

FROM WHITEBOARD TO STATEMENT OF PRINCIPLES: THE DEVELOPMENT OF THE ROCKY MOUNTAIN COLLECTIVE ON RACE, PLACE & LAW'S PRINCIPLES

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Several weeks into my first fall semester as a faculty member at the University of Denver Sturm College of Law (Sturm), I received an email from Professor Rashmi Goel.¹ The email, addressed to new faculty members, introduced the Rocky Mountain Collective on Race, Place & Law (RPL) and invited us to participate in the group.² The barrier to entry was straightforward: to be a member, you had to agree with RPL's Statement of Principles.³ During my time as a Sturm student, I had worked with RPL to organize a racial justice discussion series, so I was familiar with the group.⁴ While I had an existing, positive understanding of RPL, I took my review of RPL's Statement of Principles seriously. After careful consideration, I decided that I do agree with the principles, and I officially joined RPL.

Shortly after joining RPL, Professor Goel invited me to write this Essay about the origins of the RPL principles. At first, this task seemed daunting. What did I know about the origins of RPL's principles, which its founding members created almost a decade before I joined the Sturm faculty? Then, I realized what a unique experience writing this Essay would provide. While I knew next to nothing about the origins of RPL's principles, by interviewing many of the early members of RPL, I could attempt to memorialize their collective history and learn more about the principles in the process.⁵

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1. E-mail from Rashmi Goel, Assoc. Professor, to Katherine Steefel, Assistant Professor of the Prac. of L., Sturm Coll. of L. (Aug. 25, 2023, 2:25 PM) (on file with author).

2. *Id.*

3. *Id.*; see also Alexi Nunn Freeman & Lindsey Webb, *Positive Disruption: Addressing Race in a Time of Social Change Through a Team-Taught, Reflection-Based, Outward-Looking Law School Seminar*, 21 U. PA. J. L. & SOC. CHANGE 121, 130–31 (2018) (“This group is open to all employees at the law school who agree to sign on to a list of shared principles rooted in critical race theory, and currently includes members of the staff, administration, and faculty.” (footnote omitted)); see also Interview with Rashmi Goel, Assoc. Professor, Univ. of Denv. Sturm Coll. of L., in Denv., Colo. (Aug. 30, 2023).

4. *Analyzing the Law Through a Racial Justice Lens* (2021), <https://www.law.du.edu/sites/default/files/2021-01/RPL-Racial-Justice-Series-Flyer-2015.pdf>.

5. Interview with Roberto Corrada, Professor, Univ. of Denv. Sturm Coll. of L., in Denv., Colo. (Oct. 3, 2023); Interview with Rashmi Goel, *supra* note, 3; Telephone Interview with Dean José R. (Beto) Juárez Jr., Dean, NSU Shepard Broad Coll. of La. (Oct. 18, 2023); Interview with Tom

While each person I interviewed had a slightly different take on the development of RPL and its principles, I noticed three themes throughout my conversations. In almost every conversation, RPL members described how the collective's principles (1) drew upon Critical Race Theory (CRT) and Latina & Latino Critical Legal Theory (LatCrit),⁶ (2) were influenced by the founding members' passions and areas of study,⁷ and (3) reflected notions particularly relevant and top of mind at the time of their creation.⁸

The RPL Statement of Principles reads as follows:

The following principles inform our teaching, scholarship, activism, and organization

Antiessentialism – We resist attributing particular sets of traits to particular groups, or to individual members of those groups.

Antisubordination – We are concerned about subordination, power, and substantive justice, rather than mere formal equal treatment.

Globalism – We believe that subordination is both a local and a global phenomenon, and that our principles and values can inform and be informed by subordinated communities, both domestically and internationally.

Hegemony – We believe that power works not only directly and coercively but also hegemonically – that power affects the ways people perceive “reality” as well as their understandings of what constitutes “knowledge” about the world.

