



BLACK WOMEN FUTURE LEADERS

**BY
DANA DYER &
MAGALI DUQUE**

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© Copyright Calida Rawles. Courtesy of the artist and Various Small Fires, Los Angeles / Seoul.

Thousand Paper Cuts:
Black Women Future Leaders

By:
Dana Dyer and Magali Duque

Report developed as part of Professor Rangita de Silva de Alwis's course called
"Women, Law, and Leadership" at the University of Pennsylvania Law School



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ABSTRACT

Professor de Silva de Alwis quotes Vicki Schultz’s work in class, defining “a Thousand Paper Cuts” as the “daily indignities and exclusions of gender bias in the workplace against women and women of color.” Our report reflects the paper cuts Black women continue to endure throughout their paths to leadership.

Thank you to Professor de Silva de Alwis for your guidance and unwavering support for this project dedicated to Black women.

ABOUT THE ARTIST

Calida Rawles (b. 1976, Wilmington, DE, lives and works in Los Angeles, CA) received a B.A. at Spelman College, Atlanta, GA and an M.A. at New York University. Merging sharp photo-realism with poetic abstraction, Calida Rawles paints African-American women and men submerged in glistening water; bodies are swarmed by a flurry of bubbles, ripples, and refracted light. For Rawles, water is a spiritually healing element for all people – yet she recognizes its historical connotations to racial exclusion and cultural fears. She uses the complicated duality of water as a platform to address identity politics while reimagining her subjects beyond cultural tropes. At times, her work alludes to current events, even making topographical maps of cities where acts of racially targeted violence have occurred. In other moments, her works are purely celebratory of the resilience, strength, and beauty of African American culture.

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AUTHORS

Report developed as part of the class discussions on Women, Law, and Leadership taught at the University of Pennsylvania Law School by **Professor Rangita de Silva de Alwis**, who is a globally recognized international women's rights expert. She serves as the Associate Dean of International Affairs at the University of Pennsylvania Law School.

Dana Dyer is a 2L from East Norriton, Pennsylvania. She graduated from the University of Pittsburgh, Honors College in 2018 with a BA in Political Science. She is the first African-American and Asian woman in her family to go to law school. She began her law school journey in 2019 at Nova Southeastern University. At Nova Law, she was the 1L Representative for the First Generational Legal Professionals Society and Member of the NSU Honors Program. After her first-year performance, she transferred to Penn Law in 2020. At Penn Law, she is the Associate Editor for the University of Pennsylvania Journal of Constitutional Law and Member of Penn Law's Black Law Student Association. For Dana, Rawles' artwork on the front cover of the report illustrates the beauty of color Black women possess while creating pathways in life for one another, despite the societal constraints and lack of resources provided to them.

Magali Duque is a 2L from Venice, CA. She graduated from Stanford University in 2015 where she received her BA in History with a focus in Global Affairs and a Minor in Modern Languages (French and Spanish). She received her MSc in Inequalities and Social Science from the London School of Economics and Political Science in 2016. She was an SEO Law Fellow in 2019, LCLD Scholar in 2020, and is also the first in her family to go to law school. At Penn Law, she is active in student and university affairs through various positions as a 2L Representative on the Council of Student Representatives, Student Representative on the Faculty Appointments Committee, Executive Board Member of Penn Law's Black Law Students Association, and VP of Diversity, Equity and Inclusion for the Penn Law Women's Association. She is also an Associate Editor for the University of Pennsylvania Law Review and a Morris Fellow mentor. For Magali, Rawles' piece on the cover of the report represents the continuous support she receives from the remarkable Black women in her life, namely her mother and grandmother, and the grace with which Black women navigate intersectional challenges and continue to excel in spaces built to exclude them.

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Introduction

The following report discusses themes that have emerged from working groups in Professor Rangita de Silva de Alwis’s course on “Women, Law, and Leadership” at the University of Pennsylvania Law School as part of an effort to increase female representation in positions of leadership. The report explores the ways in which themes including bias, representation, and allyship affect Black women in the legal field through the data collected from a survey of 30 Black Penn Law students, of which 24 identify as women and 6 identify as men.

We first look at how labels and stigma affect Black women, then we turn our analysis to how different spaces such as a law school setting can promote or prevent inclusion. Throughout the report, we take a close look at the qualitative responses Black students have shared with us about their experiences as Black professionals in the legal sphere. Black students make up less than 10% of each class of roughly 250 students at Penn Law so to have 30 respondents is an above average and representative sample size of Black students per year.

This piece does not aim to be not a comprehensive overview of exclusion and discrimination faced by Black women in the legal industry, but rather attempts to (1) situate the experiences of Black women at the University of Pennsylvania Law School within a wider framework of assessing Diversity and Inclusion in the Legal Field, and (2) center the ways in Black women respond to pervasive systemic mechanisms of exclusion, stereotyping, and stigmatizing that they experience, all while continuing to break racial and gender barriers through their achievements.

