

## **Report of the Task Force on Academic Community and Student Engagement**

Harvard Law School is a large, complex institution. Its size, its excellence, and its resources—both human and material—make it unique among American law schools. It is also a community—a large, diverse community that embraces many smaller communities of interest, affiliation, and identity. Its size enables the Law School to be diverse along every dimension of difference, whether measured by race, gender, ethnicity, gender identity, nationality, political views, religious affiliation, veteran status, income, geography, career aspirations, or none of the above. This diversity is one of the many strengths of Harvard Law School. It helps create the conditions in which the Law School can fulfill its mission of training the best lawyers in the world and of supporting their leadership and success in private practice and in the public interest as they pursue and promote justice in all its forms.

Protests last year following a racially-charged incident in Wasserstein Hall served as a reminder that true diversity within a community requires more than bringing people of different backgrounds, identities, and affiliations together in the same place. It also requires creating the conditions in which they can learn from one another as well as alongside one another. To that end, Dean Martha Minow created this Task Force to study the issues and report its findings to the Law School community. She appointed as faculty members of the Task Force Professors Susan Crawford, Mary Ann Glendon, Annette Gordon-Reed, Bruce H. Mann (Chair), Kristen A. Stilt, and Guhan Subramanian, and as alumni members Pamela D. Everhart '90 and Danielle C. Gray '03. She asked the student government of the Law School to nominate the student members of the Task Force, which it did on September 29, 2016. They are Cameron D. Clark '18, Memme Onwudiwe '19, Tshidiso Ramogale LL.M. '17, and Natalie Vernon '17.

### *1. The Task Force Charge*

In her charge to the Task Force on August 3, 2016, Dean Minow wrote that Harvard Law School “combines unmatched excellence with a large, diverse community in which our differences can make us stronger, can sharpen our knowledge and understanding, and can lead us closer to our best ideals.” She continued:

To fulfill these high purposes, direct and vigorous inquiry and debate are essential. We succeed in advancing our goals only if all members of our community experience and cultivate the trust and mutual respect that allow for true inquiry and genuine disagreement about the hard questions that it is our purpose to explore, both in class and out. As members of an academic community, we are engaged in a common enterprise even when we disagree. To strengthen our community as well as the success of each individual within it, we have an obligation to create the conditions that allow us to

learn from one another and study with and alongside one another. Our differences are and must be our strength. These imperatives must mean that Harvard Law School embraces people of all races, sexes, identities, national origins, social and economic backgrounds, religions, and political perspectives.

In an institution as large and diverse as Harvard Law School, the free exchange of ideas that is essential to the rigorous pursuit of knowledge can flourish only when all members of the community are respected, accepted, and included by their classmates as fellow members of the Law School community. This is a fine, but critically important, line to walk. To describe Harvard Law School as a community is not to say that its members must or even should agree with one another or forswear argument. We are, after all, a law school. Argument is what we do. Rather, it means that we share a commitment to certain bedrock academic and professional values—to reason, to the pursuit of knowledge, to intellectual rigor, to the free exchange of ideas, and, above all, to pursuing the foundational ideal of justice in all its forms. As members of this community, we are engaged in a common enterprise. We are not random fellow travelers. We—students and faculty alike—were selected to join this community, and we joined willingly. This is our commonality.

The Law School cannot compel the acceptance and respect that allows debate and disagreement within the community. It can, however, teach those qualities, model them inside and outside the classroom, support all members of the community as they engage in inquiry and discussion, and, in the process, create an environment that includes everyone. To this end, Dean Minow charged the Task Force to consider four general questions:

How do we foster an environment in which members of the community can have difficult conversations about hard questions freely, openly, and with mutual respect, and ensure the exchange of ideas inside and outside the classroom that is crucial to the study and practice of law?

How well does the range of courses offered at Harvard Law School serve the aspirations of students and prepare students for the changing demands of our profession?

How can we enhance mentoring opportunities for all students at the Law School?

What institutional supports, policies, and practices will further the goals of cultivating full participation and inclusion in the Law School community and the free exchange of ideas?

## *2. The Task Force Process*

These are large, multi-layered questions. The Task Force recognized from the outset that its inquiry, discussions, and report would be just the first steps in what must be continuing efforts to address these questions. Our goals were to advance the discussion and provide guidance for

deliberate, continued examination of these important questions. To that end, the chair began by meeting with members of sixteen affinity groups at the Law School, which the Task Force followed with six open meetings to which all students were invited. The open meetings were held on November 21, 22, 28, and 29, and December 6 and 7, 2016. The Task Force also created a dedicated e-mail account and a website to receive comments. Members of the Task Force made other efforts to consult widely. From these sources we developed a list of issues and concerns that informed our discussions, which proceeded through a series of in-person meetings and conference calls. Those issues and concerns, which we discuss below, fall into seven general topics: diversity among students and faculty, how to learn to discuss issues of diversity and inclusion, how to discuss difficult topics in class, studying social, racial, and economic justice, mentoring and advising, classroom issues, and transparency and communication.

### *3. Diversity and Community*

The size that enables Harvard Law School to be diverse along so many dimensions of difference also means that no matter what one's identity or affiliation, one is guaranteed to have company. This is important both for the support and advice students can receive from their peers and affinity groups, but also for the room that critical masses create for diversity within diverse communities. This can be particularly important for students whose indicia of difference are invisible, as they are for students who are first-generation college graduates or from low-income backgrounds.

#### *a. Affinity groups*

At last count, the Law School recognizes eighty-three student organizations. The growing number of affinity groups among those organizations is one measure of the growing diversity among students. As diversity increases, the groups themselves play increasingly important roles in the larger Law School community. In addition, the number of students who join or identify with two or more affinity groups is a measure of the increasing complexity of diversity itself. To the extent that this intersectionality creates connections between and among groups, it opens the possibility of communication and cooperation across groups generally that can help make the larger Law School community more of a true community. The Law School should actively support the groups and organizations in cooperating with one another in joint programs and initiatives.

#### *b. Creating a diverse student body*

The student body of the Law School is unquestionably diverse: 51% of the current 1L class are women; 44% are students of color; 17% are international students, from twenty different countries; members of the class come from forty-three states and the District of Columbia. Measuring diversity more precisely can be challenging—the numbers vary from year to year, with some groups moving slightly upward and others slightly downward. In addition, different reporting agencies have different and sometimes misleading classification options. For

example, the American Bar Association 2016 Standard 509 Information Report, which the Law School is required to submit each year (and which the Law School links to on its website, together with its own data), lists these categories for the current 1L class: “Hispanics of any race” (11.5%), “American Indian or Alaska Native” (0.2%), “Asian” (11%), “Black or African American” (5.9%), “Native Hawaiian or Other Pacific Islander” (0%), “Two or more races” (4.6%), “Total Minority” (33.2%), “White” (47.2%), “Nonresident Alien” (14.6%), and “Race and Ethnicity Unknown” (4.8%). However, under the methodology used by the ABA, students who identify with “Two or more races” are not counted under any of the individual races or ethnicities with which they identify, even if they list them. Similarly, students included as “Hispanics of any race” are not included in any of the other races with which they identify. And no racial identification is allowed for students who are “Nonresident Alien[s].” The Law School believes these classifications underrepresent the number of students of color at the Law School. One number that must be acknowledged, however, is the sharp drop from historically higher numbers of Black or African American students in the 1L class. Although the decline may be a one-year phenomenon, the J.D. Admissions Office is not content to treat it as such and is actively seeking to increase the number of applications from all groups historically underrepresented in the law.

The creation of a student body as diverse as that of the Law School did not just happen. The Admissions Office has long engaged in extensive outreach to identify and recruit students of diverse identities, backgrounds, and interests, and it constantly seeks to refine and improve its efforts. In addition to providing general information, the office connects prospective students with different affinity groups, alumni contacts, and advising offices on campus. Admissions officers attend gatherings of pre-law students, such as the National Black Pre-Law Conference and the National Hispanic Pre-Law Conference, and they actively recruit at historically black colleges and universities. The Admissions Office seeks to lower economic barriers by waiving application fees for those with financial need, providing need-based subsidies for travel to visit campus, eliminating a seat deposit, and offering admissions interviews by Skype. To capture information about the whole person in the application process, the Admissions Office has expanded its data collection to include information on first-generation educational status, socioeconomic background, immigrant status, and LGBTQ+/gender identity, in addition to previously-gathered metrics. This information helps it enhance the overall admissions process and connect admitted students with relevant community members, student organizations, and faculty. This year the Admissions Office added a diversity preview day to the Admitted Students Weekends in March and April. The Law School recently announced that applicants for admission can present test scores from the more widely-administered and available Graduate Record Examination rather than the LSAT, which it hopes will help attract more applicants of diverse identities and backgrounds. To assure that the Law School continues to train lawyers and leaders for a diverse society, these efforts must continue.

The cost of a legal education has clear implications for diversity. The Law School is one of just three law schools in the country that extends financial aid solely on the basis of financial need. Need-based financial aid helps promote economic diversity in access to education.

Nonetheless, the high cost of legal education and the concomitant accumulation of debt to finance it are formidable burdens, not to mention sources of stress. The Law School attempts to ameliorate the financial burden in different ways at different stages, such as through the Summer Public Interest Funding Program and the Low Income Protection Plan. The Law School has identified raising additional funds for need-based aid as a high priority in its current capital campaign. In addition, the Student Financial Services office is mindful of the needs of low-income students, who may face financial challenges beyond the cost of attending law school, although its ability to address those challenges directly is limited.

A significant, yet often overlooked, model of diversity and community at the Law School are the students in the LL.M. program, who are overwhelmingly international. Partly because of their international origins, partly because there are many fewer of them than there are J.D. students, and perhaps partly because so many of them share the experience of studying and interacting with one another in a common language that is not their own, LL.M. students at the Law School routinely transcend their differences even as they celebrate them and build a vibrant community. The Task Force heard from many J.D. students that they would benefit from greater interaction with students in the graduate program. We also heard that LL.M. students, too, wish to be included fully in the life and culture of the Law School. The growing number of international students in the J.D. program should facilitate such connections and strengthen the international dimension of the larger Law School community. For its part, the Law School should consider how best to assure that students in the graduate program are included as full members of the Law School community.<sup>1</sup>

Once students are here, to encourage them to see themselves as part of a larger Law School community, it helps if they know who other members of the community are. The Law School used to publish annually a directory of the incoming 1L class with photographs. Now the only such information appears to be the rosters of individual courses and seminars, available on Canvas only to students enrolled in those courses and seminars and to the faculty who teach them. Students and faculty alike have mentioned that reviving a school-wide directory with photographs that allows students and faculty to put names to faces and perhaps include more identifying information, either in physical form or on-line, would help make a large institution more personal. An on-line directory of this sort at Harvard Business School has been enormously helpful in facilitating connections between and among students that cross the usual section boundaries. Although the question of how much information to include requires careful consideration, the Law School should create a simplified on-line directory of current students as a first step.

