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POWER, PEDAGOGY, & PRAXIS: MOVING THE CLASSROOM TO ACTION

INTRODUCTION TO THE SALT CONFERENCE

Sumi Cho*

Historically, SALT Teaching Conferences have charted new substantive ground by modeling treatments of race, gender, sexuality, class, and disability that could be used throughout the law school curriculum. The conferences have also showcased innovative teaching styles, formats, and exercises, that challenge formal distinctions between clinical and traditional law pedagogies.2 At this year’s conference, hosted by the Loyola Law School of Los Angeles,3 we seek to continue providing cutting edge approaches to law teaching by focusing on ways of extending our teaching beyond the classroom and into the area of political engagement.

Toward this end, the conference attempts to reconfigure the pedagogical by placing the “classroom” more consciously and directly into relationship with external power arrangements and community activism. We believe that the conditions of “teaching to transform” have changed dramatically in the past five years, in the

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era of Adarand\(^4\) and the Fifth Circuit's Hopwood\(^5\) decision, Propositions 187\(^6\) and 209\(^7\) in California, the Welfare-to-Work\(^8\) and Defense of Marriage Acts,\(^9\) and Solomon II.\(^10\) Progressive law teachers cannot ignore how the intensified cultural climate and shifting power dynamics have impacted our classrooms. Regressive tropes of "welfare queens," "reverse discrimination," "no special rights," "political correctness," and "illegal immigrants" permeate classroom discussions, thereby normalizing subordination and too often silencing students who feel hypervisible in such classroom settings. We need to question whether the standard liberal response of promoting and enabling this discourse for fear of curbing debate represents a moral

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5. Hopwood v. Texas, 84 F.3d 720 (5th Cir. 1996).
8. I.R.C. § 51 (1998) (enacted to assist persons hired among a group that has a high unemployment rate or another special employment need).
9. 28 U.S.C. § 1738C (1998) (providing that no state shall be required to give effect to any public act, record, or judicial proceeding of any other state respecting a relationship between persons of the same sex that is treated as a marriage under the laws of that other State, or a right or claim arising from such relationship).
collapse and political default that further dispossesses those students most marginalized by the recent political retrenchments.

This year’s teaching conference will focus on ways to integrate pedagogy, theoretical critique, and political engagement into an “action pedagogy” in three substantive plenary sessions, a media training session, a keynote address, and the series of small group subject area discussions that form the core of the weekend’s critical pedagogy project.

Following Professor Czapanskiy’s opening remarks,¹¹ the first plenary will undertake a sober assessment of the external threats to progressive law teaching such as national and state legislation, court decisions, political culture, and media consolidation.¹² We will reveal the current “big” and “little murders” occurring at law schools with alarming frequency with respect to hiring, promotion, and tenuring trends; conservative coups to overthrow “diversity” deans; resentful and arrogant challenges by students to the authority of transgressive teachers, particularly professors of color, women and gay, lesbian, bisexual and transgendered faculty; the entrenchment of the ideology of meritocracy as a rationale to exclude; the reassertion of the “objectivity versus advocacy” distinction in scholarship; the coincidence of the entrance of outsider academics to law teaching with the calls for increased standards for tenure and discussions to abolish tenure. The first panel will then examine the role of intellectuals in the era of neosegregation.

The second plenary will present three different experiences reflecting the integration of social justice projects into traditional law school classes.¹³ Professors Barbara Bezdek and Glenn Omatsu address three questions: (1) How can a teacher engage students in progressive projects as a part of substantive law school courses? (2) What are the opportunities for progressive teaching created by such projects and what are the risks? (3) How can praxis-oriented law

¹². The first plenary speakers are Professors of Law Joel Handler and Catherine Wells, and law student and sociology doctoral candidate Kaaryn Gustafson. The moderator is Professor of Law Sumi Cho.
¹³. The second plenary speakers are Professors of Law Elvia Arriola and Barbara Bezdek, Professor of Asian American Studies Glenn Omatsu, and law student Angela Liang. The moderator is Professor of Law Amy Kastely.
school courses challenge both the usual detachment of legal education from the notion and promotion of community well-being and lawyers' usual nonresistance to—if not complicity in—systems of power.\textsuperscript{14}