Penn Law’s first Black female law student was Sadie T.M. Alexander. She was also the second African American woman to receive a PhD in the United States.¹ Her legacy is important to Black Students at Penn Law and the Black Law Students Association hosts an annual conference in her honor. Her legacy has inspired Black women to keep breaking barriers in the law school. Kendra Sandidge L’16 and W’16 was the first Black woman to become Editor in Chief of the University of Pennsylvania Law Review, the oldest Law Review in the country founded in 1852.² Last year, Gabriela Ravidá L’20 became the second Black female Editor in Chief and this year eight Black students including six Black women were selected to join Law Review as compared to one or two in previous years –another historic moment for Black women at Penn Law and in the legal field. The six women include Yewande Alade, Lei Brutus (President of the Black Law Students Association), Courtney Bledsoe, Magali Duque, Lily Moran, and Leticia Salazar.

Given such a unique moment in time for Black women at Penn Law and the recent appointment of Kamala Harris, the first Black South Asian woman to be elected as Vice President, **how can we learn from this moment about the importance of Black women leaders?**

Kimberlé Crenshaw, a critical race theorist and Professor at both Columbia Law School and the UCLA Law School coined the term “**intersectionality**” in the 1980s to reflect the structural paradigm at the intersection of race and sex discrimination that Black women experience. She

¹ Kenneth Walter Mack, *A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960*, 87 Cornell L. Rev. 1405, 1406 (2002)

² JD/MBA student Kendra Sandidge L’16 named Editor-in-Chief of Law Review, University of Pennsylvania Carey Law School (April 5, 2015), <https://www.law.upenn.edu/live/news/5452-jdmba-student-kendra-sandidge-116-named>

notes that “any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated.”³ The ABA recently released a report on women of color in the legal field, highlighting how intersectional approaches towards addressing gender bias are often not included in the conversation about increasing women leaders in the field.⁴ As we dive into our own findings from Black law students at Penn Law, we bring learnings into our analysis from important Black leaders and innovators who we are extremely grateful were able to join our class this semester including:

- Timothy Wilkins, Global Partner for Client Sustainability and a corporate and M&A partner at Freshfields
- Wilma Wallace, General Counsel and Corporate Secretary at REI
- Michele Mayes, Vice President, General Counsel and Secretary for the New York Public Library (NYPL)
- Michael Lawson, U.S. Ambassador and Permanent U.S. Representative to the International Civil Aviation Organization
- Carolyn Edgar, Managing Counsel - Technology and Intellectual Property at BNY Mellon
- Tonye Cole, Co-founder and former Group Executive Director of the Sahara Group
- Dominique Day, Chair of the UN Working Group of Experts on People of African Descent
- Honorable Peter M. Reyes Jr., Judge, Court of Appeals, Minnesota Judicial Branch
- Clark Edmond L’19, Co- founder and Executive Director of Crate Gallery

We hope this research provides helpful insights into opportunities for breakthrough change in terms of improving diversity, equity and inclusion in the legal field.

³ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 Univ. Chi. Legal F. 139, 140 (1989)

⁴ DESTINY PEERY, PAULETTE BROWN, AND EILEEN LETTS, LEFT OUT AND LEFT BEHIND: THE HURDLES, HASSLES, AND HEARTACHES OF ACHIEVING LONG-TERM LEGAL CAREERS FOR WOMEN OF COLOR, (AMERICAN BAR ASSOCIATION 2020) AT 10.

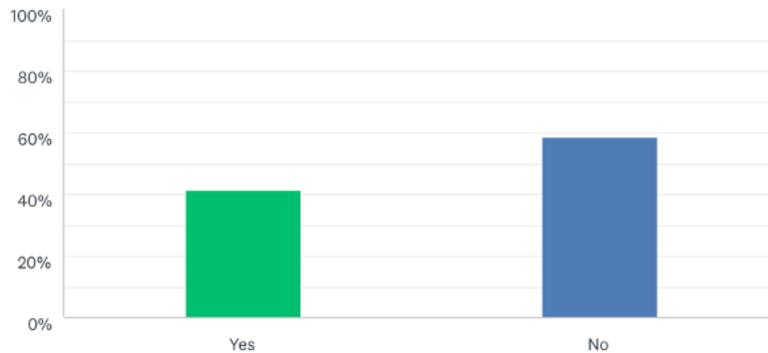
Part 1: Labels & Stigma

Part One focuses on the labels and stigmas affecting Black women in professional settings. Labels and stigmas magnify for Black women as women of color endure the overlap of implicit gender and racial bias. Some of the labels Black women face are the “angry/ aggressive black woman,” the “shy black woman,” and/or the “unintelligent black woman.”

1. Have you been labeled as an angry black woman or aggressive?

Have you been labeled as an angry black woman or aggressive?