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<sup>1</sup> Although not directly related to issues of inclusion, the growing number of international students in the J.D. program, together with the large number of international LL.M.s, raise an important curricular point: Should the Law School offer an intensive short-course Introduction to the American Legal System for international students before 1L and LL.M. orientation to help prepare them for the substantive courses they will encounter? The Task Force was not able to study this question, but notes that several members think it merits consideration.

### *c. Creating a diverse faculty*

A common refrain the Task Force heard from students was a desire for greater diversity among the faculty. A diverse faculty is important not just so that students can see themselves in the people who teach, advise, and mentor them and be assured that there are faculty who understand their differences. It is also essential to advancing knowledge broadly and to pursuing ideals of justice in ways that recognize and include the experiences, aspirations, and needs of an even more diverse world.

Both historically and within living memory, Harvard Law School in its search for excellence assembled a faculty that, like the faculties of all law schools, was overwhelmingly white and male. In recent years, with a commitment to searching for excellence without the blinkered assumptions of the past, the Law School has recruited new faculty who are as diverse as they are outstanding. Of the nineteen people who have joined or are about to join the faculty as tenured (twelve) or tenure-track (seven) members since 2010, five are non-Hispanic white men. Of the remaining thirteen new colleagues, four are African-American, three are Asian-American, one is Latino, eleven are women. Race, gender, and ethnicity are not, of course, the only ways to measure diversity, but they do indicate a sustained commitment to diversifying the faculty that has also been evident in recent appointments of clinical professors and professors of practice. These efforts must continue, as must efforts to promote diversity in methodology and intellectual perspective.

Although some might look at the faculty as a whole and still not see the diversity they desire, in a process of faculty hiring that is necessarily deliberate and incremental, this recent progress toward a more diverse faculty is significant. The lateral and entry-level appointments committees should continue to cast their nets widely. The Law School should also take advantage of the fact that, year after year, Harvard and Yale send more people into law teaching than any other law school. Skipping over the question of whether this is a good thing or a bad thing for legal education, it means that Harvard has the opportunity to create and develop a pipeline of diverse potential entry-level faculty candidates by encouraging students of diverse backgrounds and identities to consider academic careers while they are still students here. The Law School should explore how it can identify such students and help them along the path to academic careers. Some of those students might eventually teach at Harvard; others would teach at other law schools. The entire legal academy would benefit.

### *4. Discussing Diversity and Inclusion*

For a diverse community to study and discuss the hard questions that are incumbent upon a law school to explore, it must first create the conditions that allow its members to learn from one another and to study with and alongside one another. Part of this rests on creating opportunities for students to interact simply as students, such as through Law School-wide events and activities that pull together the larger Law School community. Within that, it is important to promote discussions of diversity and belonging in the Law School community along as many

dimensions of difference as possible, whether measured by race, gender, ethnicity, gender identity, nationality, political views, religious affiliation, veteran status, geography, income, or career aspirations. Finding ways to realize the commitment that every individual feel like and be a full member of the Law School community is an obligation for all of us. This includes recognizing that differences may be invisible as well as visible, such as the personal qualities and conditions that set low-income and first-generation-professional students, as well as students with non-visible disabilities, apart from their classmates and shape how they experience an institution as elite as Harvard.

*a. Orientation*

The steps toward realizing this commitment begin in 1L orientation, where the Dean of Students office last year introduced new sessions devoted to diversity, inclusion, respect, and belonging. The Dean of Students office considers orientation a work in progress and is collaborating with students to continue to improve those efforts.

*b. First-year sections*

After orientation, the question becomes how to carry the discussion forward after orientation in ways that will involve as many students as possible. To this end, we note that 1L section leaders are uniquely positioned to establish the norms and conditions of how students interact with one another. The weekly hour-long section meetings, and the broad discretion section leaders have in how to use them, provide excellent opportunities to carry forward discussions that in both form and substance advance our commitment to diversity, belonging, and respect across differences, including political differences. The Task Force recognizes that section leaders have many potential uses for the meetings and that providing an opportunity to learn to discuss difficult topics of diversity and belonging constructively is one valuable use among several other important ones. Nevertheless, our preliminary inquiry suggests that there should be room to develop a series of events or discussions that would be common to all sections. This would require coordination among section leaders and, most likely, direction and guidance from the Dean of Students office and perhaps outside consultants or trainers. We recommend that the Law School study this possibility.

*c. Other opportunities*

The Law School should be open to different ways of creating opportunities to address issues of engagement and belonging in diverse communities and the conditions that support mutual respect. These can include, as they have in the past, programs in which outside speakers come to campus and lead discussions using assigned readings. They might also include a Problem Solving Workshop module. The Law School should also find ways to support affinity groups and other student organizations that join to co-sponsor programs or events that bring together different communities of identity or interest.

### *5. Discussing Difficult Topics*

Discussing issues raised by diversity and by the commitment to inclusion and respect for differences are a way of introducing members of the Law School community to one another and of helping them understand both their differences and their commonalities. This understanding creates the conditions in which members of the community can discuss, debate, and disagree on difficult, often sensitive, issues and topics both inside class and out, while still according one another the respect that is due fellow members of the same community. With respect to discussing difficult topics in class, it is worth noting that topics may be difficult for different reasons. Some topics are difficult because they evoke personal trauma suffered by individuals in class. Others are difficult because they implicate the lived experiences of groups of students in class who are partly defined by their identity and that are not part of the experience or backgrounds of their classmates, who consequently may be insensitive or simply uninformed. Still others are difficult because they elicit sharply divergent political opinions.

An informal survey of faculty indicates that potentially difficult topics to discuss in class can occur across a range of substantive courses, from Constitutional Law (such as affirmative action, racially disparate impact, gender discrimination, marriage equality, abortion, hate speech, pornography, euthanasia, religious accommodation) to Torts (such as the articulation and application of “objective criteria” that do not take into account racial or cultural differences, who gets to be the “reasonable person,” sexual assault, defining extreme and outrageous conduct, what counts as an “offensive” touching, what counts as a “reasonably mistaken” belief on the part of a defendant of the need to use force in self-defense, whether race or gender should be taken into account in calculating damage awards, liability for law enforcement personnel in connection with claims they have used excessive force, and the fact that students or their family members may have been victims of the types of mistreatment discussed in class) to Criminal Law (almost any topic because of the degree to which criminal law is bound up with issues of race, class, immigration status, and in discussions of sex-related crimes) and more. In every instance, some students may feel personally vulnerable, while others may feel reluctant to articulate views that might be perceived by some as insensitive or simply unpopular.

Not surprisingly, faculty devise different ways of facilitating such discussions in class. Some students commented favorably on the no-personal-narratives rule applied by one instructor in Criminal Law. Some faculty have suggested the Chatham House Rule, by which students in a class may not, in talking about what was said in class, reveal the identity of who said it. The Berkman Klein Center for Internet and Society has developed an on-line, pseudonym-based discussion program as a tool to use in the classroom, so that students may discuss or react to points in real time anonymously. None of these are without their skeptics, but what unites them is the belief that the classroom is a protected space where students and faculty can take the intellectual and personal risks that are essential to learning. True learning happens when people are allowed the room to make mistakes, understand them, and learn from them. Differing views and identities must be respected and engaged, not dismissed or stereotyped. This obligation extends beyond the classroom to the hallways and to social media. At bottom, the responsibility

for discussing difficult issues in class that may elicit uncomfortably divergent views is not the instructor's alone. It is a responsibility shared by faculty and students. While the Law School should explore how to provide faculty with assistance in learning how to facilitate such discussions, it is incumbent upon everyone to recognize that learning how to express and navigate differences of opinion on fundamental and difficult issues is an essential part of legal education. If we can accomplish that within the confines of the Law School community, where all members are entitled to the respect that is due fellow members of the same community, it will help prepare students for a larger world in which such respect is too often withheld.

## *6. Studying Social, Racial, and Economic Justice*

The Task Force heard from many students that faculty should do more to address issues of social, racial, and economic justice in their courses. While respecting different views about how best to pursue and implement ideals of justice, there are two principal ways in which the Law School strives to address these issues, which is not to say that more could not be done.

### *a. Programs of study*

First, the Law School loosely organizes the curriculum into seven programs of study, which are meant as suggestions for how students with particular interests can navigate the curriculum with those interests in mind. Details of the programs of study are available on the Law School website. One of the seven programs is devoted to Law and Social Change, for students who “seek to understand how law can be harnessed for social change, or who wish to pursue careers as social change agents.” The academic areas within the program include racial justice, economic justice, criminal justice, poverty, immigration and asylum, and many more. The description of each area links to courses that address issues of that area. Other programs of study, such as Law and Government and the Criminal Justice Policy Program, offer similar opportunities to study issues related to social, racial, and economic justice. Although not intended or designed as formal “majors” in which students enroll, they do help students match their interests to the curriculum.

### *b. Substantive courses*

The range of suggested courses within the programs of study illustrates the second way in which the Law School strives to address issues of social, racial, and economic justice. Law is deeply implicated in society, economy, and political economy. The study of social, racial, and economic justice is inseparable from the study of law itself. Issues of social, racial, and economic justice are woven into substantive areas of law and therefore can and should arise in substantive law classes. To mention just a few examples: In Civil Procedure, there are class actions, access to justice, jury selection, right to counsel, pleading standards, and discovery, each bearing implications for issues of diversity and disadvantage. In Corporations, the concentration of stock ownership, the distribution of benefits, and corporate power provide opportunities to discuss income inequality. Contracts professors recognize that much of contract doctrine can be

taught as reflecting or not reflecting social justice concerns. In Environmental Law, one can discuss how low-income and minority communities have suffered disproportionately from environmental pollution and other issues of environmental justice. Questions about the extent to which various federalism-based doctrines and their application shield racial and related injustice from federal judicial review arise in Federal Courts. In Property, topics such as landlord/tenant, fair housing, covenants and servitudes, mortgage financing and foreclosures, zoning, and others are laced with social and racial justice issues. Social and economic justice are pervasive topics in Taxation, where the effect of tax provisions on the distribution of income is a recurring subject. Issues of racial and social justice so pervade Constitutional Law and Criminal Law that no enumeration is necessary. And these are just some of the possibilities.