History – We believe that critical engagement with history is centrally important to understanding how power operates through race, gender, sexuality, and class to de-center and marginalize the lived experiences of subordinated peoples.

Intersectionality – We recognize the multidimensionality of individual identity and the complex, mutually reinforcing relationships among systems of subordination.

“Meritocracy” – We question the notion of “meritocracy,” and the assumption that standards of “merit” can be neutral under current social conditions.

Multiplicity of Non-Whiteness – We recognize that non-whiteness takes many forms and has varied impacts.

Romero, Assoc. Professor, Univ. of Denv. Sturm Coll. of L., in Denv., Colo. (Oct. 3, 2023); Interview with Catherine Smith, Professor, Univ. of Denv. Sturm Coll. of L., in Denv., Colo. (Oct. 11, 2023); Interview with Lindsey Webb, Assoc. Professor, Univ. of Denv. Sturm Coll. of L., in Denv., Colo. (Oct. 4, 2023).

6. Interview with Tom Romero, *supra* note 5; Interview with Roberto Corrada, *supra* note 5; Interview with Catherine Smith, *supra* note 5; Interview with Lindsey Webb, *supra* note 5.

7. Interview with Tom Romero, *supra* note 5; Interview with Lindsey Webb, *supra* note 5.

8. Interview with Roberto Corrada, *supra* note 5; Interview with Tom Romero, *supra* note 5.

Praxis – We believe in doing as well as talking, in working to make real change in the world.

Privilege – We believe that group-based privilege, such as race, class, gender, and heterosexual privilege, are pervasive in society.⁹

These principles, now listed on the RPL website,¹⁰ started off on a classroom whiteboard where Professor Nancy Ehrenreich took notes as the founding members discussed what principles they wanted at the center of their future group.¹¹ The founding members gathered in a classroom on the University of Denver campus—but outside the law school—to brainstorm.¹² According to Professor Tom Romero, the fact that the group of law faculty members met in a classroom outside the law school was both a manifestation and symbol of the anxiety the founding members had about how RPL would be received within the law school.¹³ Dean José R. (Beto) Juárez reflected that the meeting entailed productive but sometimes difficult conversations.¹⁴ Each founding member came with their own views and perspectives—the key was distilling the principles down to represent their commonalities.¹⁵ The process, Dean Juárez shared, forced him to clarify his own thinking on the important topics covered by the RPL principles.¹⁶

Before this classroom meeting, many of RPL’s founding members spent years working to bring about change at Sturm.¹⁷ Professor Catherine Smith described the significant time and energy many of the founding members had poured into trying to diversify Sturm’s faculty and student body, and working to create a more inclusive space in the law school.¹⁸ Professor Smith explained that after years of facing resistance to their efforts, and achieving only limited success, the founding members decided to channel their time and energy into another outlet.¹⁹ In the fall of 2010, the founding members started a faculty CRT reading group that eventually transformed and grew into what is now RPL.²⁰ To use Professor Smith’s words, RPL was a “phoenix born from the ashes.”²¹

The CRT reading group read various seminal law review articles in the CRT space.²² Professor Romero created an overview for the reading

9. *Rocky Mountain Collective on Race, Place & Law*, STURM COLL. OF L., <https://www.law.du.edu/content/rocky-mountain-collective-race-place-law> (last visited Mar. 4, 2024).

10. *Id.*

11. Interview with Tom Romero, *supra* note 5.

12. *Id.*

13. *Id.*

14. Interview with José R. (Beto) Juárez Jr., *supra* note 5.

15. *Id.*

16. *Id.*

17. Interview with Catherine Smith, *supra* note 5.

18. *Id.*

19. *Id.*

20. Interview with Tom Romero, *supra* note 5.

21. Interview with Catherine Smith, *supra* note 5.

22. Interview with Tom Romero, *supra* note 5.

group, titled “A Highly Truncated Overview of Critical Race Theory’s Major Methodological Premises,” which distilled the tenants of CRT.²³ The reading group continued for several years, but eventually there was a desire to push the group into more praxis rather than focusing solely on theory—and thus, RPL was created.²⁴ Professor Romero described RPL as the operational arm of the CRT reading group.²⁵ Dean Juárez explained that formalizing RPL was a way to identify what the founding members had innately and instinctively been doing: supporting one another and students.²⁶ Dean Juárez and Professor Goel shared their hope that creating a formalized structure would allow the group to offer more support to Sturm students, particularly those who may not feel welcomed in law school, including students with identities historically underrepresented in law schools and students who want to use their law degrees to pursue justice.²⁷

