’t mind folks who jump on the bandwagon now, as long as their commitment is authentic.” This was a surprise to me because I am someone who is deeply committed to issues of diversity, equity, and inclusion. I try to live by antiracist principles every day, and I have high expectations for others. But I realized then that even when people show up late, if they are sincere in their efforts, I am happy to have them on board. Luckily, to aid in these individual efforts, five Black women deans were also working together to propose necessary structural solutions to combat racism in legal education.²²

III. CENTERING STRUCTURAL SOLUTIONS

In the Preface to *Unequal Profession*, I write, “Individual strategies can help, but only a systematic analysis of diversity in legal academia can yield systematic change, with the entirety of those involved working to successfully correct these inequities.”²³ This is why the book concludes with both individual strategies and structural solutions to address the challenges documented throughout. Each one of us can do more. There are particular strategies we can and should employ. We can help ourselves. We can be allies, mentors, and sponsors to others.²⁴ But we cannot individually fight systemic bias and win. As I write in the Conclusion, “Because intersectional discrimination, implicit bias, and gender privilege are institutional rather than purely individual problems, only structural solutions can truly ameliorate them.”²⁵

22. See *infra* note 25.

23. UNEQUALPROFESSION, *supra* note 1, at xi.

24. These three critical roles are distinct and important. “Allies proactively support you and help you achieve your goals,” whereas “[m]entors are experienced and trusted advisors, often a few levels above you,” and sponsors are “your ultimate career champions [who have] . . . the power to affect your career trajectory.” Jeff Weber, *The Roles of Allies, Mentors and Sponsors in Employee Development*, FORBES (Sept. 27, 2019, 08:00 AM), <https://www.forbes.com/sites/forbeshumanresourcescouncil/2019/09/27/the-roles-of-allies-mentors-and-sponsors-in-employee-development/?sh=b7e83c738ee0>. We can apply these definitions to the context of legal academia with relevant examples: allies are white faculty who speak up in a faculty meeting reminding everyone to resist implicit biases; mentors read article drafts and are available to talk through challenging incidents; sponsors are “willing to do things like spend capital on [your] behalf.” See UNEQUALPROFESSION, *supra* note 1, at 45–46, 143–45, 154.

25. UNEQUALPROFESSION, *supra* note 1, at 158.

Enter the Law Deans Antiracist Clearinghouse Project, an effort spearheaded by five Black women law deans who seek to more directly engage legal education “in the fight for justice and equality.”²⁶ The Project does not promote bland equal opportunity statements, but instead advocates institutions becoming more actively antiracist—including a purposeful commitment to focus law school “teaching, scholarship, service, activism, programming, and initiatives on strategies to eradicate racism.”²⁷ While many of us have decried the racism of the police—out there—these leaders urge us to collectively consider how legal academia, legal education, our own institutions, and we ourselves contribute to the racism we denounce, and to engage in a five-step program geared toward solutions.²⁸ The data, findings, conclusions, and proposals in *Unequal Profession* fit perfectly with their call to action geared toward structural solutions in legal education.

IV. BEING PART OF THE SOLUTION—NOT THE SOLUTION

I suspected that this emerging focus on antiracism in the wake of the Black Lives Matters protests, including a turn toward introspection, was driving much of the heightened interest in *Unequal Profession*. However, I worried that some schools reaching out to me were driven primarily by virtue signaling—externally showcasing an allegiance to antiracist efforts in order to be seen on the bandwagon, with little actual commitment to institutional self-analysis or real change.²⁹ This troubled me deeply. I was not interested in schools bringing me to campus via Zoom, even if they paid me, as a token that signaled their commitment to antiracism. Many were now eager to demonstrate that they valued my worth and my work—to the extent that the act of paying me was a way

26. For more information on the Law Deans Antiracist Clearinghouse Project, see *Law Deans Antiracist Clearinghouse Project*, ASS’N AM. L. SCHS., <https://www.aals.org/antiracist-clearinghouse/> (last visited June 9, 2021). The five Black women law deans who spearheaded the project are Angela Onwuachi-Willig, Kimberly Mutcherson,—also the brainchild of this symposium—Carla D. Pratt, Danielle Holley-Walker, and Danielle M. Conway. *Id.*

