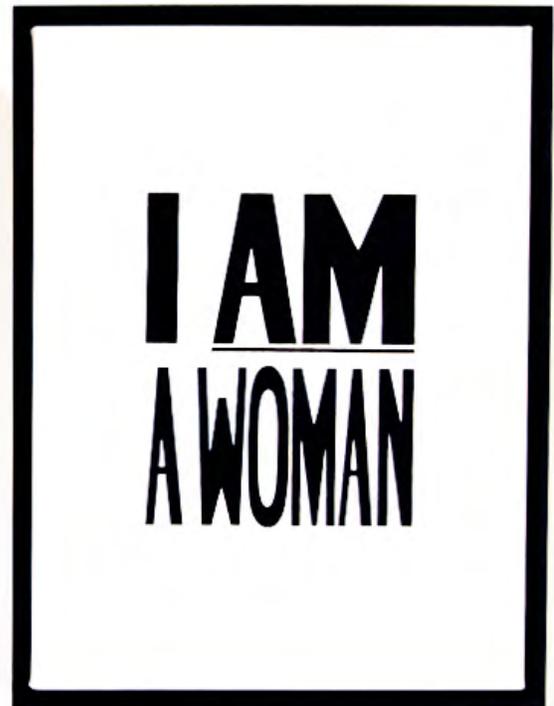
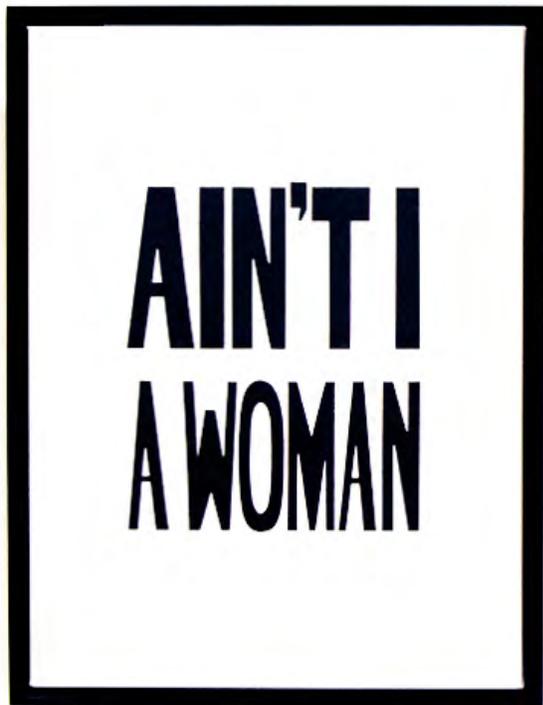


The Women, Law and Leadership Class

A Place at the Table Report: Part Three

Health Impact on Emerging Black Women Leaders in the Law

By Simone Hunter - Hobson,
President, Black Law Students Association at Penn Law



David Hornik, Principal August Capital, Visiting Professor on Entrepreneurship at Harvard Law School and Stanford Business School, and Advisor to Penn Law's Women, Law, and Leadership Project shared this art by Hank Willis Thomas from his extensive art collection with us. The language "Ain't I a Woman" comes from Sojourner Truth's 1851 Address at the Women's Convention in Akron, Ohio.

Simone's work draws inspiration from class guests including:

- Professor Kenneth W. Mack, the inaugural Lawrence D. Biele Professor of Law at Harvard Law School
- Michele Coleman Mayes, the General Counsel of the New York Public Library, and the former Chair of the Commission on Women in the Profession of the American Bar Association
- Carolyn Edgar, Managing Counsel at BNY Mellon Bank
- Judge Peter Reyes, current member of the ABA Commission on Women in the Profession.



Sojourner Truth (1797-1883), was an African-American abolitionist and women's rights activist known for her 1851 Address at the Women's Convention in Akron, Ohio. Her intersectional and groundbreaking work inspires the Women, Law, and Leadership class.

FOREWORD:

A Place at the Table: Of Inclusive Leadership and Allyship

This class on Women, Law, and Leadership celebrated the life and legacy of Deborah Rhode and brought together many influential leaders in law, business, and public life to engage with a new generation of leaders in the law. As the Introduction to this report, I would like to share this letter from Frederick Douglass to Ida B. Wells. This communication between these two great leaders models the essence of enlightened allyship that we studied in class. Frederick Douglass was the only African American to participate in the Seneca Falls Convention, the first convention on women's rights in the US in 1848. At the Convention, Douglass made an impassioned appeal in favor of women's suffrage.