Several of RPL’s principles are similar to the tenants of CRT that Professor Romero highlighted in the overview he created for the reading group.²⁸ For example, antisubordination, a RPL principle, is central to CRT.²⁹ Professor Romero wrote in his overview of CRT: “CRT challenges the assertion that rules and laws that seek to create formal equality are sufficient to address the racism that people of color confront in profound and subtle ways everyday [sic] in their homes, neighborhoods, work, and social spaces.”³⁰ He continued: “The challenge CRT poses is for legal actors not to be color-blind, but to be color-consciousness of the many ways that law can and should be used to promote principles of anti-subordination.”³¹

Additionally, while speaking with me, Professor Romero described how RPL’s principles moved beyond CRT.³² Some of those expansions are reflective of the areas that LatCrit focuses on more than CRT

23. *Id.*; Tom Romero, *A Highly Truncated Overview of Critical Race Theory’s Major Methodological Premises*, FACULTY CRT READING GROUP (2010) (on file with author).

24. Interview with Tom Romero, *supra* note 5.

25. *Id.*

26. Interview with José R. (Beto) Juárez Jr., *supra* note 5.

27. *Id.*; Interview with Rashmi Goel, *supra* note 3; see also Alexi Freeman & Katherine Steefel, *Uniting the Head, Hands, and Heart: How Specialty Externships Can Combat Public Interest Drift*, 25 CLINICAL L. REV. 325, 326–41 (2019); William P. Quigley, *Letter to A Law Student Interested in Social Justice*, 1 DEPAUL J. FOR SOC. JUST. 7, 9–12 (2007).

28. Interview with Tom Romero, *supra* note 5.

29. “[A]lmost all the critical race theory literature seems to embrace the ideology of antisubordination in some form.” John O. Calmore, *Critical Race Theory, Archie Shepp, and Fire Music: Securing an Authentic Intellectual Life in A Multicultural World*, 65 S. CAL. L. REV. 2129, 2189 (1992); see also Berta Hernández-Truyol, Angela Harris, & Francisco Valdés, *Latcrit X Afterword: Beyond the First Decade: A Forward-Looking History of Latcrit Theory, Community and Praxis*, 26 CHICANA/O-LATINA/O L. REV. 237, 293 (2006) (“From its inception, LatCrit/CRT has been focused on the problem of subordination: that is, unjust power relations in liberal societies that are both more subtle and more pervasive than outright slavery or political repression.”).

30. *A Highly Truncated Overview*, *supra* note 23.

31. *Id.*

32. Interview with Tom Romero, *supra* note 5.

scholarship.³³ Many of the original members of RPL were members of LatCrit.³⁴ LatCrit's theories and principles draw from CRT scholarship, but LatCrit also has unique focuses.³⁵ Emerging in legal scholarship in the 1990s, LatCrit strives to be inclusive as to who is welcome in LatCrit.³⁶ Indeed, LatCrit's website describes its scholarship as including "critical legal studies, feminist legal theory, critical race theory, critical race feminism, Asian American legal scholarship and queer theory."³⁷

LatCrit's principles, developed at a planning retreat in 2001, are as follows: intergroup justice, antisubordination, anti-essentialism, multidimensionality, praxis/solidarity, community-building, critical/self-critical, ethical, transnational, and interdisciplinary.³⁸ Some of LatCrit's principles, such as antisubordination, anti-essentialism, and praxis,³⁹ are used word-for-word in RPL's principles.⁴⁰ LatCrit also focuses on expanding beyond the Black/white paradigm,⁴¹ an expansion some felt was not adequately reflected in CRT literature.⁴² The focus on the multiplicity of

