

## Restorative Justice at Work: Addressing Inequity in the Journals Application Process

### Documents included:

- 1) Dean Lolita Buckner Inniss Statement, October 2023
- 2) Colorado Law Review Apology, Spring 2023
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## Dean Lolita Buckner Inniss Statement, October 2023

To the BLSA community and any other students impacted by the outcome of the Colorado Law Review write-on process in the Spring of 2022:

I am writing to address the disconcerting situation that transpired in the Spring of 2022 when several Black students applied through write-on to the *Colorado Law Review* (CLR), and none were accepted. I want to begin by acknowledging the harm that this situation has caused to the affected students and the broader community. On behalf of the Law School, I deeply regret that this occurred. The impact of this outcome extended beyond the immediate applicants, affecting their peers of all backgrounds, as well as some individuals who were not directly involved in the process. In the aftermath, we recognized the pain and sense of alienation that many in our community were experiencing. In light of this, we came together to undertake a process of restorative justice.

Restorative justice is an approach that aims to address and repair the harm caused by various forms of conflict. It involves bringing together all involved parties in a safe and voluntary dialogue facilitated by trained professionals. We were fortunate to have the support of trained facilitators from the main CU Boulder campus who guided us through this journey. During our restorative justice sessions, we engaged in candid conversations where participants shared their stories, listened to others, and worked together to understand any injury that occurred and its impact. We also focused on identifying potential remedies and solutions moving forward. To facilitate these discussions, we used a talking stick, a symbolic tool used by many Indigenous communities to promote respectful and inclusive dialogue. The talking stick was specifically crafted for our restorative justice sessions. I am pleased to share that the talking stick is now displayed in the office of the dean. It will be mounted in a more permanent home as a symbol of our commitment to this process and each other.

One of the many outcomes of restorative justice process was a commitment to work on rebuilding trust between and among the students, faculty and staff. Trust is built through action, and we are fully committed to rebuilding trust within our community. This is a journey we must undertake together, and I invite you all to join us in this important work. In response to the deficits and barriers discussed, the Law School has undertaken, or will undertake the following:

- 1) Working with the law journals to ensure that all aspects of the application processes are transparent, clear, and fair.
- 2) Working with legal writing instructors to create more opportunities for all students to learn skills that will provide a better foundation for undertaking law review and other journal application exercises.
- 3) Installing administrative leadership at the law faculty level that is dedicated to supporting the student community, with particular focus on students of color.
- 4) Ensuring that student groups have access to faculty mentors who serve as first points of contact for concerns or problems.

We understand that healing and reconciliation require ongoing effort and transparency. To this end, we will continue to engage with all stakeholders to monitor progress, gather feedback, and



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adapt our actions as necessary to ensure a more equitable and inclusive future for our law school community. I want to express my sincere gratitude to the students, faculty, and facilitators who participated in this restorative justice process. Your courage, commitment, and dedication to positive change have laid the foundation for a more just and inclusive future.

## Colorado Law Review Apology, *Spring 2023*

To the Black law students of the Class of 2024,

In the spring of 2022, of the seven Black students who applied through write-on to the *University of Colorado Law Review* (CLR), none were accepted. This result was incredibly harmful. We recognize the role the write-on topic and various write-on processes had in such a harmful result, and for our role, we apologize.

### **The Write-On Topic**

First, we want to apologize for the write-on topic that we chose last year and the impact it had on each of you. We cannot emphasize enough that choosing this topic was not done to intentionally disadvantage Black applicants, but that certainly does not justify the harm we caused in doing so.

We chose the “legacy of slavery” write-on topic because it was the subject of the 2022 Rothgerber Conference, which is held at Colorado Law each year. At the Conference, scholars are invited to discuss legal scholarship on a chosen topic. In the spring of 2022, the topic of the Conference was the legacy of slavery in higher education, property law, and the criminal justice system. The scholars who speak at the Rothgerber Conference are then invited by CLR to write academic articles that will be published in our Symposium Issue. CLR members are tasked with editing these articles. We felt that choosing the legacy of slavery topic would be a way to show applicants the type of scholarship they would be working on if accepted onto CLR, especially since our incoming members would be editing articles from the Conference that delved into that topic. Some of the sources used in the application were written by speakers at the Conference. And because the Conference was centered around Dean Inniss’s book, we felt this topic could also be a way to celebrate our new Dean.