"In this denial of the right to participate in government, not merely the degradation of woman and the perpetuation of a great injustice happens, but the maiming and repudiation of one-half of the moral and intellectual power of the government of the world."

Rangita de Silva de Alwis, December 2021

Activist, journalist and sociologist, Ida B. Wells's letter from Mr. Frederick Douglass

- Frederick Douglass (1817-1895): An advocate for women's rights, and specifically the right of women to vote, Douglass' legacy as a leader endures.

HON. FRED. DOUGLASS'S LETTER

Dear Miss Wells:

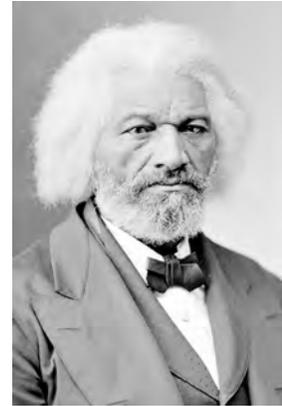
Let me give you thanks for your faithful paper on the lynch abomination now generally practiced against colored people in the South. There has been no word equal to it in convincing power. I have spoken, but my word is feeble in comparison.

You give us what you know and testify from actual knowledge. You have dealt with the facts with cool, painstaking fidelity and left those naked and uncontradicted facts to speak for themselves.

Brave woman! you have done your people and mine a service which can neither be weighed nor measured.

Very truly and gratefully yours,
DOUGLASS

Cedar Hill, Anacostia, D.C.
Oct. 25, 1892



Brady-Handy portrait of Frederick Douglass, 1865-1880

Women, Law, and Leadership Class

Faculty:

Rangita de Silva de Alwis

Editor and Teaching Assistant:

Becca Orton

Students in class:

Isabela Amorim
Valeria Arango
Rebecca Beale
Carolina Brandão
Lexi Brenza
Lei Brutus
Carolina Bueno
Olivia Chowdry
Meeghan Dooley
Shuxin Fang
Ellen Yang Gao
Victoria Gross
Grace Hale
Jessica Hochberg

Ting-Hao Hsu
Katelyn Hughes
Simone Hunter-Hobson
Noor Irshaidat
Hye Rin (Karen) Joo
Abigail Keyes
Mary Loftus
Tess Markovich
Sager Moritzky
Jordan Oh
Maria (Lola) Oliveira De
barros
Rebecca (Becca) Orton
Chloe Pakiry

Katia Pallares
Sarah Perlman
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Miriam Weinstock
Khalia Williams
Angela Wu

Black Women Leaders' Health Silently Suffering: A Call to Change the Legal Culture

By: Simone Hunter - Hobson

Introduction

A devoted advocate for Black women's rights during the 1940s, Pauli Murray famously stated that "Black women, historically, have been doubly victimized by the twin immoralities of Jim Crow and Jane Crow."¹ Decades later, this statement remains true; Black women still face this unique reality of simultaneously enduring racism and sexism in many facets of their life. The legal community is not exempt from the realities of racism and sexism that Black women face.² In fact, during an intimate and transparent discussion, a Black female attorney shared with me that she lost most of her hair, due to the immense stress of simply existing as a Black woman at a law firm. For many Black women in the legal field, their experiences with racism and sexism negatively impact their physical, mental, and emotional health. Although the current legal scholarship addresses the challenging realities that minorities and women face in the legal field, the discourse has not critically examined how these challenges specifically impact Black women's health and overall well-being. This brief report explores the health consequences that Black women endure as a result of the racism and sexism that still prevails in the legal field, particularly in the law school environment. This report intends to encourage the legal community to not only acknowledge the health hardships that Black women face but also diligently work towards creating an inclusive culture for all Black women, because Black women have continued to serve as brave leaders and change agents in the legal world.

¹ Antonio Ingram, *We Stand on the Shoulders of Giants: Pauli Murray*, THE BAR ASSOCIATION OF SAN FRANCISCO: THE JUSTICE AND DIVERSITY CENTER, (Feb. 11, 2021), <https://www.sfbar.org/blog/we-stand-on-the-shoulders-of-giants-pauli-murray/>.