33. *Id.*; Interview with Roberto Corrada, *supra* note 5; Interview with Catherine Smith, *supra* note 5; Francisco Valdes, *Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities*, 9 LA RAZA L.J. 1, 5 (1996) ("In brief, Critical Race Theory may have been insufficiently attentive to the interplay of patriarchy and white supremacy in the shaping of race and racialized power relations. Its interrogation of 'race' perhaps left important 'intersections' unexplored. Likewise, Critical Race Theory perhaps has been insensitive to the limitations in scope and depth of the 'Black/White paradigm.'").

34. Interview with Roberto Corrada, *supra* note 5; Interview with Catherine Smith, *supra* note 5.

35. Elizabeth M. Iglesias & Francisco Valdes, *LatCrit at Five: Institutionalizing A Postsubordination Future*, 78 DENV. U. L. REV. 1249, 1260–61 (2001) ("The 'LatCrit' subject position emerged within the legal academy of the United States in 1995, coming into being as a self-designated and self-conscious perspective on law and Latinas/os at a colloquium in Puerto Rico on Latina/o communities and critical race theory." (footnote omitted)).

36. Interview with Catherine Smith, *supra* note 5.

37. *About LatCrit*, LATCRIT, <https://latcrit.org/about-latcrit/> (last visited Mar. 4, 2024).

38. Francisco Valdes, *Rebellious Knowledge Production, Academic Activism, & Outsider Democracy: From Principles to Practices in Latcrit Theory, 1995 to 2008*, 8 SEATTLE J. FOR SOC. JUST. 131, 134 (2009).

39. Elizabeth M. Iglesias & Francisco Valdes, *LatCrit at Five: Institutionalizing A Postsubordination Future*, 78 DENV. U. L. REV. 1249, 1263 (2001) (focusing on praxis within several of the "'guideposts' adduced via the first LatCrit conference and symposium"); see Elizabeth M. Iglesias & Francisco Valdes, *Expanding Directions, Exploding Parameters: Culture and Nation in LatCrit Coalitional Imagination*, 5 MICH. J. RACE & L. 787, 815–16 (2000) ("Antisubordination principles and analysis, applied in critical and self-critical ways, provide the substantive limits for and directions of antiessentialism in LatCrit theory, community, and praxis. Thus, antiessentialism is no end unto itself; its utility is defined in relation to a contextual antisubordination purpose. In LatCrit theory, community, and praxis, antisubordination ideally always contextualizes [sic] and informs antiessentialism.").

40. STURM COLL. OF L., *supra* note 9. This is unsurprising as many of the founding members of RPL were also members of LatCrit.

41. Stephanie L. Phillips, *The Convergence of the Critical Race Theory Workshop with LatCrit Theory: A History*, 53 U. MIAMI L. REV. 1247, 1251–55 (1999).

42. Interview with Tom Romero, *supra* note 5; see also Darren Lenard Hutchinson, *Critical Race Histories: In and Out*, 53 AM. U. L. REV. 1187, 1202 (2004) ("Ultimately, however, the exclusive deployment of a binary black/white paradigm artificially narrows racial discourse and harms racial justice efforts. In order to construct adequate antiracist theories and to develop effective remedies for racial injustice, Critical Race Theorists must excavate the multidimensional harms that racial injustice causes, including harms that are racial but not endured by blacks."); Angela P. Harris, *Foreword: The Jurisprudence of Reconstruction*, 82 CALIF. L. REV. 741, 775 (1994) ("Race-crits' understanding of 'race' and 'racism' might also benefit from looking beyond the struggle between black and white.

non-whiteness is enshrined in the RPL principles, which recognizes that “non-whiteness takes many forms and has varied impacts.”⁴³