Faculty appropriately have considerable autonomy in what and how they teach. For each course, they have many objectives, which, depending on the course and the instructor, may include teaching mastery of doctrine and analysis, teaching different theoretical or methodological frameworks, developing professional skills, or exploring how the substantive law in question operates in the larger world, or all of the above. Nonetheless, faculty should have available to them classroom materials such as case studies and other readings developed by their colleagues or the Law School that raise issues of social, racial, and economic justice and should have access to other sources for addressing these issues. One initiative in this vein is the seminar, “Diversity and Social Justice in First-Year Classes,” which is paired with an eight-part public lecture series, also entitled “Diversity and Social Justice in First-Year Classes,” in which 1L faculty discuss how issues of diversity and social justice can be integrated into the core 1L classes.

### *c. Reading groups*

Faculty-led reading groups, both 1L and upper-level, are quite popular. Unfortunately, student demand outstrips the available seats for the most popular ones—a universe that includes reading groups on taxation, financial regulation, administrative law, privacy, legal theory, corporations, management, and legal and constitutional history, in addition to those that address diversity-related issues more directly, such as critical race theory, policing and incarceration, and law, gender, and sexuality. The enrollment limits in individual reading groups are a pedagogical choice—reading groups occupy the learning space between individual tutorials and formal seminars—so addressing demand by expanding enrollment would compromise the pedagogical purpose of reading groups. Nevertheless, the success of reading groups in the curricular niche they occupy and the strong student demand for more reading group opportunities—including, but not limited to, reading groups that take issues of social, racial, and economic justice as their focus—strongly suggest that the Law School should consider how faculty can be encouraged to organize reading groups devoted to particular topics of interest, whether the pool of eligible reading group leaders should be expanded, and how the Law School can facilitate connecting students who have ideas for reading group topics with faculty or others who might lead them.

## *7. Mentoring, Advising, and Counseling*

Mentoring and advising encompass a wide variety of interactions, from advice on what courses to take, to more general counseling on how to navigate law school, to guidance on different career possibilities and how to attain them. Few students come here knowing exactly what they want to do, where they want to wind up, and how to get there. Far more students find navigating the curriculum and figuring out what their career options are and how to prepare for them bewildering, even as they discover new opportunities they had not anticipated. For some students, such as those who are the first in their families or communities to attend college or law school, bewilderment may be complicated by the feeling that many of their classmates arrive with experience or advantages in defining and attaining their goals that they do not have. Harvard Law School is a very large place. Its size is one of its strengths. But like all large places, it can feel impersonal at times. A certain amount of that is inevitable, but it underscores the importance of assuring that all students have access to the guidance and advice they need.

Students receive mentoring and advice from different sources. Some of the affinity groups reach out to students before they arrive on campus for 1L orientation and in some instances pair them with 2Ls and 3Ls who serve as peer-to-peer advisers. The Board of Student Advisers (BSA) dispense advice within their legal writing sections. Some 1L sections assign students to faculty advisers. The Graduate Program pairs LL.M. students with student hosts in the J.D. program. The Office of Public Interest Advising (OPIA) and the Office of Career Services (OCS) have programs that connect students with alumni. On the portion of mentoring and advising that helps students navigate law school, BSAs appear to be the principal resource for 1Ls (as J.D. hosts often are for LL.M. students), followed by some of the student organizations and just plain word of mouth. This places a large burden of advising on students themselves, which, however helpful, is both unfair and inefficient. Peer advising does have an important place—for example, students may be the most reliable source for information on the strengths and weaknesses of individual faculty in the classroom—and it should be supported, but the Law School should think more systematically about what information students need to help them navigate law school and how best to make that information available to them.

Different students need different assistance and guidance at different times. It is important that all students have the same access to the information they need to navigate their time here, which means that the Law School should do all it can to level the playing field of advising rather than accept a do-it-yourself model.

### *a. Peer advising*

As noted above, some of the affinity groups have in the past reached out to incoming 1Ls before orientation, in some instances pairing them with 2Ls and 3Ls who serve as peer advisers. These groups and other student organizations provide the kind of peer-to-peer and word-of-mouth information and guidance that students find helpful. At this point it bears emphasizing that the Law School should consider the affinity groups as partners. In reaching out to members

of their own identity communities, they serve the entire Law School community. The Law School should consider how best to support their efforts. This could include how best to involve the groups and organizations in 1L orientation, how to make it easier for students to connect with student organizations that they miss at the organization fair (such as by posting listserv sign-up information on the law school website student organizations page), how to facilitate leadership training for students who spearhead organization outreach, and increased material support, both financial and administrative.

At the same time, for students to have equal access to information, the Law School must find ways to make similar advising available to incoming students who do not identify with any of the participating groups. The Dean of Students office has attempted to address this by expanding the brief of BSA students to include more advising and giving them additional training toward that end. However, given the legal writing and moot court responsibilities that BSAs also have, making them the default peer advisers for 1Ls is at best a limited solution. In thinking through how to assure something resembling parity in peer-to-peer advising for 1Ls, the Law School should consider whether there might be an appropriate role for student government, with the support of the Law School, in recruiting and training peer advisers and matching them with incoming students. Empowering students and student organizations to take initiatives independent of the Dean of Students office, to the extent possible, would be valuable.

*b. Navigating the curriculum*

The Task Force heard that once students start looking past the intensity of the first semester, they need better sources of information on various requirements and on navigating the curriculum. It is, of course, in everyone's interest that such essential information be communicated clearly and effectively. To this end, it would be worthwhile to identify what information is essential and then how best to communicate it. Navigating the curriculum presents a different challenge. The course catalogue for the current year runs to 457 pages and is divided into eighteen subject areas. This represents an extraordinary cornucopia of academic riches, which is clearly good. But in presenting so many choices and opportunities, it can overwhelm students' abilities to design courses of study that suit their professional and personal needs and interests. As noted above, the Law School has attempted to ease this dilemma by organizing the curriculum into seven "programs of study" intended as heuristics to help students organize their choices. Each program posts extensive information on the Law School website. Even with that, students ask for better advising on curricular offerings, such as on what courses teach what skills and how best to coordinate and sequence courses. The very richness of the curriculum may contribute to feelings of frustration in selecting courses, seminars, and clinics and especially if students encounter long wait-lists for popular courses and seminars and do not have other opportunities to take them because of faculty availability, staffing constraints, and students' own schedules. For students, navigating the course registration lottery means that there are opportunity costs to every choice they make. This is unavoidable, given the disparity between the large number of courses, seminars, and clinics offered and the much smaller number of courses, seminars, and clinics students can take in their limited time at the Law School, but

that does not diminish the frustration and anxiety some students may feel. Improving both advising about course selection and the process for adjusting course offerings and schedules in light of student experiences with them should be a priority, as should communicating the ways in which students may propose courses and seminars.

*c. Career advising*

With regard to career advising, part of the student concern stems from those who would like alternatives to careers in large-firm private practice. Not surprisingly, the path to large-firm private practice is more clearly marked than the paths to other careers. This does not mean that the Law School undervalues other career choices; rather, it reflects the number of students who do aspire to private practice and the fact that law firms themselves invest significant resources in recruiting. Nonetheless, many students perceive the Law School as encouraging them to take that path, despite the best efforts of OPIA, of faculty and alumni who encourage public-interest work, and of the loan forgiveness program.

Public-interest recruiting operates on a different schedule and under different constraints than private-firm recruiting. Public-sector employers have fewer financial resources for recruiting, which together with the nature and frequent uncertainty of their funding preclude their participation in the Early Interview Program that serves private-sector employers, although new funding is available to assist students with travel expenses to interview with public-interest employers. To compensate for these limitations, OPIA tries to facilitate networking among students and attorneys in the public sector through a variety of activities and initiatives. It hosts an annual networking event on campus and receptions in Washington, New York, and elsewhere around the country as schedules and resources permit. Through the Wasserstein Public Interest Fellows Program, it brings public-interest lawyers to campus for two or three days each to advise individual students and to speak to groups of students. The Heyman Fellowship Program supports recent graduates in federal government service with both financial assistance and peer networking, and the fellows in turn mentor current students, including those in the Heyman Summer Internship Program. Less formally, speakers brought in by OPIA, the Alumni Office, the Innovation Lab, and various research programs and student organizations often agree to advise or meet with students. OPIA maintains connections with alumni in public-interest organizations who often volunteer to drop by to advise students when they travel to Boston for other reasons. It recruits volunteer 1L section representatives as Public Interest Ambassadors to act as liaisons between their sections and OPIA, matches each one who wishes with an alumni mentor, and connects them with 2L and 3L volunteers. It also makes informal matches between students and does an annual Student-to-Student Job Fair at which students share information about their summer and term-time public-interest employers.

Of course, for OPIA to facilitate networking that can help students launch public-interest careers, there has to be a network for it to draw upon. The online Alumni Advising Network (AAN) hosted by the Alumni Office is a single database of alumni who have indicated their willingness to be contacted by students that serves both OPIA and OCS. However, AAN's utility

for public-interest advising is limited by the fact that OPIA's public-interest network extends well beyond alumni and by the additional fact that its maintenance has not been a priority for the Alumni Center. Consequently, OPIA has created its own internal database that it uses to pair students with contacts appropriate to their interests. Although AAN is still in use as a database that students can search by various criteria to find alumni from whom to seek advice, it is not widely used. OPIA should receive the support and resources it needs to maintain and expand its own database and to connect students with public-interest advice and employment opportunities.

OPIA has recognized that pairing students with alumni and others who might offer them career advice works best when it is an actively managed process—that is to say, when a knowledgeable intermediary helps select and broker the connection. Amicus—a pilot mentoring program initiated last spring as a collaboration among OCS, OPIA, Alumni Relations, and the Dean of Students office—moves partway in this direction, although students we heard from commented that it could benefit from more active pairing, using as an analogy how Match.com operates.