² See DNIKA J. TRAVIS & JENNIFER THORPE-MOSCON, DAY-TO-DAY EXPERIENCES OF EMOTIONAL TAX AMONG WOMEN AND MEN OF COLOR IN THE WORKPLACE 10 (2018) <https://www.catalyst.org/wp-content/uploads/2019/02/emotionaltax.pdf> (noting that women of color are more likely than men of color "to be on guard" because they expect both gender and racial bias in the workplace).

Results

The results from this report's survey are alarming and call for attention. Thirty four Black women currently enrolled in law schools across the country participated in this survey. One of the questions asked the participants on a scale from 1-10, how has your experience in law school impacted your physical, mental, and/or emotional health (1 being rarely impacted and 10 being severely impacted). In general, approximately 88% of the participants selected an answer of 6 and above, meaning that 88% of Black women in this study expressed that their law school experience has greatly or severely impacted their health. (See the graph provided in Appendix A).

When looking more closely at the data, many Black women in this study have endured tremendous health issues partly due to their experiences with racism and sexism in law school. Out of the many health concerns, depression, anxiety, and lack of self-esteem remained the most common experience for Black women in this study. In fact, 88% of the participants suffer from self-doubt and lack of self-esteem while in law school. (See the graph provided in Appendix B). 82% of participants experience anxiety and sleep deprivation due to their law school experiences. *Id.* More than half of the participants suffer from depression while in law school, and several participants even experience extreme weight loss, weight gain, and suicidal thoughts or suicidal attempts due to their law school experiences.³ *Id.*

Discussion

As the above results demonstrate, many Black women in law school are suffering in silence, because the current discourse regarding racism and sexism in the legal field has not yet adequately addressed this pressing issue of Black women's health. One could analyze these survey results and conclude that Black women's experiences of sleep deprivation, depression, anxiety, and self-doubt are not unique, because many law school students suffer from these health concerns. Indeed, the rigorous and intense demand of law school could negatively impact any law student's health, regardless of one's racial or gender

³ See e.g., Appendix C (One participant specifically stated that, "I have become more anxious due to heightened awareness of the obstacles for Black women to access true transformative justice. I also [am] depressed sometimes because of racism I've experienced dealing with [school] administration.").

identity. However, this study provides a deeper analysis into how Black women's unique intersectionality of being both Black and women in predominantly white male institutions places an extra burden that not only significantly contributes to these health concerns but also reveals the crucial need to create safe and inclusive spaces for Black women in the legal field.

Whether Black women in law school grapple with the “prove it again” expectation or the fear of promoting a “stereotype threat,” the larger consequence remains clear: The racism and sexism embedded in legal education and interwoven in the legal classroom culture have not only caused Black women's health to deteriorate but also hindered Black women from simply existing as a law student like their peers. In fact, this study shows that Black women in law schools do not have the benefit of only focusing on their vigorous studies; they also carry the overwhelming and daunting responsibilities of proving that they belong at these institutions, educating others about the complex issues of racism and sexism, and yet silently suppressing their emotions while witnessing the constant anti-blackness exhibited in the world. Although Black women in law have continued to rise above the challenge, the legal community must deeply reflect on changing this reality, because Black women have demonstrated tremendous leadership and service in this field and deserve far more respect, equality, and solidarity.

I. The Painful Experience of Invisibility and Constantly Proving One's Worth

Many Black women in this survey expressed this common theme of often feeling invisible and as a result persistently working to affirm their worth and belonging in law school. The examples are endless. A participant expressed that she “felt unseen in the classroom by peers... [I]n collaborative spaces, I have not been given the same opportunity to express my thoughts or analysis on subjects.” Similarly, another participant developed “anxiety from being paired with classmates who feel so natural to speak over me as a Black woman.” One participant even decided to not “leave [the] house. I just skimmed for class and barely paid attention because all I could think about was how much no one wanted me to be there and how I was failing every black person who aspired to be in the space. I gained weight and tried to think of ways ‘out’ of it all. That was a really dark time, and I honestly don't know how I pulled myself out.” These examples reflect the challenging reality of the “prove it again” theory that our class has discussed in depth.