27. *Id.*

28. The five phases outlined are: Listening, Learning, Leading, Audit Reporting, and Iteration. *Id.*

29. One definition of virtue signaling is: “feigned righteousness intended to make the speaker appear superior by condemning others.” See Jillian Jordan & David Rand, *Are You ‘Virtue Signaling’?*, N.Y. TIMES (Mar. 30, 2019), <https://www.nytimes.com/2019/03/30/opinion/sunday/virtue-signaling.html>. Dictionary.com defines virtual signaling as “the sharing of one’s point of view on a social or political issue, often on social media, in order to garner praise or acknowledgment of one’s righteousness from others who share that point of view, or to passively rebuke those who do not.” *Virtue Signaling*, DICTIONARY.COM, <https://www.dictionary.com/browse/virtue-signaling> (last visited June 9, 2021).

to express their commitment to the cause. But I needed them to understand that I could not be the solution; at most, I could be *part of their solution*. I spent two weeks deliberating how to ensure that by agreeing to speak about *Unequal Profession*, I would be engaged in a partnership with schools truly invested in making change. It was important to me that they meet me at least halfway and include me in aiding their own ongoing efforts towards becoming antiracist institutions. I hit upon a solution during one illuminating conversation about this dilemma with my close friend and recent law professor convert Ahilan Arulanantham.

As a result of that conversation and our discussion on how to avoid being tokenized but instead promoting lasting change, I decided to add a new condition to my speaking events. I insisted that one week before speaking at any law school, I would need a written set of action items the faculty were committed to working on for the year. It would be extra work for me to incorporate these action items into my presentation and facilitate a discussion about how my findings could further their efforts, but it ensured that I was part of each school's solution rather than being seen as the solution itself. With this requirement in place, I could work with dozens of schools toward positive change on the endeavors they had decided were most critical at that moment for their school and that they were committed to working on for the year.

Every school I have "visited" since June 2020 has met that condition. Some have prioritized a commitment to diversity in hiring while others have worked with me to craft more transparent and equity-focused guidelines for tenure and promotion; one school sought my help as they created an administrative leadership position focused on diversity and inclusion, while many others have asked for guidance on improving student evaluations. Making this demand gives me the peace of mind to know I am working with every school to realize the change they envision for their future as well as the pleasure of seeing our partnership result in action.

V. UNDERSTANDING PANDEMIC EFFECTS ON LEGAL ACADEMIA

While many law schools have been purposefully working toward positive change with regard to diversity, equity, and inclusion, structural constraints continue to limit opportunities. My current empirical study, *Pandemic Effects on Legal Academia* ("PELA"), gathers survey and interview data from law faculty regarding their personal and professional

experiences since March 2020.³⁰ Preliminary analyses suggest that many vulnerable populations have increased professional obligations at the same time as they have fewer resources to support them in their personal lives—creating a pressurized system that exacerbates many of the existing inequities detailed in *Unequal Profession*.³¹

My new research documents how the effects of COVID-19 have been especially problematic for the career trajectories of academics who are women, caregivers, people of color, junior scholars, non-tenure-track faculty, and others who remain at the margins of legal academia.³² Many others have noted that diversity has been a casualty of the pandemic in various ways. Women have left the workforce at alarming rates.³³ Mothers have stepped back from their careers due to increased childcare needs.³⁴ There have been fewer solo-authored publications by women scholars in various academic disciplines.³⁵ A study of Stanford faculty found that fifty percent of all women have been spending four extra hours per day as the principal caregiver for children, taking precious time away from scholarship, lessening opportunities for tenure and promotion, and contributing to a “brain drain” of diverse voices that may never be recaptured in the academic literature.³⁶

30. Details on the empirical methodology, guiding literature, and theoretical frameworks for the PELA study are outlined in Meera E. Deo, *Investigating Pandemic Effects on Legal Academia*, 89 *FORDHAM L. REV.* 2467 (2021).