Answered: 29 Skipped: 1



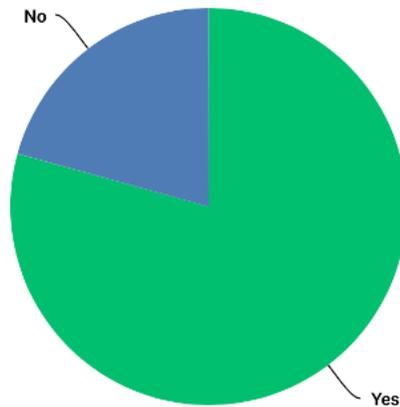
ANSWER CHOICES	RESPONSES
Yes	41.38% 12
No	58.62% 17
TOTAL	29

More than half of the responses chose “No” to the label of an “angry black woman or aggressive.” We think this is in part because 5 out of the 6 Black male respondents were included in the “No” responses. Secondly, we hypothesize that Black women may take cautious measures to avoid taking on this societal label which explains the increased “No” responses from women. We designed our next question to address the fear of taking on the aggressive label.

2. Have you feared being labeled as an angry black woman or as aggressive?

Have you feared being labeled as an angry black woman or as aggressive?

Answered: 29 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	79.31%	23
No	20.69%	6
TOTAL		29

As predicted, more than half of the respondents answered “Yes” to the fear of being labeled as “an angry black woman” or “aggressive.” All of the female respondents, who chose “Yes” in the previous question, have also chosen “Yes” to the fear of taking on this label.

In professional settings, such as law school, Black women seek a balance between assertive enough to gain respect from colleagues but not too assertive to avoid being stigmatized as “the angry black woman.” This balance, in turn, urges Black women to change their demeanor and have increased awareness of their vernacular, tone, and/or actions to avoid the “angry” perception. In other words, to adhere to “**respectability politics.**”

One Black woman commented:

“In my career, I’ve been the only or one of few Black women on a team more than once. **My tone is often mistaken for angry** as opposed to assertive and my white counterparts have been able to operate without having to be mindful of how they speak because there’s a lack of accountability for their actions and a microscope on mine.”

In an interview with the Vice President of Penn’s Black Law Students Association, Teddy Okechukwu, regarding allyship, he mentioned seeing how Black women are often placed in situations “where they’re restrained because they know how any sort of aggression, strength, or certainty in a response could be viewed. In leadership roles and in all [situations] there can be a hesitation to even give a response because of the way that it might be perceived. There’s a fear of

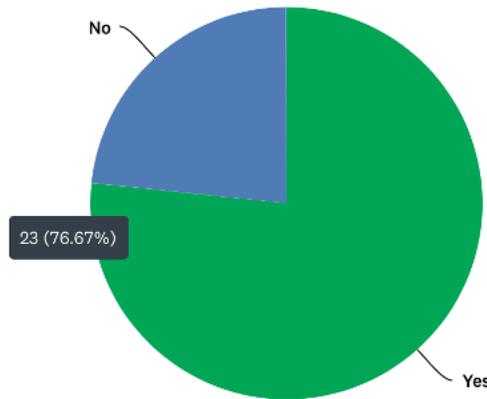
perception that doesn't exist with white men." This fear of perception is a harmful consequence of long standing inaccurate labels about Black women.

Despite the “papercuts” Black women and people of color continue to experience and internalize from these labels and stigmas, Black women Partners, General Counsels, the Vice President-Elect, Kamala Harris, and many other trailblazers, illustrate the refusal to allow these labels to disrupt their paths to leadership. In class, Carolyn Edgar, who is the Managing Partner of BNY Mellon, spoke of her own experiences in interacting with clients as a Black professional woman. She told the class to **“be true to yourself, your cultural beliefs, and what you think is important.”** Future Black women leaders must follow in the footsteps of these powerful women and continue to accomplish spectacular work which will overshadow the labels cast on them.

3. Was your intelligence or capacity questioned implicitly or explicitly?

Was your intelligence or capacity questioned implicitly or explicitly?

Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	76.67%	23
No	23.33%	7
TOTAL		30

This response illustrates the continuous societal constraints of being undervalued and seen as unequal in law school and in the workplace. More than half of the sample size chose ‘Yes’ to whether their intelligence was questioned implicitly or explicitly. We think this response reflects the constant **“prove it again”** theory, causing Black women and people of color to internalize feeling inferior, which leads to overcompensation.

One student commented, “I feel as though I’ve been labeled a quiet Black girl, who must constantly fight to not be overlooked or for my ideas to be heard in non-POC spaces.”

As Carla Pratt notes, “Black women who become lawyers [...] are too aware of the stereotypes surrounding their gendered racial identity and they are constantly performing their professional

identity as lawyers in ways that seek to avoid confirming these negative stereotypes.”⁵ In class, Dominique Day, Chair of the UN Working Group of Experts on People of African Descent, discussed how the “performance of identity,” changes depending on the space people are in and who comprises one’s surroundings. This constant pressure to perform a particular professional identity in order to challenge stereotypical assumptions about Black women, is as one student put it, “very exhausting.”

4. Addressing Labels & Stigmas

In order to vitiate these types of labels and stigmas, Black women will not only need to lead with conviction and see themselves the way others may not see, but also have community support, mentors, and allies to assist in dismantling the biases Black women face.