This constant feeling of being overlooked and ignored sends a clear message to many Black women in law school that they do not belong in these academic spaces and are not intelligent enough to fully engage in the classroom discourse, which remains a key component to the educational development of a lawyer. Indeed, as one participant stated, this reality of remaining unseen “has impacted my mental health by making me question whether I should attempt to try anymore to participate because it appears as though my opinion is not wanted nor needed by my peers.” Black women’s intelligence is often challenged for no reason other than their intersectional identity. In fact, our class guest speaker, Carolyn Edgar, shared her experience with a client at her law firm constantly questioning her intelligence or challenging her legal advice, once the client discovered that she was a Black woman.

These insulting experiences are, of course, not new. When Dr. Sadie T.M. Alexander attended the University of Pennsylvania Law School in the 1920s, Dean William Mikell refused to grant her a position on the Law Review, even though her top grades rightfully earned her position.⁴ This lack of respect and inclusion of Black women in legal academia persisted during the 1980s, as “the voices of Black women lawyers remained outside of the discourse, thus excluding their ideals from the jurisprudential matrix.”⁵ Guest speaker, Kenneth W. Mack, also reiterated during his class lecture that Black women lawyers remained “at the margins... They don’t have representation.” Unfortunately, in 2021, Khiara M. Bridges, a Black female professor at the UC Berkeley School of Law, still faces this same stigma and emphasized that the exclusion of Black women in legal academia promotes this idea that “women—and nonwhite women, especially—were incapable... Women, especially nonwhite women, could not become experts.”⁶

One may wonder why many Black women collectively feel that their voices and their very existence remain ancillary and insignificant in the classroom. Perhaps, as one participant eloquently explained, “Most of the classroom dialogue is centered around a very specific white male perspective that I don’t relate to. I

⁴ 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, 1420 (2002).

⁵ J. Clay Smith Jr., *Black Women Lawyers: 125 at the Bar; 100 Years in the Legal Academy*, 40 Howard L.J. 365, 390 (1997).

⁶ Khiara M. Bridges, *The Nerve: Women of Color in the Legal Academy*, 67 (2020).

often find myself wondering why I don't understand the material, and struggle to comprehend concepts that seem very natural to my peers. It leads to a lot of self-doubt." The consistent centering of the white male perspective in the legal doctrine must change, because the law does not solely impact white men; in fact, the law leads to grave effects for minorities and women, particularly with abortion rights, equal protection discrimination, and mass incarceration. Furthermore, the continual denial of Black women's existence and intellectual contributions in the classroom causes many Black women to work ten times as hard compared to their counterparts just to prove their worth, and ultimately leads to serious health concerns, such as anxiety, loss of appetite, and self-doubt. (See Appendix C for all participants' responses).

II. The Heavy Burden of Educating Others About Racism and Sexism

It is without doubt that Black women in the legal field have significantly contributed to raising awareness about issues of race, gender, class, etc. However, this endeavor of educating others does not come without a cost. Many participants have expressed that professors in the classrooms have failed to adequately incorporate issues of race and gender into the fabric of the course material and discourse. For example, when police murdered Walter Wallace, Jr. just a few minutes away from Penn Law's campus, several professors did not discuss or even acknowledge the tragedy that weighed heavily on the hearts of many Black students.⁷ In fact, one participant stated that when Wallace was murdered in front of his home, "I was particularly stressed because my Black male friends live near [Wallace's] place, and I was concerned for their safety. I mentioned to a professor that events like this made the pandemic even more stressful and she said, 'Well, the pandemic has been difficult for everyone.'" The participant further explained that these "experiences really made my mental health plummet and they have marred my law school experience. I didn't enjoy going to class, had anxiety attacks before going to the building, and stopped feeling like myself." Professor Bridges emphasized in her scholarship that this lack of discourse regarding issues of race, class, and gender "mean[t] that they were not significant. Indeed, what I ascertained from this

⁷ Two police officers responded to a 911 call that asked for help with Walter Wallace's mental health outbreak. Since many police are not properly trained to support those with mental health concerns, they fatally shot Wallace in Cobbs Creek, Philadelphia. Jenny Gross, *What We Know About the Death of Walter Wallace, Jr. in Philadelphia*, THE NEW YORK TIMES, (Oct. 29, 2021), <https://www.nytimes.com/article/walter-wallace-jr-philadelphia.html>.

deafening silence around race, class, and gender was that the phenomena that were intriguing to me—the phenomena that I thought organized society—were not really that important.”⁸ Put simply, the message that Black women receive says: Your very life does not matter and remains immaterial to the legal doctrine and classroom discourse.