While I imagine most CRT and LatCrit scholars could likely comprehend RPL’s principles in one read, I will admit that was not the case for me. While the principles described how I viewed the world, the language of the principles was not language I used in my everyday life. As a former public defender new to legal academia, it took me several read-throughs of the principles to digest them. Although I had taken CRT and racial and social justice courses in law school, I was not intimately familiar with CRT and LatCrit scholarship. When I subtly raised the notion that the language of the RPL principles was rather academic to Professor Smith, she graciously made the obvious point that the group is at a law school and many of its members are faculty who research and publish in the areas of CRT and LatCrit.⁴⁴ In writing the RPL principles, the founding members purposefully mirrored the language used in CRT and LatCrit so as not to dilute the important concepts.⁴⁵ Numerous founding members talked about how the goal was not to create principles with which just any faculty member or staff would agree.⁴⁶ The principles serve as a gatekeeping device to ensure those who join RPL share the same core values.⁴⁷

While drawing upon CRT and LatCrit, the RPL principles also expressly reflect the values and expertise of its founding members.⁴⁸ For example, Professor Goel teaches comparative law, which is reflected in the principles regarding globalism and hegemony.⁴⁹ The research of Professor Romero, Dean Juárez, and Professor Roberto Corrada explore the multiplicity of non-whiteness, moving beyond the Black/white paradigm.⁵⁰

African American theorists have, until now, dominated CRT, and African American experiences have been taken as a paradigm for the experiences of all people of color. But as Asian American and Latina/o voices begin to be heard within CRT, new dimensions of the discourse of ‘race’ will continue to appear.”); Roy L. Brooks & Kirsten Widner, *In Defense of the Black/White Binary: Reclaiming A Tradition of Civil Rights Scholarship*, 12 BERKELEY J. AFR.-AM. L. & POL’Y 107, 122–42 (2010) (discussing criticisms to the Black/white paradigm); Interview with Roberto Corrada, Professor, Univ. of Denv. Sturm Coll. of Law, in Denver, Colo. (Sept. 19, 2023); Interview with Catherine Smith, Professor, Univ. of Denv. Sturm Coll. of L., in Denv., Colo. (Oct. 11, 2023).

43. STURM COLL. OF L., *supra* note 9.

44. Interview with Catherine Smith, *supra* note 5.

45. *Id.*

46. Interview with Rashmi Goel, *supra* note 3; Interview with José R. (Beto) Juárez Jr., *supra* note 5; Interview with Catherine Smith, *supra* note 5; Interview with Roberto Corrada, *supra* note 5.

47. See sources cited *supra* note 46.

48. Interview with Tom Romero, *supra* note 5.

49. Interview with Tom Romero, *supra* note 5; see also Rashmi Goel, STURM COLL. OF L. <https://www.law.du.edu/about/people/rashmi-goel> (last visited Mar. 4, 2024) (detailing that Professor Goel teaches Multiculturalism, Race and the Law and Comparative Law).

50. Interview with Tom Romero, *supra* note 5; see also Roberto L. Corrada, *Familiar Connections: A Personal Re/view of Latino/a Identity, Gender, and Class Issues in the Context of the Labor Dispute Between Sprint and La Conexion Familiar*, 53 U. MIAMI L. REV. 1065, 1069–84 (1999); José Roberto Juárez, Jr., *Recovering Texas History: Tejanos, Jim Crow, Lynchings & the University of Texas School of Law*, 52 S. TEX. L. REV. 85, 86 (2010); Tom I. Romero, II, *La Raza Latina?: Multi-racial Ambivalence, Color Denial, and the Emergence of A Tri-Ethnic Jurisprudence at the End of the Twentieth Century*, 37 N.M. L. REV. 245, 251–70 (2007).