Community Responsibility: Sadie Alexander, like other Black women lawyers, felt a sense of community responsibility to uplift other Black women and to include men in that process. As Kenneth Mack notes, “She thought the surest route to professional success came about through the intervention of men, both in private and professional life, precisely because that described her own career trajectory.”⁶

Mentors: The first African American lawyer, Charlotte E. Ray, embodied the significance of having a mentor. Mrs. Ray’s father was one of her strongest supporters – urging her to obtain one of the highest levels of education and overcome the labels placed on Black women. Charlotte went on to become the first Black female law student, graduating from Howard University Law School in 1872.⁷

Allyship: Male allies hold positions of power and privilege, therefore, must take action to support and amplify Black women voices in these professional settings. During our class’ discussion with Michele Mayes, the first Black woman General Counsel of Allstate, highlighted the importance of having male allies advocate for her and allow her to ascend into a Black woman leader.

One Black female student mentioned how “These comments usually come from Black men in my experience and sometimes from white women.”

Law schools and other professional settings must consist of allies who support the voices of Black women and women of color. In David Wilkins’ *Two Paths to the Mountain Top*, he emphasizes the role law schools play in empowering Black lawyers and underrepresented minorities.⁸

⁵ Carla Pratt, *Sisters in Law: Black Women Lawyer’s Struggle for Advancement*, 2012 Mich L. Rev. 1777, 1786 (2012)

⁶ Kenneth Walter Mack, *A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960*, 87 Cornell L. Rev. 1405, 1408 (2002)

⁷ J. Clay Smith Jr., *Black Women Lawyers: 125 Years at the Bar; 100 Years in the Legal Academy*, 40 Howard L.J. 365, 366 (1997)

⁸ David B. Wilkins, *Two Paths to the Mountaintop? The Role of Legal Education in Shaping the Values of Black Corporate Lawyers*, 45 Stanford L. Rev 1981, 1983-4 (1993).

In discussing allyship in the law school setting Teddy Okechukwu noted, “the school has been operating in a way that has been pretty exclusionary to minorities, and specifically Black people, so we took the opportunity over the summer to address that [exclusion] and provide concrete steps for how we think the school can improve such as by **implementing the Sadie Scholarships for Black women.**” This is important because it not only serves as a symbolic representation of how Black women remain trailblazers in the legal field, but also as a practical tool to financially support Black women in their professional career. This is a reflection of putting action to words.

In addition to male allyship, there is a clear need for white women specifically to address how they may be perpetuating these harmful stereotypes and biases, both explicitly and implicitly. A number of students commented on the role of white women including one Black woman who expressed her concerns and shared her lived experience:

“In different contexts, from professional interviews to leadership boards of student organizations, **I’ve often felt confronted by white women specifically who try to undermine the message I’m attempting to convey** by acting in a subversive way to ask “questions” and share their opinion about a race-related issue being “perhaps to political” or certain language being too “scary” such as “white-supremacy,” “state-sanctioned murder” of Black people, or references to women leaders in the Black Panther Party. The outcome is that the resistance destabilizes me, and the burden shifts to me, a Black woman, to placate a white woman’s feelings of discomfort about her own whiteness and complicity in perpetuating white supremacy and preserving the presumption of innocence associated with white womanhood. Rather than accepting the words that I chose as reflective of racial realities, challenging my known lived experiences and undermining them as less than, is harmful and hinders meaningful intersectional dialogue.”

White feminism has had issues with intersectionality since the Women’s Suffrage Movement, so as the ABA suggests, “This continued blindness to or ignorance of the ways that gender and race (as well as other social identities) can interact to create distinct experiences will only lead the legal profession to fall further behind in their diversity and gender efforts, as the world at large takes more notice of these effects.”⁹

⁹ DESTINY PEERY, PAULETTE BROWN, AND EILEEN LETTS, LEFT OUT AND LEFT BEHIND: THE HURDLES, HASSLES, AND HEARTACHES OF ACHIEVING LONG-TERM LEGAL CAREERS FOR WOMEN OF COLOR, (AMERICAN BAR ASSOCIATION 2020) AT 25.

PART 2: Space & Inclusion

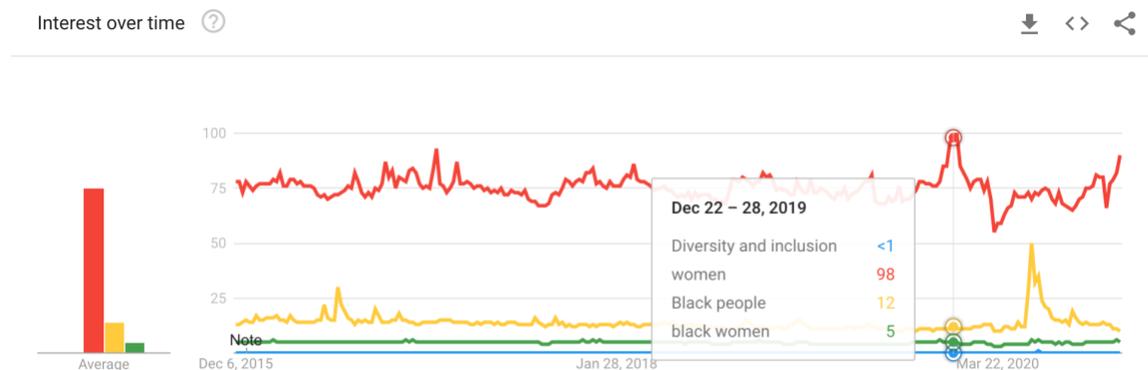
Part Two focuses on the societal constraints that Black women and women of color are subjected to due to structural exclusion. Structural mechanisms of exclusion exacerbated disadvantages associated with the color of their skin and the uniqueness of their cultural background.