This brings us to the observation that the Law School offers many ways for students to connect with alumni for career advice. In addition to the ones described, the Alumni Relations and Development Office maintains a Harvard Law School Association Facebook Group, a Harvard Law School Alumni LinkedIn Group, and HLS Connect. OCS sponsors mentoring and networking opportunities through various workshops, regional market mixers, and alumni in residence programs. Alumni Relations involves students in class reunion and affinity reunion events. Yet it appears that some number of students—how many, we do not know—feel underserved. Whether this reflects limitations in the services themselves or a need for better communication to break through the fog of information available to students requires more concerted study. Some of the affinity groups maintain their own alumni networks, but the more recently-formed groups in particular have often found this difficult to do. The Law School should find ways to help interested affinity groups connect with their alumni and build their alumni networks. These networks would be valuable sources of advice and mentorship to students as well as an important way of connecting alumni to the Law School.

#### *d. Faculty advising*

In the past, 1L sections assigned each student to a faculty adviser. At present, some do, others do not. Among those that do, the expectations of what advising consists of are typically vague. Some faculty reach out to their advisees, others wait for their advisees to come to them. The same approach also characterizes faculty office hours. Some faculty post their office hours and leave it at that, others affirmatively encourage students to take advantage of office hours. One consequence of this unevenness is that the students who do engage with faculty outside of class are more likely to be the students who, for whatever reason, are more likely to initiate contact. This means that whatever personal and professional benefits may accrue from closer contact with faculty go disproportionately to the students who are comfortable enough or confident enough to reach out, bypassing students who might benefit just as much but who for

reasons of temperament, inexperience, background, or culture take the absence of an invitation as a deterrent. Conversely, it also means that, to the extent that students seek out faculty with whom they feel most comfortable, minority and female faculty may bear a disproportionate burden of faculty advising and are likely to continue to do so until current hiring trends produce a faculty that is more nearly as diverse as the students. That said, the reality is that not all faculty are adviser material. Personal qualities aside, they are not likely to be on top of the kind of information that usually falls under the category of academic advising, which is why the Law School must support a full range of advising alternatives.

*e. Mentoring*

Mentoring is another matter. Students quite rightly seek mentorship. But mentors cannot be assigned. True mentoring is an organic relationship that arises from a common connection. It can grow from a research assistantship or a seminar paper or a supervised research project or a faculty-led reading group or something else entirely. By its very nature as a personal relationship, mentorship cannot be legislated. Nevertheless, the Law School should create the conditions under which students can find meaningful mentoring relationships. This should include working with student groups and organizations to create opportunities for interested faculty to engage with students in different settings, such as panels or programs on particular topics or lunches. The recent “Notes and Comment: An Event for Students and Faculty to Connect on Scholarship” at which faculty met with students to discuss the students’ research and writing is but one example of the kind of connection that can grow into mentorship. The Law School could also take advantage of the self-selection that pairs students with reading group topics by urging faculty who offer reading groups to remain available to students after the reading groups conclude. The Law School should also expand outreach to alumni, many of whom have the knowledge and insight to provide guidance that may be as or more meaningful than what faculty can provide.

*f. Counseling*

Although there is no data specific to the Law School, surveys at other law schools indicate worrying levels of alcohol and other substance abuse—both legal and illegal—as well as of mental health issues such as stress, anxiety, and depression, among students. Most of the surveys are out of date, none are longitudinal, and none establish causation. Nevertheless, professional schools are inherently stressful institutions. One need not establish precise levels of adverse mental health effects or understand the causes to know that students’ mental health needs must be met. The Dean of Students office is working with the University to address these needs. We urge the Law School to identify and take all necessary steps to address students’ mental health needs, including identifying appropriate preventive measures.

## 8. *The Classroom*

At its best, the law school classroom is a place of intellectual challenge. Challenge can be discomforting, but it is essential to developing the critical thinking that defines lawyers and enables them to succeed. That said, to the extent possible, students should not be burdened with distractions unrelated to the intellectual challenge.

### *a. Participation*

For example, learning to participate in class discussion is an important part of one's legal education. Some students arrive at law school with less experience or comfort in putting themselves forward in class discussions for reasons that may be personal or cultural. Faculty who encourage student participation should be aware of such disparities. The Law School should explore ways of teaching students how to participate in class, perhaps as part of orientation.

### *b. Pronouns*

Faculty vary in how they address students in class, whether by first names, last names, or last names preceded by non-professional personal titles (Mr., Ms., Mx.). For old-school faculty who prefer the last option, the Law School should gather information on which non-professional personal title each student prefers—whether Mr., Ms., or Mx.—so that faculty will have the information available to them when classes begin.

### *c. Accommodations*

The Task Force heard that students who require and are legally entitled to accommodations for a classroom rule announced by the instructor may be reluctant to request them for fear of irritating the instructor who set the rule. This doubtless surprises instructors, but it is simple to resolve. When faculty have rules or policies for which some students may require accommodations under the Americans with Disabilities Act, such as a no-laptop policy, they should announce the rule sufficiently in advance that students who require accommodations may request them and should note in announcing the rule that students who require accommodations may request them from the accessibility services coordinator in the Dean of Students office.

### *d. Exams*

Just as difficult topics may arise in class, they may also arise in exam questions. As noted above, some topics are difficult because they evoke personal trauma, while others are difficult because they implicate students' personal identities. Not surprisingly, different students may understand and react to different exam question fact patterns differently, depending on their personal backgrounds and identifications. Although reactions may sometimes be quite personal, when such difficult topics are part of the course, they may appropriately be part of the exam. But when such difficult topics have not been part of the course, faculty should be sensitive to the

possibility that raising them incidentally on an exam might interfere with affected students' ability to demonstrate what they know under the pressure of an exam and thereby impede fair assessment of what they have learned. Many faculty find it helpful to share drafts of their exams with colleagues for comments on fairness as well as substance.

#### *e. Grades*

Lastly, grades are an inevitable fact of academic life, even if their long-term significance is far less than people imagine. Whether the reward structures of law school are in tension with purported values of collaboration and inclusion is too large a topic to tackle here, although it is worth exploring more deliberately. However, at least two aspects merit close attention. The Law School should study how pedagogical choices can effect how students engage in the classroom and perform on exams. It should also study what factors may contribute to gender differences in grades and honors to determine how they occur and can be addressed, such as whether men and women self-select into different combinations of courses, seminars, and clinics that have different grading practices. We are informed that the Law School is currently conducting such a study.

### *9. Transparency and Communication*

In a community as large, as diverse, and as physically spread-out as Harvard Law School, transparency and communication are important. They help make a large institution more personal. The question of how best to communicate with students—whether the subject is essential information or special events of interest or other announcements—is a perpetually bedeviling one in the shifting communications landscape of today. We do not know the answer, but even small things might help.

One stems from the observation that the size of the Law School can make the administration appear faceless, particularly when students may not know whom to approach with particular questions or issues. The Task Force heard that when issues of concern arise, students would like better information on where to direct their inquiries. This could include clearer information on the responsibilities of the student-facing administrative offices. It could also include posting information on key committees.

### *10. Next Steps*

The recommendations and suggestions made in this report are first steps in what must be a continuing effort by all members of the Law School community to address the issues raised in the dean's charge. Much of what we have discussed here identifies and frames issues that the Law School should address in greater depth. Many of the issues do not lend themselves to easy solutions. If we are to succeed, efforts to address them must be ongoing. To that end, the Task Force makes two final recommendations.

Effective study of complex issues requires data gathered in an empirically sound manner. Members of the Task Force have been working to devise a survey to gather data on interactions inside and outside the classroom, on the Law School as a community, on professional development, and in general on how students experience their time at the Law School. Constructing mechanisms for gathering empirical data is an extended process. Although the Task Force did not finish the survey in time to inform its discussions this year, we recommend that the Law School regularly conduct empirical study so that it has reliable data to test its progress in addressing these issues going forward. Data from the survey and other studies, such as focus groups and the existing annual survey of graduating students, can be combined with data currently collected on the composition of the student body, admissions statistics and yields, career information, and the like to provide a fuller assessment of the Law School community.

As necessary as data are, they are not sufficient. The inquiry and discussion started here must continue. To that end, we recommend that the Dean convene a new committee of students and faculty at least once every three years to examine the data, to review the report of the previous committee and evaluate initiatives it recommended, and in general to assay how well the Law School is addressing the questions Dean Minow put to this task force, which, to repeat, were:

How do we foster an environment in which members of the community can have difficult conversations about hard questions freely, openly, and with mutual respect, and ensure the exchange of ideas inside and outside the classroom that is crucial to the study and practice of law?

How well does the range of courses offered at Harvard Law School serve the aspirations of students and prepare students for the changing demands of our profession?

How can we enhance mentoring opportunities for all students at the Law School?

What institutional supports, policies, and practices will further the goals of cultivating full participation and inclusion in the Law School community and the free exchange of ideas?

Sustained, continued commitment to tackling these questions together is essential if the Law School is to harness its size, its resources, its excellence, and its diversity to continue to fulfill its mission. The Task Force regards this report as a call for that commitment and as the beginning of a continuing effort to address these vital issues.<sup>2</sup>

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<sup>2</sup> In their Addendum to this Report, the student members of the Task Force make additional recommendations that are not included in this Report for reasons of insufficient time or insufficient consensus. These additional recommendations are not inconsistent with the recommendations made in this Report, none of which the Addendum takes issue with. The Task Force did not address issues that were not within its charge and so did not undertake the wider inquiry urged in the Addendum.

Respectfully submitted,

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Susan Crawford

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Natalie Vernon '17

*June 29, 2017*

## Appendix

### *Summary of Recommendations and Suggestions*

The Task Force offers this summary of its recommendations and suggestions for clearer reference. For fuller discussion of each one, please refer to the Report of the Task Force, above. The suggestions and recommendations listed here appear in the same order and under the same headings as in the Report.

*[1. The Task Force Charge]*

*[2. The Task Force Process]*

*3. Diversity and Community*

*a. Affinity groups*

Given the increasingly important roles the affinity groups play in the larger Law School community and the intersectionality that creates connections between and among groups, the Law School should actively support the groups and organizations in cooperating with one another in joint programs and initiatives.

*b. Creating a diverse student body*

The Admissions Office constantly seeks to refine and improve its efforts to identify and recruit students of diverse identities, backgrounds, and interests. To assure that Harvard Law School fulfills its mission to train lawyers and leaders for a diverse society, these efforts must continue.