Furthermore, when discussions of race and gender do occur in the classroom, some professors fail to create a safe learning environment. Often, the burden to unpack these complex issues like race and gender falls on Black women, many of whom are the only Black student in the classroom. One participant expressed that “Being one of the few Black women in law school classes feels like when topics about race come up everyone (including the professor) always turns to me. I constantly feel like a ‘spokeswoman.’ It is simply exhausting being the token... This makes everything about law school more exhausting. My mental health is deteriorating.” Although law students should remain aware of racial and gender issues, the burden cannot solely rest on Black women in law school, because the consequence, as this report shows, consists of Black women’s health suffering. Many Black women struggle with anxiety and depression due to this overwhelming responsibility of effectively educating and informing law students, who will soon become powerful prosecutors, judges, and legislative members. Instead, law schools must build an environment in which *all* students and professors must serve as active participants and allies, so the massive burden does not fall on one group of people.

Conclusion

The unique hardships that Black women face remain clear; their identity lies at the core of both racism and sexism. Legal scholarship has not widely discussed how these unique struggles with racism and sexism negatively impact Black women’s physical, mental, and emotional health. This report serves to start the necessary discourse. Black women, such as Sadie T.M. Alexander, Pauli Murray, Michele Coleman Mayes, and Carolyn Edgar, significantly contribute to the legal community, and yet receive so little in return. Indeed, “[I]t cannot be denied that ‘[b]lack women [lawyers] have been, and are, ardent advocates

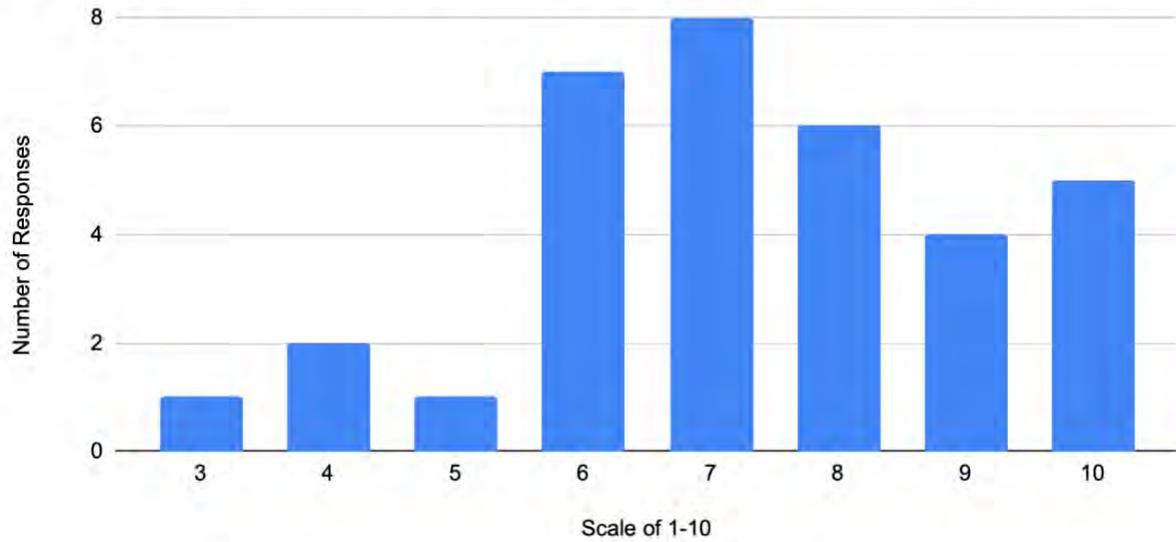
⁸ Bridges, *supra* note 5, at 66.

for the uplift of 'the man farthest down.'"⁹ Creating change in legal leadership must start within the legal institutions that educate and mold our future attorneys, because Black women deserve to continue to lead our communities without sacrificing their health in return.

⁹ Smith, *supra* note 4, at 390.