Professor Romero is a legal historian.⁵¹ There is a RPL principle specific to history: “We believe that critical engagement with history is centrally important to understanding how power operates through race, gender, sexuality, and class to de-center and marginalize the lived experiences of subordinated peoples.”⁵²

Finally, several founding members reflected that the principles marked what was happening in society and at Sturm at the time.⁵³ For example, Professor Romero noted that privilege was prevalent in public discourse in the early 2010s.⁵⁴ Likewise, Professor Corrada explained that deconstructing the notion of meritocracy was a major point of discussion at the time.⁵⁵ Dean Juárez described the frustration many founding members felt about how “merit” was often used as coded language to diminish the merits of contributions by faculty members with identities historically underrepresented in law.⁵⁶ He contrasted the hyper-valuation of particular types of contributions made by certain faculty members with a continued failure to recognize the important work other faculty members did.⁵⁷ For example, he noted that helping students, particularly students who did not feel welcome in the law school, often took up enormous amounts of time.⁵⁸ As Dean Juárez recognized, faculty support for students can be the difference between someone dropping out of law school and that same person eventually becoming a successful attorney.⁵⁹ Yet, as Dean Juárez explained, not all faculty members recognized, or valued, such investment of time and energy.⁶⁰ Dean Juárez described how RPL reflected that

51. Interview with Tom Romero, *supra* note 5; *see also* Tom I. Romero II, STURM COLL. OF L., <https://www.law.du.edu/about/people/tom-romero> (last visited Mar. 4, 2024) (listing Professor Romero as an affiliated faculty in the Department of History).

52. STURM COLL. OF L., *supra* note 9.

53. Interview with Roberto Corrada, *supra* note 5; Interview with Tom Romero, *supra* note 5; Interview with José R. (Beto) Juárez Jr., *supra* note 5.

54. Interview with Tom Romero, *supra* note 5; *see also* Joshua Rothman, *The Origins of “Privilege,”* THE NEW YORKER, <https://www.newyorker.com/books/page-turner/the-origins-of-privilege> (May 12, 2014) (interviewing women’s-studies scholar Peggy McIntosh who wrote about debates about privilege in the 1980s); *see also* ANTHONY P. CARNEVALE & JEFF STROHL, GEO. PUB. POL’Y INST., SEPARATE AND UNEQUAL: HOW HIGHER EDUCATION REINFORCES THE INTERGENERATIONAL REPRODUCTION OF WHITE RACIAL PRIVILEGE, at *7 (July 2013), https://cew.georgetown.edu/wp-content/uploads/SeparateUnequal.FR_.pdf (discussing how “[t]he postsecondary system is more and more complicit as a passive agent in the systematic reproduction of white racial privilege across generations”); *White Like Me: Race, Racism & White Privilege in America*, MEDIA EDUC. FOUND. (2013) (exploring the ways in which white privilege impacts the world).

55. Interview with Roberto Corrada, *supra* note 5.

56. Interview with José R. (Beto) Juárez Jr., *supra* note 5.

57. *Id.*

58. *Id.*; *see also* Richard Delgado, *Minority Law Professors’ Lives: The Bell-Delgado Survey*, 24 HARV. C.R.-C.L. L. REV. 349, 355 (1989) (“It is widely believed that minority professors are at a disadvantage vis-a-vis white professors because of the many competing demands on the former group’s time. . . . In the words of one respondent: ‘As the “Black Professor,” one feels obligated to be available to minority students and/or minority issues.’ Nearly two-thirds reported the time pressure high or nearly intolerable.” (footnote omitted)).

59. Interview with José R. (Beto) Juárez Jr., *supra* note 5.

60. *Id.*

frustration by including the RPL principle questioning the notion of meritocracy.⁶¹

As I explored how the RPL principles developed, I reflected upon how relevant they continue to be today, over ten years later. The societal and structural inequalities that make RPL's principles necessary persist⁶²—an entire article could be dedicated to explaining why that is so. But the Supreme Court's decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College (SFFA)*,⁶³ and its devastating repercussions, offer a glaring example of how important continued dedication to RPL's principles is. The majority *SFFA* opinion is an affront to so many of the RPL principles.⁶⁴ As Justice Sonia Sotomayor stated in her dissent, the majority “cements a superficial rule of colorblindness^[65] as a constitutional principle in an endemically segregated society where race has always mattered and continues to matter.”⁶⁶