The cost of a legal education has clear implications for diversity. The Law School has identified raising additional funds for need-based aid as a high priority in its current capital campaign.

Students in the LL.M. program, who are overwhelmingly international, offer a model of diversity and community at the Law School. The Law School should foster greater interaction among students in the J.D. program and students in the graduate program. This would also facilitate including students in the graduate program more fully in the life and culture of the Law School.

To encourage students to see themselves as part of a larger Law School community by helping them identify fellow members of the community, the Law School should create a school-wide directory with photographs that allows students and faculty to put names to faces and perhaps include more identifying information.

*c. Creating a diverse faculty*

In general, the commitment to diversity that in recent years has significantly increased the number of women and persons of color among the faculty must continue, as must efforts to promote diversity in methodology and intellectual perspective.

To create and develop a pipeline of diverse potential entry-level faculty candidates, the Law School should explore how to encourage students of diverse backgrounds and identities to consider academic careers and how to help them attain academic careers.

*4. Discussing Diversity and Inclusion*

*a. Orientation*

The Dean of Students office, which last year introduced new sessions to orientation devoted to diversity, inclusion, respect, and belonging, is collaborating with students to continue to improve orientation.

*b. First-year sections*

The Law School should study the possibility of using a portion of the weekly 1L section meetings for events or discussions that would help students learn to discuss difficult topics of diversity and belonging.

*c. Other opportunities*

The Law School should be open to different ways of creating opportunities to address issues of engagement and belonging in diverse communities and the conditions that support mutual respect. It should also find ways to support affinity groups and other student organizations that join to co-sponsor programs or events that bring together different communities of identity or interest.

*5. Discussing Difficult Topics*

Differing views and identities must be respected and engaged, not dismissed or stereotyped. This obligation extends beyond the classroom to the hallways and to social media. At bottom, the responsibility for discussing difficult issues in class that may elicit uncomfortably divergent views is not the instructor's alone. It is a responsibility shared by faculty and students. While the Law School should explore how to provide faculty with assistance in learning how to facilitate such discussions, it is incumbent upon everyone to recognize that learning how to express and navigate differences of opinion on fundamental and difficult issues is an essential part of legal education.

## 6. *Studying Social, Racial, and Economic Justice*

### *[a. Programs of study]*

#### *b. Substantive courses*

The study of social, racial, and economic justice is inseparable from the study of law itself. Issues of social, racial, and economic justice are woven into substantive areas of law and therefore can and should arise in substantive law classes. Faculty should have available to them classroom materials such as case studies and other readings developed by their colleagues or the Law School that raise issues of social, racial, and economic justice and should have access to other sources for addressing these issues.

#### *c. Reading groups*

The Law School should consider how faculty can be encouraged to organize reading groups devoted to particular topics of interest, including, but not limited to, reading groups that take issues of social, racial, and economic justice as their focus. It should also consider whether the pool of eligible reading group leaders should be expanded, and how it can facilitate connecting students who have ideas for reading group topics with faculty or others who might lead them.

## 7. *Mentoring, Advising, and Counseling*

### *a. Peer advising*

The Law School should consider how best to support the efforts of the affinity groups that offer peer advising. This could include how best to involve the groups and organizations in 1L orientation, how to facilitate leadership training for students who spearhead organization outreach, and increased material support, both financial and administrative.

As it is important that all students have the same access to the information they need to navigate law school, the Law School must find ways to make similar advising available to incoming students who do not identify with any of the participating groups. To this end, the Law School should consider whether there might be an appropriate role for student government, with the support of the Law School, in recruiting and training peer advisers and matching them with incoming students.

### *b. Navigating the curriculum*

The Law School should identify what information is essential to navigating the curriculum and how best to communicate it. Improving both advising about course selection and the process for adjusting course offerings and schedules in light of student experiences with them should be a priority.

*c. Career advising*

OPIA should receive the support and resources it needs to maintain and expand its own internal database that it uses to pair students with contacts appropriate to their interests.

The Law School should find ways to help interested affinity groups connect with their alumni and build their alumni networks.

*d. Faculty advising*

Faculty should recognize that the students who engage with them outside of class, such as at office hours, are more likely to be the students who are more comfortable initiating contact. They should be aware that other students, for reasons of temperament, inexperience, background, or culture take the absence of an invitation as a deterrent and should be encouraged to let students in their classes know that they are welcome at office hours.

*e. Mentoring*

The Law School should create the conditions under which students can find meaningful mentoring relationships. This should include working with student groups and organizations to create opportunities for interested faculty to engage with students in different settings, such as panels or programs on particular topics or lunches.

The Law School could urge faculty who offer reading groups to remain available to students after the reading groups conclude.

The Law School should expand outreach to alumni, many of whom have the knowledge and insight to provide guidance that may be as or more meaningful than what faculty can provide.

*f. Counseling*

The Law School should identify and take all necessary steps to address students's mental health needs, including identifying appropriate preventive measures.

*8. The Classroom*

*a. Participation*

The Law School should explore ways of teaching students how to participate in class, perhaps as part of orientation.

*b. Pronouns*

For faculty who address students in class by their last names preceded by non-professional personal titles, the Law School should gather information on which non-professional

personal title each student prefers—whether Mr., Ms., or Mx.—so that faculty will have the information available to them when classes begin.

*c. Accommodations*

When faculty have rules or policies for which some students may require accommodations under the Americans with Disabilities Act, such as a no-laptop policy, they should announce the rule sufficiently in advance that students who require accommodations may request them and should note in announcing the rule that students who require accommodations may request them from the accessibility services coordinator in the Dean of Students office.

*d. Exams*

Just as difficult topics may arise in class, they may also arise in exam questions. When such difficult topics have not been part of a course, faculty when writing exams should be sensitive to the fact that different students may understand and react to different fact patterns differently, depending on their personal backgrounds and identifications, including in ways that may interfere with their ability to demonstrate what they know under the pressure of an exam and thereby impede fair assessment of what they have learned.

*e. Grades*

The Law School should study how pedagogical choices can effect how students engage in the classroom and perform on exams.

The Law School should study what factors may contribute to gender differences in grades and honors to determine how they occur and can be addressed.

*9. Transparency and Communication*

The Law School should provide clearer information to students on the responsibilities of the student-facing administrative offices to help them know whom to approach with particular questions or issues and should consider posting information on key committees.

*10. Next Steps*

The Law School should regularly conduct empirical study so that it has reliable data to test its progress in addressing the issues raised here.

We recommend that the Dean convene a new committee of students and faculty at least once every three years to examine the data, to review the report of the previous committee and evaluate initiatives it recommended.

## **Addendum to the Report of the Harvard Law School Task Force on Academic Community and Student Engagement**

As student representatives to the Harvard Law School Task Force on Academic Community and Student Engagement, we believe in the potential power of Harvard Law School. We believe this institution is uniquely situated to serve as a steward of the rule of law in a time of critical global need; as a training ground for ethical advocates for social justice and responsible corporate lawyers alike; and as an academic playground for much-needed intellectual exploration. We believe that if the institution's unparalleled resources—human and financial—were mobilized to ensure that all stakeholders in our community are heard, Harvard Law would be better positioned to fulfill its mission to train world-class lawyers, leaders, advocates, and agents for change.

Yet, the composition of this Task Force—with representatives for students, alumni, and faculty—seems to mirror the larger challenges facing the institution: an unfulfilled voice of all members of the community. Even in the presence of student representatives, student concerns were not heard or considered. The subjects of our critique, the methods utilized to observe issues, and the innovative and imaginative proposals offered by students were often met with platitudes. Whether about the scope of the Task Force, about *our* role on the Task Force, or about the hard lines delineating what we could and could *never* question about the structure of this institution, students on this Task Force were denied the exercise of power afforded to us by the broad mandate articulated by Dean Martha Minow. This tension highlights a broader problem on campus—the wide latitude of the HLS professorate vis-a-vis the rest of the HLS community. To this end, in our capacity as student representatives to this Task Force, we felt compelled and driven by principle to articulate the concerns of students in a manner that we think best captures the concerns of our peers.

The faculty is the gatekeeper of Harvard Law School. They are a self-governing, self-regulating body that collectively determines the direction of the institution. At present, faculty answers to no one within the law school community, whether on procedural or academic matters. Therefore, Harvard Law School, like any sizable institution, has room for improvement, but only if the institution and its gatekeepers are open to progress. If the law school is serious about making positive change, faculty must genuinely listen to the ideas, suggestions, questions, and concerns of the *entire* community. Harvard Law School is nothing more than a partnership between its faculty, staff, students, and alumni. Only through true and meaningful engagement with all of these essential stakeholders that make up the institution will we be able to achieve the lofty goals set out in the school's mission statement.

The Task Force itself was never expected to solve the challenges faced by the school. Instead, we were tasked to investigate; to listen; to understand; ultimately, to suggest a way forward by way of recommendations. Although we agree with many of the recommendations in the Report, we diverge on a few critical subjects. We are of the view that the problem is not articulated well enough. Instead, the Task Force Report resorts to generalities that are devoid of the concerns we heard from students, rendering the investigation piece utterly meaningless. While the recommendations are worthwhile tweaks, they are minimal in the face of the enormous task for which we were called to probe and mend. The challenges facing this law school are endemic, and nothing short of meaningful engagement and a

commitment to material change will be able to address concerns expressed by students and faculty members for decades.

Likewise, the Report includes no input or consideration with regards to HLS staff. While we were told that the staff would receive its own internal inquiry, we have received no indication that this has occurred. If such an investigation has been launched or completed, surely the results of this separate process should be included in a Report that speaks to the needs of the entire community.

While we may agree with many of the recommendations in the Committee Report, the report was written by the faculty with the perspective of the faculty at center. Blame is not upon our Task Force's faculty members, as we students naturally see the world through a different lens. However, a positive of organizing a community with divergent views and interests, and listening to those diverse views, is that we may benefit from a rich world experience that is bigger than ourselves. We truly believe in the benefit of diverse views.