31. *Id.*

32. *Id.*

33. Annalyn Kurtz, *The U.S. Economy Lost 140,000 Jobs in December: All of Them Were Held by Women*, CNN (Jan. 8, 2021, 9:25 PM), https://www.cnn.com/2021/01/08/economy/women-job-losses-pandemic/index.html?utm_term=link&utm_content=2021-01-08T22%3A29%3A01&utm_source=twCNN&utm_medium=social.

34. Misty L. Heggeness & Jason M. Fields, *Working Moms Bear Brunt of Home Schooling While Working During COVID-19*, U.S. CENSUS BUREAU (Aug. 18, 2020), <https://www.census.gov/library/stories/2020/08/parents-juggle-work-and-child-care-during-pandemic.html>.

35. Caroline Kitchner, *Women Academics Seem to Be Submitting Fewer Papers During Coronavirus*, LILY (Apr. 24, 2020), <https://www.thelily.com/women-academics-seem-to-be-submitting-fewer-papers-during-coronavirus-never-seen-anything-like-it-says-one-editor/>; Ruomeng Cui, Hao Ding & Feng Zhu, *Gender Inequality in Research Productivity During the COVID-19 Pandemic* (Harv. Bus. Sch., Working Paper No. 20-129, 2020), https://www.hbs.edu/ris/Publication%20Files/Gender_Inequality_Accepted_Version_a47ba989-3951-43b7-aa34-b9537954bea9.pdf; Giuliana Viglione, *Are Women Publishing Less During the Pandemic? Here's What the Data Say*, NATURE (May 20, 2020), <https://www.nature.com/articles/d41586-020-01294-9>; Tatyana Deryugina, Olga Shurchkov & Jenna E. Stearns, *COVID-19 Disruptions Disproportionately Affect Female Academics* (Nat'l Bureau Econ. Rsch., Working Paper No. 28360, 2021), <https://www.nber.org/papers/w28360>.

36. See Stanford Faculty Women's Forum Steering Committee, COVID-19 Faculty Survey Result & Discussion (Dec. 10, 2020), https://facultydevelopment.stanford.edu/sites/g/files/sbiybj9996/f/fwf_covid-19_survey_results_and_discussion_as_presented_december_

As I continue collecting and analyzing data for the PELA study, I am also engaging with the media, law school deans, and key institutions in legal education to highlight the challenges my data reveal and weigh solutions that will preserve or even augment diversity, equity, and inclusion. We are currently at risk of sliding backwards, of losing diversity gains from the past decade or more; at the same time, the intense pressures of the past year signal an opportunity to reimagine the future of legal education in a way that is more justice-oriented.³⁷

In sum, we have come a long way, but there is much further to go. The Law Deans Antiracist Clearinghouse Project provides a structure to support schools seeking to promote diversity, equity, and inclusion. There are additional models for how to value this work and dozens of law schools with action plans to achieve racial equity goals. Yet without the scaffolding of support provided by caregivers, schools, summer camps, and other services, women—especially mothers, women of color, and untenured faculty—risk losing their livelihoods and their professional identities to the pandemic. *Unequal Profession* revealed many of the raceXgender challenges that existed in previous years. My current research highlights how those barriers and biases are intensifying under COVID-19. Vulnerable populations need the support of their colleagues, administrators, law schools, and universities. Doing nothing risks losing these academics from the profession as well as their voices from our scholarly canons. We cannot wait to act. The time is now. Join me on the bandwagon.

10_2020.reduced_0.pdf. Only thirty-three percent of men report providing the same level of extra childcare. *Id.*

37. In a timely essay, Yale Law School Dean Heather Gerken similarly pushes us to draw from the events of 2020 to rethink the future of legal education, expecting that though many things will remain the same some processes may change. *See generally* Heather K. Gerken, *Will Legal Education Change Post-2020?*, 119 Mich. L. Rev. 1059 (2021).