To help envision how to formulate and implement such social justice projects in our classes, a series of concurrent teaching demonstrations in a range of subject areas will follow the second plenary. Law teachers who have integrated social justice projects into their substantive classes will share their projects’ objectives, theoretical and conceptual underpinnings, and the rewards and challenges involved in developing such pedagogy.\textsuperscript{15} Among these demonstrations, Professor Cynthia Grant Bowman and public interest lawyer Eden Kusmiersky will present their creative work on domestic violence and clemency petitions in the form of a six-act play.\textsuperscript{16} And Professor Enrique Carrasco will explain his e-book on international finance and development. Kristen Berg, a law student and doctoral candidate in Education, will assist Professor Carrasco in demonstrating how they use this technology for a transnational teach-in that promotes community-based social justice on a global scale.\textsuperscript{17}

Immediately following the demonstrations, we will break into small discussion groups to plan one class that integrates a social justice project within substantive areas of law, including: Constitutional law, torts, contracts, property, civil procedures, criminal law, environmental law, employment discrimination, international law, immigration law, professional responsibility, family law, and feminist


\textsuperscript{15} The group demonstration speakers are: Professors of Law Fran Ansley, Margalynne Armstrong, Frank Askin, Cynthia Grant Bowman, Raymond Brescia, Enrique Carrasco, Karen Czapanskiy, Cecelia Espenoza, Grover Hankins, Marina Hsieh, Sherrilyn Ifill, Chris Littleton, Nadine Taub, Attorney Eden Kusmiersky and law student Kristen Berg.


jurisprudence. Professor Deseriee Kennedy provides a glimpse into the intense work of these small groups on the topic of civil procedure.

We will meet in three taskforces, throughout the conference, to continue the work of SALT’s multi-year Action Campaign to Reconstruct Merit. Taskforce One on Alternative Admissions, Taskforce Two on Social Justice Curriculum and Practice, and Taskforce Three on Legal and Political Resistance, address the conference theme by providing an organized way to address external structures as a collective group of committed law teachers. Together, we will mount a critique of standardized testing from the LSAT to the bar exam, devise progressive admissions criteria, reconceptualize law school curriculum, organize strategic interventions to support affirmative action, coordinate support for litigation, and establish multimedia materials. The conference will provide a special session of media training by a public relations firm to assist us with the goal of bringing our message to the media.

We will close with a synthesis of conference themes and conclusions about negotiating power, praxis pedagogy and SALT’s Action campaign. The third plenary will articulate future-oriented conclusions based upon our plenary and small group work during the conference. We will consider how we structure individual and collaborative efforts to develop a power-sensitive teaching method that embraces student-community activism. The last session’s facilitators will identify the personal and collective commitments necessary to


20. Facilitated by media specialist Leila McDowell of McKinney & McDowell.

21. The third plenary speakers are SALT Presidents and Professors of Law Phoebe Haddon and Stephanie Wildman, and law student and counter Prop 209 organizer Andrea Guerrero. The moderator is Professor of Law Robert Westley.
carry out such an agenda and summarize how law professors can teach to transform and transform to teach.

One highlight of the conference will be a keynote address by Eric Mann, Executive Director of the Labor and Community Strategy Center, a multiracial think tank.22 Mr. Mann, who is trained as a lawyer and community organizer, will share with SALT his work on the Los Angeles Bus Riders’ Union and the “No Seat/No Fare” campaign. He will critically examine the relationship between lawyers and community activists in that movement. Based upon this case study and other grassroots movements, Mr. Mann will provide both inspirational and cautionary tales about merging progressive lawyering, critical pedagogy, and community involvement.

The conference takes a serious look at how conservative political and cultural forces have impacted legal education since the height of the movement for diversity in higher education around 1990. As the largest membership organization of law professors in the United States, SALT is well positioned to counter the conservative shift both inside and outside of the classroom. The plenary sessions, small group work, demonstrations, keynote address, and Action Campaign meetings strive to link local micro-aggressions to macro-oppressions, culture to structure, and to suggest ways of reconceiving our work and resistance under these contemporary conditions.

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