While it is remarkable what was accomplished in our shortened Task Force schedule, there were several process issues that are necessary to consider when reviewing the report's recommendations. First, we had no written timeline, and our goals were set on an ad hoc basis. We only met in person three times over the course of the year. Individual Task Force members took private meetings with related parties without the presence of non-interested notetakers. Although a small subcommittee was assembled to draft a survey to solicit student input, that survey was never put into the field. Additionally, apart from the role of chair, who assumed all other responsibilities, there were no enumerated positions in the Task Force. On some occasions, the student constituencies were not consulted, and our process or substantive suggestions, were met with platitudes about the scope or timeframe of the Task Force's work. There was no discussion on basic tenants of our Task Force i.e., whether decisions were made by majority or unanimous decision, or how many members represent quorum (on occasions the "Task Force" was deemed to be represented by the chair alone.) The lack of formality in our structure made it easy for student concerns to be dismissed, postponed, or unaddressed. In light of this, we attach a schematic timeline and guideline about how we thought the Task Force should have been constituted and run. This schematic outline is attached at the end of this report marked as **Annexure A**.

## **1. LL.Ms and SJDs**

Different to the current placing, positionality and importance of the LL.Ms and SJDs in the Law School, we saw it fit to begin our addendum by highlighting the concerns of the LL.Ms and SJDs. Often, these are a collective of students who are seen, but not included. Listened to, but not heard. Present, but neglected. They are often seen as bystanders or passers-by, not fully welcomed or immersed into this school's culture. Many of these LL.Ms and SJDs come with a wealth of experiences and knowledge—many are practising lawyers, judges, and professors in their home jurisdictions. We have no doubts that they come into this community within a keen urge to learn and to explore their horizons, but they also add immense values through the rich experience of their global perspective. However, this is not always appreciated. Be it through disregarding their opinions on the basis of their accents, the messaging that speaks directly to JDs yet implicitly excludes LL.Ms and SJDs, or through providing opportunities *exclusively* for JDs—the LL.Ms and SJDs are often cast aside. This needs to change. To this end, **we**

**recommend that the Graduate Program, Admissions Office and the Dean of Students Office set-up a committee of both Faculty and students to address issues of exclusion experienced by the LL.Ms and SJDs.** This includes, but is not limited to:

- a. The provision of loan relief programs for LL.Ms and SJDs who are going to serve humanity through public service in a manner comparable to the LIPP program available to JDs;
- b. Equating the social budget available between JD sections (\$10000 per section of 80 JD students) and the LL.Ms (\$4000 for the entire class of 180);
- c. Providing comparable and equitable career advice and opportunities to LL.Ms;
- d. Beyond the JD Host Program, creating programs for community building between JDs, LL.Ms and SJDs
- e. Strengthening support for the JD Host Program, not only by matching JDs with LL.Ms, but also ensuring continued support throughout the year; and
- f. Creatively looking into how LL.Ms can be better accommodated in the preferencing, selection and placement of classes of these collective students

## **2. Faculty & Staff**

By joining this committee, each of us accepted Dean Minow's call to "engage the entire community," including "institutional supports, policies, and practices [that] will further the goals of cultivating full participation and inclusion in the Law School community." From the beginning of our inquiry as a committee, our purview was immediately limited to students' issues. We were told that the staff inquiry was to be overseen by Assistant Dean and Chief Human Resources Officer, Kevin Moody. As of now, we are not privy to the commencement or conclusion of a process for the staff investigation, nor to any results of said process. Thus, we were incapable of integrating the concerns of the HLS staff in our review of the entire community.

An inquiry into the faculty, requested by the student representatives to the Task Force, was denied on more than one occasion. Initially, we were told that this inquiry would occur near the end of the Task Force's work, once we were done documenting and considering the issues of the student body. By the mid-point of the year, it was clear that the review of the faculty community was out of question. We then realized that time considerations were not the issue; instead, the chair believed the inquiry to be a futile effort. When asked to pen or sign a letter to the Dean recommending further inquiry into the HLS faculty, the chair offered a firm and unequivocal rejection—this, even as a student to the Task Force wagered their signature on the condition of such a letter.

In full recognition of the charge, we are of the view that our inquiry should not have been limited to just students, as if students were the source and maker of their own problems. We believe that we would have been in a better position to make recommendations had our inquiry extended to all stakeholders of this community, as stated in the charge. **Make no mistake: resolution of the manifold concerns of the HLS Community will not be achieved without a synergistic inquiry into all facets of the Community.** However, mindful of the time and resource constraints on our committee, **we strongly recommend that**

**a new committee be formed with the charge to conduct a holistic examination of faculty policies, politics, and pedagogy.**

### **3. Diversity**

Perhaps one of the most urgent tasks of this committee was to look into issues of diversity and inclusion. Throughout our consultations with students, diversity and inclusion was the most recurrent and pressing area of concern. Indeed, it is an issue that has been on the law school's radar for sometime now. Here, we discuss diversity at three levels: diversity of courses, diversity in the student body and diversity in the faculty appointment.

A recurring request, from the times of Derrick Bell and student protests in 1981<sup>1</sup>, is a diversification of the Faculty and the inclusion of Critical Race Theory as a recurring course. At present, whether Critical Race Theory will be offered as a course is dependent on a number of variables, such as the availability of a visiting professor to teach the course. None of the current faculty members consider themselves to be critical race theorists, nor do they publish or teach in this important discipline.

The necessity and importance of critical race scholarship is important now more than ever. Its value to students and to the pursuit of justice is a foregone debate. In addition, there are numerous excellent scholars in this field. **To this end, we recommend that the Law School take steps to ensure that Critical Race Theory is fully integrated into the curricula at HLS, in a manner comparable to other courses such as Constitutional Law. This should include the appointment of a full time faculty member who is amongst the Critical Race intelligentsia.**

This Task Force was established in the shadow of unprecedented introspection into our Academic Community following the difficult events of the 2015-2016 academic year. The black tape placed over African-American professors was an attack on campus diversity and a flashpoint in a tumultuous period on our campus. Renewed focus on our shield's symbolism (The shield depicted three wheat sheaves and was based on the coat of arms of Isaac Royall Jr., a slaveowner and university benefactor) triggered Reclaim, a movement of students who demanded various reforms in how the Law School engaged its students. Ultimately these confrontations resulted in the Law School taking down their shield and commissioning this Task Force. One important question is how these events affected our student body moving forward, particularly its effect on prospective African-American students. This question is important because Harvard has traditionally outperformed peer institutions in the recruitment of African-American students, boasting disproportionately high yield rate within this demographic. This has led to the perception among African-American prospective students that Harvard Law School is a place where they will be comfortable and accepted, and can go on to do great things like our notable African-

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<sup>1</sup> Victor F. Caldwell & Kimberle Williams Crenshaw, *Critical Race Theory: The Key Writings That Formed the Movement*, 96 Columbia Law Review 1363, 1363 (1996); Lee, Philip. *The Griswold 9 and Student Activism for Faculty Diversity in the Early 1990s*. 27 Harv. J. Racial & Ethnic Just. 49 (2011); STUDENTS PICKET LAW COURSE IN RIGHTS PROTEST AT HARVARD, The New York Times (1983), <http://www.nytimes.com/1983/01/06/us/students-picket-law-course-in-rights-protest-at-harvard.html> (last visited May 10, 2017); and A Class Sends Message To Harvard Law School, The New York Times (1990), <http://www.nytimes.com/1990/11/21/news/a-class-sends-message-to-harvard-law-school.html> (last visited May 10, 2017).

American alumni Barack Obama, Loretta Lynch, and others. It is thus striking how low the Class of 2019's African-American student population is. There are 33 African American students in the Class of 2019, well below the mid-50s that we have enjoyed in recent years. There are many factors that could result in this statistic; but it seems it would be misguided to suggest that this drop is only coincidentally connected to the activities on our last year. There should be a follow-up study to determine whether or not the events surrounding the shield last year will have longterm effects on the makeup of our student classes. Everything possible should be done to make sure that these historically low numbers are an anomaly and not a new norm. The Dean of Students Office (DOS) has already begun addressing its policies and creating new spaces for African-American prospective students, but to be truly effective, DOS must be an active partner in projects like the Task Force, where difficult issues facing questions about the state of inclusion, diversity and the academic community are addressed. **We thus recommend that the JD Admissions Office and Dean of Students study the causes of this historic drop, and thereafter commission a plan to address those concerns so as to attract more African-American students, and underrepresented minorities generally, to come to Harvard Law School.**

Lastly, although the Committee Report recognises that significant strides have been made in the recent past to appoint a more diverse faculty, we are of the view that the process of appointment remains hidden behind a veil of secrecy with little to no information about who sits on the lateral hires committees, the representativity of the committee, the weight of student voices and opinions in a totality of considerations, the various competing factors considered in the appointment of a faculty member, and the standard of assessment for an individual candidate. **We recommend that the Law School begin a process of providing greater transparency about the process of appointing a new faculty member, the composition of the committees responsible for hiring faculty members, and a written, public and easily accessible document about the requirements for faculty appointment.**

#### **4. Empirical Research & Data**

**Task Force collection of empirical data.** Discussion from our first in-person meeting lead to a conclusion that the student body would be best engaged by meetings organized around section affiliation due to the comfortability that students had discussing tough issues with their sections, and the ease of dividing the student body by this metric. This solution was set aside by the chair. Engagement with the student community was instead structured around open meetings with the Task Force with each meeting having an assigned discussion topic. These meetings were sparsely attended, with Task Force members outnumbering attending students on many occasions. The information gathered from these meetings, however representative of the few students who attended, was highly anecdotal, and difficult to garner large conclusions from. In the absence of these conclusions, student views were extrapolated from Task Force conference calls where the chair penned all written minutes, and the chair's meetings with Affinity Groups. In an attempt to supplement our report with empirical data, a sub-group of the Task Force was created with the express purpose of creating and disseminating a survey that would gauge student concerns and beliefs about the community. This survey was fine-tuned over the course of months with the help of experts on campus, and consultants from the Pew Research center. The survey was never disseminated to students, though the report does call for its dissemination in the future.