The RPL principles offer not only a theoretical contrast to the *SFFA* majority opinion, but also, the principles' call to praxis reminds law school faculty and staff of the work we must do to combat the crushing impacts of *SFFA*.⁶⁷ Undoubtedly, every first-year law student will learn *SFFA* in their constitutional law class. RPL's continued dedication to its principles—particularly those focusing on antistatutoryism, history,

61. *Id.*

62. As Justice Sotomayor writes in her *SFFA* dissent: “What was true in the 1860s, and again in 1954, is true today: Equality requires acknowledgment of inequality.” *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 334 (2023) (Sotomayor, J., dissenting).

63. 600 U.S. 181 (2023).

64. *See id.* at 191–231.

65. *Id.* at 334 (Sotomayor, J., dissenting); While the term “colorblind” has a rich history in CRT, I want to acknowledge the ableist critique and ongoing discussion regarding the use of the term “blind” or other disability-related terms that rely on “negative and ableist connotations.” See Athena D. Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship*, 84 DENV. U. L. REV. 329, 330–69 (2006); see also *Disability-Inclusive Language Guidelines*, UNITED NATIONS OFF. AT GENEVA, <https://www.ungeneva.org/sites/default/files/2021-01/Disability-Inclusive-Language-Guidelines.pdf> (last visited Mar. 4, 2024) (“Never use disability-related terms as an insult or to express criticism.”); Jim Cherney, *Best Practices for Avoiding Ableist Terminology*, NEV. TODAY (Feb. 6, 2020), <https://www.unr.edu/nevada-today/blogs/2020/avoiding-ableist-terminology> (“Don’t use terms that describe disabilities in phrases that rely on these terms’ negative and ableist connotations. For example, ‘blind review’ relies on equivocating blindness with ignorance, as it seeks to express the idea that the reviewer and author do not know who each other are.”).

66. *Students for Fair Admissions, Inc.*, U.S. 181 at 318 (Sotomayor, J., dissenting).

67. The damages caused by the *SFFA* opinion are numerous and will undoubtedly be studied by many in the coming years. One already apparent concrete example of the harm from the *SFFA* opinion is that programs focused on supporting students who are members of historically underrepresented groups in the legal profession are being sued. Nate Raymond, *Second Major US Law Firm Changes Diversity Fellowship After Lawsuit*, REUTERS (Oct. 6, 2023, 3:44 PM), <https://www.reuters.com/legal/second-major-us-law-firm-changes-diversity-fellowship-after-lawsuit-2023-10-06/>.

Two firms facing such lawsuits changed their programs to remove the focus on students with historically underrepresented identities. *Id.* In the stipulation of dismissal in the case targeting Morrison & Foerster's Keith Wetmore Fellowship for Excellence, Diversity, and Inclusion, the parties stipulated that “[m]embership in a group historically underrepresented in the legal profession is not required to be eligible for the Fellowship,” that the firm will not ask applicants to identify their race, and will not consider their race when evaluating applications to the fellowship, “except as contemplated” in *SFFA*. *American Alliance For Equal Rights v. Morrison & Foerster LLP*, Stipulation of Dismissal at ¶¶ 1–7, No. 1:23-cv-23189-KMW (S.D. Fla. Oct. 6, 2023).

intersectionality, meritocracy, the multiplicity of non-whiteness, and privilege—hopefully provides students with a different perspective of society and the law than that of the *SSFA* majority’s opinion. As students and prospective students feel the multifaceted negative effects of the *SSFA* decision, the need for law school faculty and staff to act to counteract those impacts is critical. Now armed with an understanding of the context in which the RPL principles were created and a deeper understanding of the influences of each principle, I hope to better infuse these principles into my teaching, research, and student engagement.