Timothy Wilkins, a Partner at Freshfields, emphasized the importance of inclusive leadership in our class discussion as well as in his article “Business as unusual: Will the pandemic lead to a lost generation of diverse talent?” stating, “Leaders must ramp up, not lose, their commitment to diversity and inclusion, ensuring that diverse voices are around virtual key decision-making tables.”¹⁰ These diverse voices must include Black women of color.

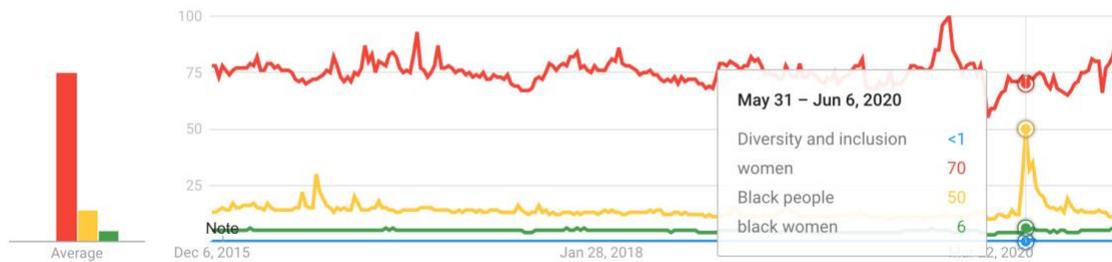
Though there is clear evidence of higher economic growth in companies when women are on boards, the number of diverse women in corporate leadership positions remains miniscule.

Therefore, how do we address structural barriers from the start? What are the implications of the structure and inception of the legal field engender exclusion, both psychologically and physically?

As the figures below show, we ran a google analytics search for the terms “diversity and inclusion,” “women,” “Black people,” and “Black women” and found the following results:



¹⁰ Timothy Wilkins, *Business as unusual: Will the pandemic lead to a lost generation of diverse talent?* Freshfields Bruckhaus Deringer, <https://sustainability.freshfields.com/post/102g7dr/business-as-unusual-will-the-pandemic-lead-to-a-lost-generation-of-diverse-talen> (May 14, 2020)

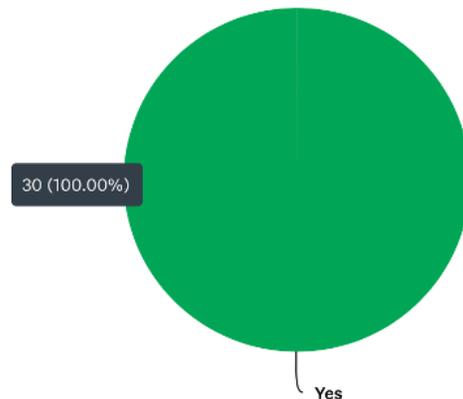


Numerous assumptions go into generating search terms and it is difficult to know, with the exception of the search term “Black people,” whether “black women” as a search term reflects a racial category as opposed to just denoting a color of a consumer product for women. More large-scale data would be needed to make an informed assessment about potential conclusions one could draw, however there seems to be an alignment between the increase in searches for “Black people” and “Black women” during the Black Lives Matter protests at the end of May and early June. Interestingly there is the slight uptick in searches for “diversity and inclusion” from June 14th - June 20th from under 1 to 1, which aligned with Juneteenth, a holiday celebrating the official emancipation of Black enslaved people. By understanding how people in the United States are engaging with topics related to Black women, maybe we can start to understand why spaces such as the legal profession lag in inclusion. We look at some of the pervasive ways Black women feel excluded below.

1. Have you felt the need to overcompensate in your assignments at school and/or professional settings?

Have you felt the need to overcompensate in your assignments at school and/or professional setting?

Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	100.00% 30
No	0.00% 0
TOTAL	30

All respondents chose “Yes” to feeling the need to overcompensate at school and/or in professional settings. In class, **Ambassador Michael Lawson stated, “As an African American, one thing we are taught is that we just have to be better.”** Our research reflects Ambassador Lawson’s potent words. This barrier deepens the paper cuts Black women and women of color endure as we seek approval and acceptance from our white counterparts.

Several students expressed overcompensating in assignments. One Black woman expressed her personal experiences:

“I dread the feeling and the need to overcompensate in assignments because of the stereotypical atmosphere of Black people and people of color ‘never being good enough.’”

This psychological feeling of self-doubt and “**never being good enough**” equates to **imposter syndrome**. Imposter syndrome can start as early as the Law School Admissions Test as Magali Duque, one of the authors of *Black Women Future Leaders* and Associate Editor of Law Review, reflected with regards to her own experience in applying to law school.