**The disclosing of data.** There should also be a push to make data about the student body more transparent. Transparent data is integral to: The executive boards of student clubs and groups on campus who wish to know the best strategies to target prospective members, student government leaders who need to be armed with information if they wish to fruitfully engage with administration, and affinity groups who wish to connect with alumni of their background to put on events that bridge generational gaps and create opportunities for meaningful mentorships. Information must not only be disclosed, it must also be accessible to students in efficient ways. The University should also commit itself to disclosing more data to the public and to members of the Academic Community. **To this end we recommend that the University discloses more data to the Academic Community; this data includes, but is not limited to:**

- a. A breakdown of which countries our LLMs are coming from year so trends can be identified
- b. Statistics about who (gender/racial breakdowns) receives Latin Honors or enrolls in particular types of classes (clinical vs seminar vs black letter)
- c. A breakdown of how Law School funds are allocated
- d. Information about the Law School's alumni network. This information should be disclosed in a manner that is tailored to the interests of individual student groups

**Overall, The school administration should err on the side of greater transparency when deciding whether or not to make data about the student body, faculty, or our wider community available to the public and the Academic Community. Further, data that is available should be consolidated on easily navigable webpages as to make the information accessible.**

**Displaying class demographic data.** The data about class demographics should be shown in a way to highlight its significance while contextualizing its historical progression, both in the Task Force Report, and on Law School websites. Two notable statistics worth highlighting in our most recent class are its historically high female population and its historically low African-American population. The University's current method of displaying this issue (breaking down the class by male/female and students of color/white) does not make both of these points clear to viewers of the website; and the current method may inadvertently keep other insights into class demographic data hidden as well. **We recommend that the University displays Class demographic data in a manner that contextualizes the figures historically, by showing corresponding figures from the incoming classes of the last three years juxtaposed with historic data. Historic data could be represented through data points at 5 or 10 year intervals (e.g. data points from Class of 2019, 2018, 2017, 2016, 2006, 1996, etc.) Recognizing that preferred ABA method of collecting demographic data materially changed in 2010, the university should be actively seeking ways to reconcile its databases of historic class demographic information into a format that makes it easily comparable with contemporary data.**

## **5. Community Engagement**

**Institutional Norms and Culture.** At the core of Dean Minow's charge are questions of institutional norms, culture, and community. These interrelated yet distinct components serve as the bedrock of operating principles of the law school and guide how our community interacts across the law

school academic environment. Core questions include, how do we work together as stakeholders of the institution to define the norms of operation on our campus? Today, the process is driven by the tenured faculty in a top-down, non-transparent manner with seemingly limited cross-faculty coordination. How do we use the established norms and ongoing norm-setting exercises to intentionally shape the culture at the law school? Today, this process appears to happen on an ad hoc basis, and this process will require annual conversations between faculty, staff, and students around how we all want to self-govern. And how do we leverage that culture and set of expectations to intentionally build community that allows for the development of trust, respect inside and outside of the classroom? We all stakeholders engaging in meaningful conversations around this question on an annual basis.

Harvard should strive to be an institution where students, staff, and faculty can bring their full selves to campus. No member of this community should feel as though they have to remove a part of their identity to feel included or experience a sense of belonging. If anything, every member of this community should feel like their full self is welcome and accommodated. When students do not feel comfortable fully participating, the entire community loses out on the addition of critical viewpoints to the campus conversations.

Some students have expressed a feeling of being silenced if they hold a view, or are even capable of holding a view, that is outside of the mainstream accepted school of thought. This impacts students with liberal and conservative voices, students who come from different geographies or cultures, and students whose lived experiences are contrary to the dominant view on campus. What should be clear is that all students should feel welcome to challenge the status quo and to hold a view that goes against the dominant view. If a student holds a view that is unpopular, this view should be openly challenged, debated and interrogated. This exercise of free speech does not extend to license to suppress a contrarian view, rather it is an open invitation for lively debate and discussion.

Additionally, Professor actions have an outsized effect across the law school campus. In the classroom, professor guidance defines the scope of acceptable conversation. Outside the classroom, professor interactions in office hours, on panels, and research assistant work can have a significant impact not only on the development of specific law students they work with but on the law students they choose not to work with. Brief comments made by professors in office hours sometimes remains with students for years to come, for better or for worse.

To this end, the institution could draw from concepts of legal ethics, social justice, or the Hippocratic Oath to set norms. The law school could engage in a community-wide discussion of expectations on arrival, that would include at a minimum conversations between students, faculty, and staff about the kind of law school we want to build in a given year. **We recommend that the Law School Dean set the tone at the beginning of every year with a reminder of their vision, the school's mission and an open town hall conversation and ongoing community events to help members - students, staff, and faculty - engage with our norms and our culture.**

### **Institutional Community Building**

At the core of the Task Force charge are questions of trust and respect. Trust, in particular, cannot be mandated. Trust must be earned. One way to encourage students to build trust with each other and with the faculty and staff members on campus is to attempt to intentionally build community. We cannot simply hide behind our large size; we must embrace it. If students, faculty, administrators and staff listen to each other, we would be able to develop and maintain a collective plan for community engagement partly through deliberate planning, evaluation, and exercise, and commitment. Although professors play a role in the development of the Harvard Law community, that privilege is shared with many other actors. At a base level, the school should explore ways to build trust, to be supportive of students, and to be responsive to student needs.

For the purposes of this report, we consider the Harvard Law campus to include what happens in the classroom, in clinics, in student organizations, journals, and everything in between. The law school is a learning environment, a playground for brilliant minds to come and explore. As noted, Harvard Law School has a large student body. The size present challenges and unique opportunities. The institution owes a duty to the students to help push their minds and expand them into leaders. Not only is this duty owed to students who decide to come here but to the world, as Harvard Law students are held out as stewards for the world.

The school should seek to support student groups in fostering real collaboration across classes and groups. This may include shouldering some of the planning, working with students to produce programming, and helping provide more informal opportunities to discuss and meet person to person to connect and provide outside views.

There is limited meaningful collaboration between students and senior administrators. While the staff of the Dean of Students are wonderful to work with, they are overburdened by their existing workload. Additionally, Senior administrators seem to be give a default answer of ‘no’ rather than to be solutions-oriented. Students here are sometimes infantilized.

Tone set by section leaders, for example, students spoke of opening talks where professors emphasized the need to get to know one another and to form a supportive community. How can the Dean of Students office help assist social committees to ensure? How can we make sure best practices are shared across section leaders? Balance instruction with space for students to be creative. Reward the work undertaken by the facilitators. For example, one section hang-outs where we spend time one on one with a randomized classmate grabbing coffee and that has really facilitated some amazing bonds. We learn so much from classmates by learning their perspectives.

## **5. Student Engagement**

**Support Student Organizations and Journals** Students feel connected to the law school through student organizations but have a hard time forming a sense of belonging, such as class or outside their organization. The law school should consider what it can do to make the environment more inclusive and ask itself whether different interests, backgrounds, people still feel like they have a place here and feel included. Although many students have the opportunity to participate in the Board of Student Advisors, Harvard Legal Aid Bureau, and Harvard Law Review, the resources of these

organizations only reach a small fraction of the student body, whilst other student organizations do not receive the same amount of support from the Law School. The law school should continue to support the work of these organizations and encourage and support students who find alternative ways of engaging the community.

Student groups often rely on outside fundraising and outside organizations to fund their activities on campus, including lunch talks, mentorship programs, and conferences. Not only does this place a huge burden on student organizations, many smaller groups do not have the manpower to undergo such an effort on an annual basis. Additionally, student organizations are without office space - individual or shared - and expressed a sense of being under-supported. Being in charge of student org is gratifying, but the support from the school is minimal.

**We therefore recommend that the Dean of Students Office put in place financial support, beyond the DOS Grant Fund, for student organizations, in particular the smaller organizations who do not have the financial muscle nor human capital to fundraise on their own.**

**Student Support & Mental Health.** The statistics on mental health challenges exacerbated by the law school experience are daunting. On average, depression among law students is 8-9% prior to matriculation, 27% after one semester, 34% after 2 semesters, and 40% after 3 years. Stress among law students is 96%, compared to 70% in med students and 43% in graduate students. Entering law school, law students have a psychological profile similar to that of the general public. After law school, 20-40% have a psychological dysfunction.<sup>2</sup> As an institution, we must recognize that law school is a traumatic experience for a large portion of our students. We need to recognize and engage in ongoing conversations on the importance of stress relief. We need to consider teaching resilience skills and how to cope with stress. For some, the first year law school experience might be the first experience where some people are not “the best.” Learning how to deal with “failure” is an important life skill. In addition to conversation and awareness, the school should look into increasing the availability of not just mental health services and the number of counselors available but the intermediary steps that may prevent the need for emergency services. **We therefore recommend that the Law School, together with Dean of Students’ Office, partner with the Harvard University Health Care services to find creative ways to put in place preventative mental health care programs to support students.**

**1L and LL.M Orientation.** Orientation should be used as an opportunity to introduce alumni speakers who represent excellence in a range of non-legal professions and in public interest law, in order to emphasize the wide aperture of potential careers and impacts on the world. Early speakers tend to create images of success in the minds of first-year students, so ensuring a range of interests will allow different students to be inspired in different ways (rather than feeling pushed in a particular direction). This will consequently help increase the sense of belonging among students, especially with non-traditional backgrounds or interests.

**In addition, in the spirit of fostering greater community between JDs and LL.Ms, we think there ought to be better coordination and collaboration between the 1L and LL.M orientations.**

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<sup>2</sup> <http://www.daveneefoundation.org/scholarship/lawyers-and-depression/>

## **6. Curriculum**

In addition to offering Critical Race Theory as a continued course offering, we make the following recommendations:

**Expand Core Course Enrollment.** Given the high demand for certain courses, students are sometimes forced to choose between registering for important skills-based courses, such as Trial Advocacy Workshop and Negotiation Workshop, and critical black letter law courses, such as Federal Courts and constitutional law.

Additional suggestions include programming for lawyers, advanced legal writing, and courses on law and advocacy. **Our suggestions is to code the registration system to list what skills a course builds.**

**Constitutional Law & American Legal System.** Consider adding constitutional law to the 1L curriculum. Since it's a prerequisite for a number of classes, and it can be difficult to enroll in. And it's naturally a course that requires a discussion of race and gender, topics often absent from other 1L courses. Introductory course to the American Legal system - first generation lawyers, non-traditional backgrounds, non-political science undergraduate majors. For example, Columbia provides a three-week course that introduce students to law school and to basic components of the law. While the course is ungraded, it teaches students how they should best prepare for the next two semesters. Perhaps constitutional law or an introductory session to American law.

**We therefore recommend Constitutional Law and Introductory course on the American Legal system be introduced into the 1L curriculum.**

**Grades & Feedback.** Harvard Law School's competitive culture exists. The school should consider Students noted that when the prevalent message is "grades above everything else" is hammered home during the first year, it's hard to build a community when the community piece is de-emphasized from the beginning. We are an individualistic endeavor by nature. Reward structures of the law school are in tension with the school's purported values of collaboration and inclusion. .