Regardless of our intentions, it was inappropriate to choose this topic for the write-on application. We recognize that the resulting impact was negative, and we are incredibly sorry for the harm our decision caused. We now understand that choosing a topic focused on slavery was an offensive oversight on our part—we did not adequately consider how an academic conference where scholarship on the legacy of slavery is discussed and presented is very different from an application process where students are asked to perform in a way that impacts their futures. It was insensitive not to consider how the topic may have disproportionately affected Black applicants while simultaneously expressing how CLR values diversity, equity, and inclusion when recruiting members to the journal. We apologize for not recognizing this, and we are sorry for the resulting disadvantage or discomfort you may have felt in completing your write-on applications.

In past years, other CLR boards have also chosen write-on topics that delved into race, violence, and other difficult subjects. While we cannot speak to the specific reasons why these topics were chosen, we recognize the impact such topics may have on Black and other BIPOC applicants and the corresponding impact on CLR membership. The membership of CLR has not been appropriately representative of diverse backgrounds and identities at Colorado Law. We recognize the need for and importance of making lasting changes to remedy the lack of Black and

other BIPOC voices on the law review, such as choosing topics that do not deter or disadvantage particular groups of students.

### **Perpetuating Lack of Information**

Additionally, we want to apologize to the Black Law Students' Association (BLSA) leadership, BLSA members, and any other Black students who have been hurt directly or indirectly by the write-on topic and application results, or any of the many actions and conversations that have occurred since the results came out. In particular, during the fall of 2022, CLR leadership sent out an email to our members acknowledging that there was an ABA Complaint filed regarding the law review and the write-on process. We cannot emphasize enough that we did not mean for this email to place blame on any BLSA members or Black students, nor did we mean for this email to shirk our responsibilities. Because we knew our CLR members wanted more transparency about the matter, this email was intended to explain what we believed to be true at the time, based on information from the law school's administration, and to explain the action CLR leadership had taken up to that point.

During Restorative Justice, we learned what impact this email had on BLSA members. We now know that the information we had at the time was incomplete, and in sending that email, we perpetuated a false narrative. In doing so, we furthered the divide between our organizations and made it appear that we did not take this matter seriously. For that, we apologize.

Additionally, we apologize for any hateful, hurtful, or offensive statements made with respect to last year's write-on, including any direct statements or things heard through others. We apologize for contributing in any way to miscommunication or misinformation that further perpetuated harmful gossip. We also want to apologize for the joy that you all were deprived of your 2L year because this issue was not resolved sooner.

### **Moving Forward**

Volume 94 took the concerns of BIPOC students seriously and were committed to making a more diverse and inclusive environment on CLR. As we gathered more information, we took action that we hoped reflected that commitment. We do not mean to place the onus of inclusivity on Colorado Law's BIPOC students, but we also recognize that your voices and input are integral for meaningful change. And while we cannot undo the harm we caused, we are hopeful that CLR can continue rebuilding trust with our BIPOC community so current and future BIPOC students will be heard, will be supported, will apply to CLR, and will be accepted.

We recognize the work that CLR needs to undertake to make good on this commitment to honor and celebrate the voices of our Black colleagues at Colorado Law. Volume 94 took a hard look at CLR's processes both during write-on and during our operations throughout the year. We identified areas for improvement, began implementing changes, and shared what we learned with the next year's leadership. This included the following: (1) we created and elected a new Diversity, Equity, and Inclusion (DEI) Editor to our Board to help ensure that DEI matters are addressed at every stage in our processes and operations each year; (2) we developed a relationship with an outside expert consultant on DEI in the legal profession and implemented mandatory implicit bias training for CLR members each year; (3) working with the next year's board, we updated the rubric used to assess CLR applicants in the write-on process and implemented calibration trainings ahead of the grading process to ensure consistency in grading; (4) we held Bluebook trainings prior to write-on to help connect with 1Ls earlier and more frequently and to ensure all 1Ls have

equal access to the resources needed to succeed; (5) we worked with the Colorado Law Resource Librarian to develop a LibGuide dedicated to sharing resources on legal writing to help all 1Ls prepare for the essay portion of write-on and provide equal access of information; and (6) we updated our training manuals and onboarding processes for new leadership to detail what happened during the 2022 write-on cycle, to pass on institutional knowledge, and to show how CLR and BLSA came together to remedy this harm.

As of the publication of this apology, these are not the only changes to our processes that Volume 94 and the following year's leadership, the Volume 95 board, have collaborated on and implemented. We know that this is only the beginning of making real, systemic change to CLR. Even so, Volume 94 passed off leadership to the next year's board with confidence that our organization and the BIPOC community would continue to engage with one another as we work towards rebuilding trust. With this apology, we hope to further preserve CLR's commitment to actions that match our spoken goals of increasing diversity, equity, and inclusion for years to come.