Another Black woman shared:

“In a law school context, I always feel the need to be overly prepared for a cold call. During 1L in particular, when we were still getting to know our classmates, I

felt the need to assure that I knew exactly what I was talking about because there were very few Black people in the class. **I felt like if I messed up during a cold call, the class and/or the professor would assume that Black students in general did not understand the material.** I am aware that cold calls are nerve-wrecking in general, but this extra level of responsibility is a burden that I am confident my white counterparts do not feel. They can simply have a "bad" cold call because they were not confident with the material just yet, where I feel like I will not be given that same level of courtesy.”

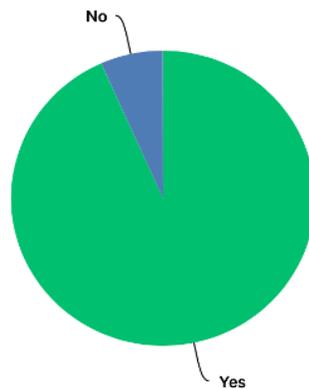
Black women and women of color have internalized the stereotypes and implicit bias placed on them. This internal battle has led to overcompensation in school and work assignments to avoid the “one-bullet rule,” in which the first mistake a person of color makes, would theoretically “kill them” –in more specific terms, would result in termination or undervaluation. Dana Dyer, one of the authors of this report, shares her personal battle with the “**one-bullet rule,**” as a first generation law student, she feels her lack of experience is a “hindrance,” and therefore, must overcompensate to prove to herself and others she belongs in such space.

How do we address this? The way to break through barriers and establish a functioning collaboration and inclusive environment is by proving oneself worthy of that mantle. Law schools and professional settings need to create an environment where Black women and people of color do not take on this burden of over-preparation.

2. When you're the only person of color ("POC") or one of the very few, have you ever felt pressured by a non-POC/ people in the room to address diversity issues/ speak out on behalf of black people?

When you're the only person of color ("POC") or one of the very few, have you ever felt pressured by a non-POC people in the room to address diversity issues/ speak out on behalf of black people?

Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	93.33%	28
No	6.67%	2
TOTAL		30

There were only two “No” responses from respondents. We hypothesize that the tendency for women to be seen in the “caregiver” position may contribute to the 93% “Yes” responses from mostly Black women. Only 6 respondents were male to the overall survey which we note with hesitation to interpret this response rate as a reflection of interest by Black men in participating in a survey about Black women. We recognize that the survey was marketed to Black women primarily with the caveat that Black men were invited to complete the survey as well.

One Black Penn Law student commented:

“I equally feel **pressured and at times, irritated, at having to address diversity issues when others, who essentially are a part of the problem, are silent.** These sorts of conversations must be discussed amongst non-POC or these perpetual issues will never be fixed.”

This student highlighted the importance of discussing diversity amongst non-POC and the role in which they must play to create a space for inclusion of minorities. Black women and people of color have continuously spoken on diverse issues, but until non-POC respond and actively approach these problems, they will continue to emerge.

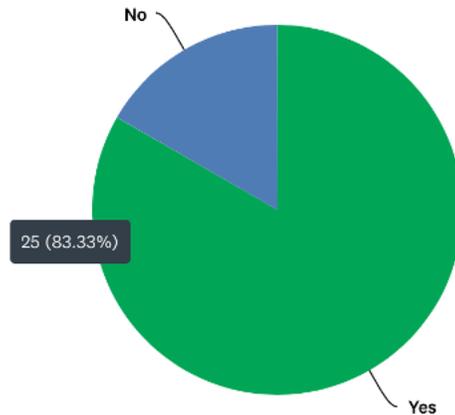
Ultimately, having meaningful numbers of represented people of colors, places a lesser burden on minorities to constantly speak out as the spokesperson on diversity issues. Additionally, having diverse perspectives of people with the same background can reduce biases about groups. In class we briefly mentioned the examples of having Thurgood Marshall and Justice Clarence Thomas, two Black judges with very different approaches to decision-making on the bench.

In class, Tonye Cole, an impressive leader from Nigeria who co-founded the Sahara group, discussed his initiative to amplify Black women leaders using the “Three R’s”: Resource, Representation, and Rights. In terms of investing in the second “R,” Cole has been devoted to ensuring there is **representation of women of color at the table making decisions.** Intersectional representation creates diversity of thought, innovative ideas, and increases comfortability within law school and professional environments.

3. Have you ever felt you didn't deserve to be in a certain space?

Have you ever felt you didn't deserve to be in a certain space?

Answered: 30 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	83.33%	25
No	16.67%	5
TOTAL		30

More than half of the respondents have felt undeserving of a certain space. This first displays the lack of inclusivity in making Black women and people of color feel comfortable in settings where they are less-populated. Secondly, the majority “Yes” response indicates self-doubt and unworthiness Black women and people of color internalized due to the lack of inclusion.