Some students come to Harvard Law School to learn how to become good lawyers. More broadly, some students come to the law school to engage in a variety of academic pursuits. At the law school, learning is an active process that requires two-way feedback. Students expressed frustration with the current grading process and the lack of meaningful feedback provided. For example, a student may have done well on an exam and still gotten something totally wrong and would never know. Feedback would likely encourage the message of learning for learning's sake. When students do reach out for exam feedback, some professors are responsive while others are cold and seem to deliberately distance themselves from the conversation. Model answers are somewhat useful, but imperfect and not specific to provided value.

In this regard, we recommend that **the Law School should promote a culture of striking a balance between academic excellence and community building by placing a strong emphasis on excellence through collaboration and that the Law School should put in place formal structures and procedures for students to request exam reviews and feedback**

## **7. Issues for Further Consideration**

In addition to the concerns and issues highlighted above, below are other issues we would've wanted the Task Force to delve further into:

- A. **Low-Income Students.** Students who are low-income face unique challenges at Harvard Law School. Coursework and social activities at the law school presume participants have the requisite financial capacity to participate. For example, the cost of participation in an off-campus clinic includes the cost of dry cleaning and the metro. Full participation at the law school includes the opportunity to go to social events and become a dues paying member of an organization. Although students generally reported that the financial office to be very responsive, many people not from upper-middle-class backgrounds are not comfortable coming to the office to admit that they have financial issues.
  
- B. **First Generation Legal Professionals.** Students who are the first in their family to go to law school, or are the first in their family to go to an Ivy League institution, often face different challenges when they arrive on campus. Students may be intimidated by the legal jargon, onslaught of choices, such as to clerk or not to clerk or to attempt to write on to the Harvard Law Review. To this end, there are three categories of a response, continued support for the individual student, increased support for the community of students, and broader campus-wide dialogue to promote conversations around class and social backgrounds.

Additionally, we heard from students from different social and economic backgrounds that they often feel out of place at Harvard Law School. One student pointed to the etiquette classes as offered by a student group as a helpful resource, and another was appreciative of the dress code advice from the Office of Career Services. Although these are seemingly superficial matters, they help students navigate and succeed in the legal profession by being able to participate in norms and to follow the unwritten rules of the legal community. **While we commend the Student Financial Services Office, we recommend that the school implement programs to help first generation professionals.**

**C. Skills-Based & Leadership Coursework** Skills-building, e.g. effective presentation styles, how to lead effectively, and how to give effective feedback, how to advocate for

your client. Would be helpful for HLS to offer modules like this to build skills and build community.

School operates with assumption that you come in with significant leadership skills, but it doesn't seem to provide adequate opportunities for further development in terms of maximizing potential as future leaders.

**D. Enhancing Community Building Through Sections** While the Section system at HLS is not unique, it provides students with their first opportunity to create lasting relationships with peers in a structured system. In a school as large as Harvard Law, having a grouping of 80 or so students to interact with continuously throughout your first year is important, and relationships with section mates often are the backbone of a student's professional contacts upon completion of Law school. Recognizing this, we think that it is important to create more structured ways of interaction between sections, primarily through initiatives driven by Section social committees ("Section Committees") made up of students who decide how to spend the funds allotted to them from the school. Particularly we want to ensure that 1L Section Committees have proper support when it comes to setting up events, and do not have to continuously reinvent the wheel. **we recommend that Faculty Section Leaders require outgoing Section Committees to create a list of initiatives and events as an "instruction manual" for the next class; in the hopes of setting a high bar for group activities and enabling subsequent Section Committees to hit the ground running.**

Section relationships are meant to be long lasting, and section mates are meant to become the backbone of a student's professional contacts after graduation. Currently however, there seems to be a mismatch between our expectations for these continued relationships, and the amount of monetary support given by the school to nurture these relationships. This is evident in the funding of Section Committees, which drops from \$13,000 per section in 1L year to \$250 in 2L year. **We recommend that funding for Section Committees beyond 1L year be increased, to emphasize the importance of continued community.**

The Law School should strive to support section relationships in alternative ways as well. One idea floated by students, was by dividing up the mandatory 3L legal profession class by section, so students can have one last "farewell" class with their sections before graduating. By integrating the section system into a mandatory 3L course students will have the opportunity to reconnect with their section right before graduation and entering the workforce. This is just one of many innovative ideas that could be used to enhance the community building benefits of the section system without increasing direct funding. **We also recommend that the University search for innovative techniques to support section relationships throughout the duration of law school in ways other than increasing the funding of Section Committees.**

## **8. Conclusion**

For nearly 200 years, Harvard Law School has remained at the forefront of legal practice and theory. Every day, we enter a space that has nurtured leading scholars, politicians, presidents, prime ministers, judges, attorneys, and change-makers. In that time, Harvard Law School affiliates have led and supported some of the most remarkable projects towards social progression. As we reflect on 200 years of excellence in legal education, let not the inertia of a rigid status quo prevent us from imagining and reimagining a more perfect institution. It is our hope that with this addendum, we can catalyze the large-scale change necessary to ensure the continued longevity and prosperity of Harvard Law School.

Signed,

**The Student Representatives to the HLS Task Force on Academic Community and Student  
Engagement**

~

Tshidiso Ramogale, LL.M. 2017

Natalie Vernon, J.D. 2017

Cameron Clark, J.D. 2018

Memme Onwudiwe, J.D. 2019

**I AGREE**

Prof. Susan Crawford

# Annexure A

## Mission Statement & Timeline

Task Force on Academic Community and Student Engagement

### Mission Statement / Description

The Task Force on Academic Community and Student Engagement (the “Task Force”) is a working group of twelve Harvard Law School faculty, alumni, and students who are examining the student experience in four core areas: (1) institutional culture, (2) curriculum, (3) mentoring, and (4) institutional supports. After gathering student input, advice and counsel from related law school offices, and research on the practices of peer institutions, the Task Force will make recommendations to the community on ways to improve the student experience. Our goal is to help Harvard Law School best achieve its mission of training the best lawyers in the world.

### 2017-18 Taskforce Structure

#### **Important questions we need to answer, or leave to next year’s committee/the incoming Dean:**

- What percentage or number of Task Force members constitutes quorum?
- Will there be an outside review process by a private firm, like McKinsey for example? If so:
  - What relationship will the consultants have with stakeholders at the university?
  - Would they work in tandem with the Task Force, in tandem with other stakeholders at the law school (Dean’s Office, Faculty Committee on diversity, the Dean of Students, affinity coalition etc.), independent from the Task Force, or under a different arrangement? \*
- Is a report submitted with a unanimous, majority, or plurality of member votes?

\* The following Timeline assumes that such a body (“McKinsey” merely represents a private firm) would be loosely advised and guided by the Task Force in the researching and writing of their own report. The Task Force will work separately to find solutions of their own through an organized campaign of community engagement. The independent report would merely form the baseline for information gathering—it is meant to be an aid to the new committee.

### 2017-18 Task Force Timeline

#### **I. Renewing the Process**

- **August 24 - September 24 Assembly of the Taskforce.**
  - The same procedures used to choose members of the 2016-17 Taskforce should be used to decide the members of the 2017-18 Task Force. Proposed Task Force Structure:
    - 6 Professors (A mix of Clinical and Lecturer)
    - 5 students (a 1L representative, a 2L representative, a 3L representative, a LLM representative, and a SJD representative.)
    - 3 Alumni (including an LLM/SJD)
    - 3 staff members (including the Director of Student Engagement at DOS)

## Annexure A

- 1 Professor and 1 student will serve as co-chairs
- Break-up the Task Force into specific subcommittees
- **September 24 - October 22 Task Force preparatory work**
  - Take a group photo for Task Force website and social media outlets, become acquainted with one another
  - Meet with corporate culture consultants from McKinsey to help them have a baseline understanding of our community and guide their year long independent review of our Academic Community (communication and advisory guidance from the Task Force should be ongoing throughout the year)
  - Select exact dates for section organized open community discussions, discuss tactics to raise attendance (work with section leaders to advertise? Have committee members visit 1L sections to talk about the work of the taskforce? etc.)
  - Peer institution research

### II. Define the Challenges (Data Collection)

- **October 22 - December 8 2L, 3L, LLM & SJD Open Community discussions**
  - Week of Oct. 22nd (23rd-27th) Meetings with Section 1 class of 2018 & 2019; and Section 7 of Class of 2018
  - Week of Oct. 30th (30th- Nov. 1st) Meetings with Section 2 class of 2018 & 2019; and LLMs
  - Week of Nov. 6th (6th-10th) Meetings with Section 3 class of 2018 & 2019; and Section 7 of Class of 2019
  - Week of Nov. 13th (13th-17th) Meetings with Section 4 class of 2018 & 2019; and SJDs
  - Week of Nov. 27th (27th- Dec.1st) Meetings with Section 5 class of 2018 & 2019
  - Week of Dec. 4th (4th-8th) Meetings with Section 6 class of 2018 & 2019
- **December 8 - January 20 1L Open Community discussions**
  - Week of Jan. 1st (3rd-5th) Meeting with Section 1 class of 2020
  - Week of Jan. 8th (8th-12th) Meetings with Section 2, 3, and 4 from class of 2020
  - Week of Jan 15th (15th-19th) Meetings with Section 5, 6, and 7 from class of 2020
- **January 20 Schoolwide survey (this represents a deadline, survey should be disseminated immediately after its completion)**

### III. Address the Challenges (Data analysis, solution construction)

- **January 20 - February 24 Review full range of data collected**
  - Identify and investigate initial challenges identified in the Open Community discussions
    - Begin subcommittee research in each of the four core areas
    - Research possible solutions at Harvard and beyond
  - Schedule Open Community discussions on potential solutions
    - Decide if they should be organized by section or open to the whole campus.
- **February 24 - March 25 Open Community discussions on the potential solutions**
  - Subcommittee Recommendations completed in this period
  - Initial results of McKinsey corporate culture research should be analyzed during this period
- **March 25 - April 20 Drafting and releasing a report**

## **Annexure A**

- There should be multiple in-person meetings for deliberation and drafting of report drafts
  - Cooperative drafting platforms, like Google Drive, should be encouraged
  - McKinsey researchers should be involved and engaged in this process
  - Discussion about whether to release both the McKinsey and Task Force Reports, only the Task Force Report, or only the McKinsey Report