Sincerely,

Alyssa Ortiz, Editor-in-Chief (Volume 94) *University of Colorado Law Review*  
Melpomene Vasiliou, Managing Editor (Volume 94), *University of Colorado Law Review*  
Spring 2023

## Black Law Students Association Acceptance, *Spring 2023*

The 2022-2023 Executive Board of the University of Colorado Law Black Law Students' Association and on behalf of all aggrieved Black students at the law school, hereby accept the Colorado Law Review's apology.

In July of 2022, the newly elected Executive Board of Black Law Students Association met at a Hacienda Colorado in Westminster, where we had a single topic of discussion. We had realized from direct conversations with our affinity members that of the seven Black students who applied to the Colorado Law Review (CLR), zero had made it on. Given that the write-on topic concerned the legacy of slavery, and specifically how that legacy interacted with the institutions of education, we felt this was a particularly grievous and flagrant violation. In fact, only three Black students had made it onto any of Colorado Law School's three journals at all. While statistics can often be malleable and deceiving, zero Black CLR members speaks volumes.

So, over plates of sizzling onions and peppers, we decided to do something about it. We first sent emails to assistant deans hoping to understand what happened and how to ensure that Black voices were heard and present on CLR, but we were met with silence. Because we were worried that this was not being taken seriously, we felt that we needed a more serious approach to get the administration's attention and support. We prepared a formal ABA complaint based on the institution's failure to promote diversity at the school, and in the profession. As is required by the ABA formal complaint process, we did not ask for personal remedies. Rather, we instead requested only two forms of relief. First, we asked to meet with Dean Inniss, who we were certain would be an ally who shared our concern over this issue. Second, it was clear that write-on was in dire need of some changes to promote equity and justice for diverse students. It was likely that changes would be made, so we asked for a seat at the table when those decisions were made. Although we raised a heavy hammer with the ABA complaint, we only ever intended to wield it delicately.

Although the complaint did not have the immediate effect we had hoped, with the gracious support of Tyrone Glover, Helen Oh, the Sam Cary Bar Association, and especially Professor Malveaux, we were eventually able to secure a meeting with Dean Inniss. And through the work of the University of Colorado's Restorative Justice Program, we can finally say that those two forms of relief we requested eight months ago have finally been met.

We now recognize that people on the other side of this issue did not have the culpable minds we thought they had. CLR's actions at the beginning of the 2022 - 2023 academic year were not willfully malevolent or entirely self-interested. For example, they did not ignore us at the beginning of the year. They reached out to appropriate administrative figures, and to the Council for Racial Justice and Equity. In fact, the CLR Board in many ways were just as isolated and ignored with their concerns with this issue as we were. Their actions, although sometimes certainly inappropriate, were born not out of malice, but out of fear and uncertainty. So, for their role in the harm arising from write-on last year, we forgive them.

It is important to recognize that, whatever level of culpability the individual CLR Board members had in this disastrous result, they themselves were harmed by the processes and institutional shortcomings which set these students up for failure. We hope out of all of this strife, at least two lessons can be learned.

**First, complacency breeds inequity.** As we work with CLR on changing and reforming the write-on process, it is clear that even a brief look at these systems would have revealed clear inadequacies and areas of improvement. An institution filled with good people and good intentions is still hamstrung by the processes in which it operates. Our hope is that this serves as a reminder for all institutions to look critically at the processes it relies upon and ask “why?”

**Second, prompt transparency and communication can guard against strife.** Had the administration directly and transparently communicated with itself, with CLR, and with us; had CLR communicated with us, and with its own members; and admittedly, if we had communicated directly with Dean Inniss, and with CLR, so much of the harm inflicted on our Board and on CLR’s leadership, would have been avoided.

This letter is not a signal that we are content nor that we are finished. We firmly believe that the institution that brought us all together has many steps to go. However, this is a signal that we are moving forward, with CLR, and with the institution. It is clear now that all three groups share the goal of creating institutional changes so that this does not ever happen again.

Until the University of Colorado Law School can be a lighthouse for equal justice for all under the law, there is still and will always be work to do here and everywhere,

For these reasons, the 2023 Executive Board of the University of Colorado Law Black Law Students’ Association and on behalf of all aggrieved Black students at the law school, hereby accepts the Colorado Law Review’s apology.

With hope and perseverance,

Michaela Calhoun (Fall 2022-Spring 2023 Black Law Students’ Association Co – President)  
Michele Manceaux (Fall 2022-Spring 2023 Black Law Students’ Association Co – President)  
Alexander Brack (Fall 2022-Spring 2023 Black Law Students’ Association Vice President)  
Arantxa Prince (Fall 2022-Spring 2023 Black Law Students’ Association Event Coordinator)  
Michael Gulston (Fall 2022-Spring 2023 Black Law Students’ Association Treasurer)