Feelings of unworthiness are explicit as a Black man shared his personal experience of having non-POC correct his grammar:

“One thing I experience daily in my line of work is **non-POC correcting the grammar of Black and non-Black POC** continuously. This is thoughtless and shows a lack of awareness on their end, while also painting a picture that the way I speak is “wrong or incorrect” and the way they speak is “proper English/grammar.” African-American Vernacular English is recognized as being a part of the English language, which means it shouldn’t be seen as “wrong” and people who are unaware should seek out the proper information and resources to educate and diversify their vocabulary, just as Black and non-Black POC have.”

This students’ comment aligns with the common issue of “looking” and “sounding” professional, in which the professional standard is “white” or at least not “Black.” Additionally, this student’s comment is insightful because not all Black women appear the same – colorism is real and impacts the way a Black person is perceived or not to be of a particular race and how this translates to their subsequent treatment. Black women with lighter skin may sometimes be mistaken for non-Black or “not as Black,” which is weighted with both the privilege of a closer proximity to whiteness.

4. Addressing Space & Inclusion

The practice of law is very male dominated and predominantly white. In 1912, three black lawyers were admitted to the American Bar Association which led the organization to “adopt a resolution that effectively barred African Americans from its membership for the next several decades.”¹¹

Today, women represent only 35% of lawyers in the United States, yet as a group they have made greater strides over the decades to increase that proportion than Black people who only account for 5% -a figure which has not changed in over a decade.¹² Numbers have an effect on the availability of role models, a sense of belonging, and hold symbolic value.

Role models & Belonging: Margaret Russell states that the number of black lawyers is “just high enough to undermine claims of white racial exclusivity in the profession, yet far too low to facilitate the comforting sense of belonging or even anonymity that attaches quite naturally to white lawyers.”¹³

Symbolic value: In class, the Honorable Judge Peter M. Reyes Jr., from the Court of Appeals, Minnesota Judicial Branch emphasized the **necessity for diversity at the highest level** of the judicial system. Thus, he intentionally seeks diverse candidates to create this space of inclusion.

Beyond increasing diversity in the legal profession to provide more role models, diversity, equity and inclusion research often suggests ways of fostering more inclusive environments through activities from panel discussions to book clubs, however, in this class we explored a different medium that was recurring throughout the semester: **art**.

Importance of Art: Art plays a huge role in an inclusive environment and must be included in the conversation of healing the paper cuts internalized stereotypes. During New York Public Library General Counsel Michele Mayes’s visit with the class, we were shown a mixed-media piece by Charly Palmer, which depicted Martin Luther King Jr. standing in line to vote with one of his daughters. This piece illustrated the impact of his daughter experiencing Black leadership and change for the black community. Even further, during lawyer and art entrepreneur Shalini Ganendra’s class visit, she discussed the ways in which art provides engagement with racial equality. Silicon Valley entrepreneur and investor David Hornik showed us his art collection which centers Black and Asian artists, reminding his networks of how important Black representation is. Professor de Silva de Alwis empowered the class countless times by saying, **“If we see, we can be.”** Art embodies the beauty of inclusion and opens the space for diversity to thrive.

¹¹ Kenneth Walter Mack, *A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960*, 87 Cornell L. Rev. 1405, 1408 (2002)

¹² Allison E. Laffey and Allison Ng, *Diversity and Inclusion in the Law: Challenges and Initiatives*, American Bar Association (May 2, 2018), <https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/>

¹³ Margaret M. Russell, *Beyond “Sellouts” and “Race Cards”: Black Attorneys and the Straightjacket of Legal Practice*, 95 Mich. L. Rev. 766, 768 (1996)

Conclusion

Our report illustrates only the few paper cuts Black women experience within law school and other professional settings. Stereotypes and implicit biases placed on Black women and women of color are multi-faceted. Recognizing and tackling stereotypes when someone lucidly mistreats a person due to their outer appearance is easy. The challenge heightens when discrimination is not as seen or heard, but implicit which leads to internalizing these biases. The complexity of covert discrimination ends with **becoming aware** of it. Recognizing these kinds of labels, stigmas, and exclusionary spaces is the first crucial step in healing the paper cuts Black women endure.

The second step is **taking action**. To mend these paper cuts, mentors and male allies are necessary to destroy labels and stigmas placed on women of color and instead, amplify their voices. Additionally, white women must take the initiative to create an inclusive environment for all women to feel equal and thrive in.

Lastly, art encompasses inclusivity and must play a role in the **space of inclusion**. Black art allows women of color to feel more comfortable and lead without fear of their confidence and assertiveness being misconstrued.

Thank you to the past and present Black women leaders for showing us what is possible. In lengthening the path to leadership, we will continue to develop ways in which black women and women of color can be seen, heard, and included in spaces that were once unimaginable.

Works Cited

Allison E. Laffey and Allison Ng, *Diversity and Inclusion in the Law: Challenges and Initiatives*, American Bar Association (May 2, 2018), <https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/>

Carla Pratt, *Sisters in Law: Black Women Lawyer's Struggle for Advancement*, 2012 Mich L. Rev. 1777 (2012)

David B. Wilkins, *Two Paths to the Mountaintop? The Role of Legal Education in Shaping the Values of Black Corporate Lawyers*, 45 Stanford L. Rev 1981 (1993).