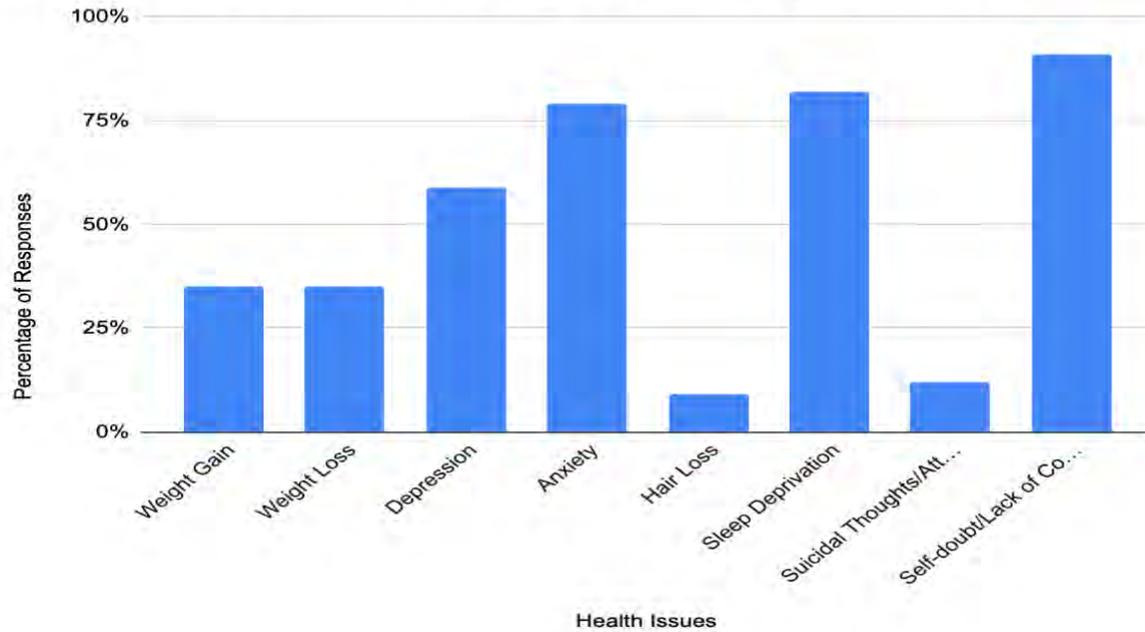
Appendix A

On a scale from 1-10, how has your experience in law school impacted your physical, mental and/or emotional health? (1 being barely impacted your health and 10 being severely impacted your health).



Appendix B

If you feel comfortable, please select any of these health issues that you have experienced in light of attending law school.



Appendix C

All of the participants' responses to the survey's question: If comfortable, please share how your experience as a Black woman in law school has impacted your physical, mental, and emotional health. If applicable, how have your unique experiences of facing racism, sexism, etc. in these law school spaces impacted your health and well-being?

- A lot of imposter syndrome.
- Always worried about my hair/changing it.
- Being expected to speak up whenever someone says or does something racist or sexist or both, is exhausting. The worst feeling is having to defend yourself, prove your intelligence and expend your energy all the while just trying to make it through law school.
- Being one of the few Black women in law school classes feels like when topics about race come up everyone (including the professor) always turns to me. I constantly feel like a "spokeswoman." It is simply exhausting being the token. This is on top of all microaggressions I am exposed to outside of class as well. This makes everything about law school more exhausting. My mental health is deteriorating.
- Developed an anxiety disorder where I have to take medication, and other related health concerns.
- Having to discuss the trials of the killers of George Floyd and Ahmaud Aubrey in class and being forced to listen to white classmates and professor essentially "debate" our humanity has been extremely triggering and mentally exhausting. I had to email my criminal law professor to tell him to stop putting pictures of George Floyd's murder on his PowerPoints because of how insensitive and triggering it was to all of the Black students in the class. Additionally, as a Black woman, dealing with both male students and white law students constantly challenging your intelligence is another point of frustration that leads to a lot of self-doubt.
- I attend an HBCU law school so it would appear that some of these things are limited. However, I find that oftentimes administrators are "tip-toeing" around the feelings of the white students. Even

in non-school settings, our conversations about racism and oppression in America are not safe spaces because they are interjected by white tears and a "I don't see color" mentality.

