

Resolution of the Faculty of Mitchell Hamline School of Law  
(February 17, 2021)

Most people who become lawyers, including those who serve the legal profession as law professors, do so because of a belief in legal systems and the rule of law and because of their desire to help make the world a better and more just place. Whether it is by direct advocacy on behalf of clients, service as a judge or legislator, or through teaching law students, an overarching goal of the work of lawyers is to ensure that the laws, legal institutions, and legal processes are fair and just.

Recent events, including the killing of George Floyd in our community in May of 2020, have compelled many of us to think more deeply and carefully about our mission, including whether law schools and the legal profession are doing enough to identify and rectify racial injustice and secure liberty and justice for all. As a community, we have concluded that law schools and the legal profession can and must do more to end the injustices of racism that are embedded in many aspects of U.S. society, including the judicial system, the legal profession, and law schools.

In thinking about what we can do, we are inspired by these words of Amanda Gorman, delivered at President Biden's Inauguration:

*For there is always light,  
if only we're brave enough to see it  
If only we're brave enough to be it*

If we want to progress and improve as the multi-cultural and multi-racial country that we are and, as Ms. Gorman said, "strive to form a union with purpose," we must first be brave enough to see what we did wrong; only then can we be brave enough to implement necessary changes.

We see that our law school is in an historic area of Saint Paul, Minnesota on the Indigenous homelands of the Dakota Oyate, that treaty relationships led to the formation of the State of Minnesota, that the experiences of the Indigenous peoples of Minnesota have been fraught with systemic racism, and that there are eleven federally recognized Tribal Nations from the Dakota and Ojibwe peoples in Minnesota.

We see that our law school is located just blocks from the historically Black Rondo neighborhood that was destroyed by the construction of U.S. Interstate 94, that the State of Minnesota did not have a large BIPOC (Black, Indigenous, and People of Color) population for many decades of its existence, that for many years restrictive housing covenants restricted where Minnesota's BIPOC residents could live, and that the BIPOC population of Minnesota has grown significantly over the past 30 years.

We see that the experiences of the Indigenous peoples of Minnesota and the residents of the Rondo neighborhood are but a small part of the ongoing and systemic racial and societal injustices in our country and community which affect all BIPOC communities and that have occurred for generations, beginning with the displacement of Native American tribes, continuing through the institution of slavery, furthered by Jim Crow and similar discriminatory laws, exacerbated by the criminalization of drugs and the expansion of the carceral state, inflamed by our immigration policies, and continuing with the unequal treatment of BIPOC Americans in our judicial system.

We see the shameful lack of BIPOC lawyers in the legal profession and lament the historical role of law schools and the legal profession in making it difficult for BIPOC individuals to successfully pursue careers in the law. We decry, for instance, the decision of the American Bar Association (ABA) upon its founding in 1878 to limit membership to white men only, a restriction that was not lifted until 1943 and which effectively limited BIPOC membership in the ABA for decades, as well as the institution of bar examinations and other licensure requirements which often operated to exclude women, people of color, religious minorities, and immigrants from practicing law such that only fourteen percent of today's practicing lawyers are BIPOC individuals although the U.S. population is comprised of nearly forty-percent BIPOC individuals.

We see the admissions policies of law schools that, for much of their history, excluded women and BIPOC students and that continue to limit the number of BIPOC students who are admitted to law school each year. We recognize that despite concerted efforts over many years to recruit a more diverse student body, we need to do a better job of recruiting, educating, and supporting BIPOC law students so that the legal profession will become more diverse and reflective of U.S. society and better able to meet the demand for legal services.

We are grateful to live and work in a diverse metropolitan community that includes many immigrant communities (including significant Hmong, Latinx, and Somali communities) and numerous BIPOC individuals who contribute to the success and vibrancy of the Twin Cities area, Saint Paul, Minneapolis, and the entire State of Minnesota. Yet, we cannot be blind to the history of racial injustices in the United States, including in our own community.

But seeing wrongs and confessing them is not enough. Nor is it enough for individuals, alone, to personally commit to being nonracist. Professor Ibram X. Kendi has explained that racism and antiracism is not about people, they are about policies. We must take collective and affirmative steps to identify and address the injustices of racism that are embedded in our society, including in law schools, the legal profession, and the U.S. justice system. The best place for us to start is by examining our own policies and practices.

**NOW, THEREFORE, BE IT RESOLVED** that the faculty of Mitchell Hamline School of Law commits to helping the law school to become an antiracist law school, not just in name, but by taking actions to identify and eliminate racism that exists at our school, in the legal profession, and in the judicial system. Among other initiatives to be formulated, we resolve now to:

1. Develop a process, including an institutional audit, to identify and address racist policies and practices within our school;
2. Strive to understand if, how, and why our existing policies and processes are racist or perceived to be so and be open to changing them as necessary, including those policies and processes related to admissions;
3. Be good listeners and engage in real, honest, and transparent conversations directed toward addressing the injustices of racism, in all forms, including in courtrooms, law offices, and classrooms;
4. Educate ourselves, our students, and our profession about racism and teach and model methods of antiracism; and
5. Engage with the legal profession in its efforts to take antiracist actions, including by eliminating racial discrimination and being more welcoming and supportive of BIPOC law students, lawyers, and judges.

**BE IT FURTHER RESOLVED** that we commit to annually reviewing our efforts and continuing to develop goals in the spirit of this resolution.

Approved by the Mitchell Hamline School of Law faculty on the 17th day of February 2021 by a vote of 28-8, with two abstentions.