DESTINY PEERY, PAULETTE BROWN, AND EILEEN LETTS, *LEFT OUT AND LEFT BEHIND: THE HURDLES, HASSLES, AND HEARTACHES OF ACHIEVING LONG-TERM LEGAL CAREERS FOR WOMEN OF COLOR*, (AMERICAN BAR ASSOCIATION 2020).

J. Clay Smith Jr., *Black Women Lawyers: 125 Years at the Bar; 100 Years in the Legal Academy*, 40 Howard L.J. 365 (1997).

JD/MBA student Kendra Sandidge L'16 named Editor-in-Chief of Law Review, University of Pennsylvania Carey Law School, (April 5, 2015), <https://www.law.upenn.edu/live/news/5452-jdmba-student-kendra-sandidge-116-named>

Kenneth Walter Mack, *A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960*, 87 Cornell L. Rev. 1405 (2002).

Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 Univ. Chi. Legal F. 139 (1989).

Margaret M. Russell, *Beyond "Sellouts" and "Race Cards": Black Attorneys and the Straightjacket of Legal Practice*, 95 Mich. L. Rev. 766 (1996).

Timothy Wilkins, *Business as unusual: Will the pandemic lead to a lost generation of diverse talent?* Freshfields Bruckhaus Deringer, (May 14, 2020), <https://sustainability.freshfields.com/post/102g7dr/business-as-unusual-will-the-pandemic-lead-to-a-lost-generation-of-diverse-talent>

Appendix A:

Qualitative Data Collected from Penn Law's Black Law Student Association ("BLSA")

These comments reflect the “emotional tax” and “prove it again” theories discussed in class:

“I’ve gotten good at being selective in terms of who I associate with. Because racism is a dealbreaker for me there are classmates/colleagues with whom I will not build connections. That effectively limits my relationship-building efforts which can translate to missed opportunities down the line. Penn’s network is already small so limiting it further is unfortunate and puts me at a disadvantage compared to some of my peers. If Penn were more proactive about selecting only students who were committed to an inclusive environment, I wouldn’t be at a disadvantage.”

“In different contexts, from professional interviews to leadership boards of student organizations, I’ve often felt confronted by white women specifically who try to undermine the message I’m attempting to convey by acting in a subversive way to ask “questions” and share their opinion about a race-related issue being “perhaps to political” or certain language being too “scary” such as “white-supremacy,” “state-sanctioned murder” of Black people, or references to women leaders in the Black Panther Party. The outcome is that the resistance destabilizes me, and the burden shifts to me, a Black woman, to placate a white woman’s feelings of discomfort about her own whiteness and complicity in perpetuating white supremacy and preserving the presumption of innocence associated with white womanhood. Rather than accepting the words that I chose as reflective of racial realities, challenging my known lived experiences and undermining them as less than, is harmful and hinders meaningful intersectional dialogue.”

“Last year in one of my classes I was one of two Black students in the class, and a non-Black individual began railing both against affirmative action, saying that “we should just let in people who are qualified” and claiming that racism was no longer a problem. The professor remained silent and I spoke up because no one seemed to be responding. Very exhausting.”

“I have spoken up during class to hold professors to account when they have assigned materials or lectured in a way that felt ‘intellectually irresponsible’ (a term I use for culturally insensitive and/or lazy logic). I fear this might be framed as aggressive.”

“One thing I experience daily in my line of work is non-POC correcting the grammar of Black and non-Black POC continuously. This is thoughtless and shows a lack of awareness on their end, while also painting a picture that the way I speak is “wrong or incorrect” and the way they speak is “proper English/grammar.” African-American Vernacular English is recognized as being a part of the English language, which means it shouldn’t be seen as “wrong” and people who are unaware should seek out the proper information and resources to educate and diversify their vocabulary, just as Black and non-Black POC have.”

“I equally feel pressured and at times, irritated, at having to address diversity issues when others, who essentially are a part of the problem, are silent. These sorts of conversations must be discussed amongst non-POC or these perpetual issues will never be fixed.”

“In a law school context, I always feel the need to be overly prepared for a cold call. During 1L in particular, when we were still getting to know our classmates, I felt the need to assure that I knew exactly what I was talking about because there were very few Black people in the class. I felt like if I messed up during a cold call, the class and/or the professor would assume that Black students in general did not understand the material. I am aware that cold calls are nerve-wrecking in general, but this extra level of responsibility is a burden that I am confident my white counterparts do not feel. They can simply have a "bad" cold call because they were not confident with the material just yet, where I feel like I will not be given that same level of courtesy.”

“In my career, I’ve been the only or one of few Black women on a team more than once. My tone is often mistaken for angry as opposed to assertive and my white counterparts have been able to operate without having to be mindful of how they speak because there’s a lack of accountability for their actions and a microscope on mine.”

“I dread the feeling and the need to overcompensate in assignments because of the stereotypical atmosphere of Black people and people of color ‘never being good enough.’”