- I definitely felt sleep deprived during my 1L year and that caused anxiety attacks, especially due to all of the uncertainty surrounding exams.
- I feel like I've repeatedly been silenced in the classroom because I'm a Black woman. It still feels like most people in the room, including the professor, feel as if I should be grateful to even be at Penn Law and therefore my voice should never be heard. My opinions are overlooked especially if they convey a critique of the material we're discussing. I also feel the pressure from professors and my peers to code switch in order to make them more comfortable with who I am. But I hate that. These realities impact my mental well-being especially because they exist solely because of an important part of my identity. The only thing that helps is that my mom always taught me that being a Black woman is the part of my identity I should be most proud of.
- I feel like my imposter syndrome has been harder than actual law school as if that's not already hard enough.
- I feel that I always have to be the best and honestly it's exhausting.
- I have become more anxious due to heightened awareness of the obstacles for Black women to accessing true transformative justice. I also be depressed sometimes because of racism I've experienced dealing with administration. While faculty can make comments that are irksome, I'd say it's the administrators who really be evil to the point that being around them or interacting with them "gets to me" (meaning negatively impacts mental health).
- I think as with all law students you feel stressed with all the material that you're learning. Because of the stress, it causes for me a lot of problems with anxiety (I.e whether I'll do well on exams, do I actually understand the material, etc...). It's your sole focus in your life, and you go from having a life, to having to restrict it to focus on law school which is a hard transition. Adding then the layer of racism and sexism that adds yet another layer to it. For me this manifests in feeling like I have to stand up for my race or be a representative of my race when others don't

have to go through that. Also in class, we rarely discuss how race intersects with the material we're learning which is distressing because the race of litigants does play into outcomes in the law.

- In law school, I definitely have felt unseen in the classroom by peers. Specifically in discussion of complex issues of race, as there is lack of true acknowledgment of the impact that it has on people's lives. In addition, in collaborative spaces I have not been given the same opportunity to express my thoughts or analysis on subjects. This has impacted my mental health by making me question whether I should attempt to try anymore to participate because it appears as though my opinion is not wanted nor needed by my peers.
- I've felt so emotionally burdened that I sleep to numb the feeling or avoid feeling altogether. I'm in law school to fight for justice in the black community through criminal defense, death penalty, and civil rights work. School has been difficult but as a BW, I feel like I have to have it together all the time or people will discount me for the rest of school.
- Most of the classroom dialogue is centered around a very specific white male perspective that I don't relate to. I often find myself wondering why I don't understand the material, and struggle to comprehend concepts that seem very natural to my peers. It leads to a lot of self doubt, but also, because the days are so busy I struggle to find time to eat and take care of myself.
- Pretty much everyone in my section is racist/bias in some way and proudly let it show.
- There are few Black people at the law school, and I was the only Black person going into my doctrinal classes last year due to how we were split up. Since the law has a long history of racism and sexism, it was incredibly discouraging to learn about it virtually alone. Additionally, the school didn't acknowledge that Black students were especially struggling last year given the spikes in anti-blackness. They only focused on the pandemic—and didn't even do a good job in that respect—and implied that all the students were struggling in the same way. When Walter Wallace Jr. was killed, I was particularly stressed because my Black male friends live near his place, and I was concerned for their safety. I mentioned to a professor that events like this made

the pandemic even more stressful and she said, “Well, the pandemic has been difficult for everyone.” Having these experiences really made my mental health plummet and they have marred my law school experience. I didn’t enjoy going to class, had anxiety attacks before going to the building, and stopped feeling like myself.

- There were a few weeks where I operated at the lowest possible level. We had the option to attend class virtually, so naturally that’s what I did. I didn’t get dressed and made sure my camera was off. I didn’t leave my house. I just skimmed for class and barely paid attention because all I could think about was how much no one wanted me to be there and how I was failing every black person who aspire to be in the space. I gained weight and tried to think of ways “out” of it all. That was a really dark time and I honestly don’t know how I pulled myself out. My classmates are constantly saying racist and sexist things and I’m tired of feeling like I have to educate these people. It’s a huge burden to carry.
- They have impacted me so drastically that I cannot bring myself to answer this question in detail and risk re-traumatizing myself.
- — having anxiety from being paired with classmates who feel so natural to speak over me as a black woman. —impact of having cases we read about either directly impacting us or our families. The fact that we can’t think of them solely as a case in the book.