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ARTICLE

INSPIRING AND EQUIPPING THE NEXT GENERATION OF LAWYER-LEADERS: CENTER ON RACE, LEADERSHIP, AND SOCIAL JUSTICE

ARTIKA TYNER* AND TISIDRA JONES**

ABSTRACT

Addressing the most pressing social justice challenges of the 21st Century will require an exercise of leadership. This type of leadership is not about position, title, or the designation of power. Instead, the leadership needed today now more than ever focuses on leveraging one's technical training, interdisciplinary practice, and community engagement with the commitment to making a difference. In 2019, the Center on Race, Leadership, and Social Justice was created to train and equip the next generation of lawyer-leaders who will assume the mantle of leadership by developing practical solutions to address the root causes of injustice in partnership with community stakeholders.

Keywords: leadership; legal education; racial justice; social justice; service-learning; experiential learning; healthcare; economic development; employment; collateral consequences; prison phone justice; mass incarceration

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I. INTRODUCTION

Lawyers are in a prime position to serve as lead problem solvers. Legal education and training provide the vital tools needed to address complex and multifaceted challenges. A combination of writing, oral advocacy and analytical skills, research, critical thinking, and creative problem solving serve as the indispensable tools in a lawyer's toolbox. These skills coupled with leadership training can equip lawyers to advance the pursuit of social justice.¹

The social justice challenges of the twenty-first century are pervasive in nature and often appear to be insurmountable. The list is endless from eradicating mass incarceration, which has led to the United States being characterized as the Incarceration Capital of the World,² to addressing mounting healthcare disparities, which have become more evident with the onset of the global COVID-19 pandemic.³ However, leaders assume the challenge of "when we see a problem, we create a solution." This is the teaching mantra of the founder of the Center on Race, Leadership, and Social Justice. It informs the instructional design, programming, and strategies implemented by the Center. The culmination is a focus on training leaders who will aid in building a more just and inclusive world.

The Center on Race, Leadership, and Social Justice ("CRLSJ") was founded in 2019 with the goal in mind of inspiring and equipping the next generation of lawyer-leaders. Rooted in the University of St. Thomas School of Law's mission, the CRLSJ fosters a robust exchange of ideas and practical strategies for advancing the common good. This starts in the classroom through experiential learning and service-learning. Law students use their legal training to address social justice challenges. In addition, the CRLSJ supports the leadership development of the community through its programming and educational offerings.

Part II of this article explores how to integrate leadership education into the law school curriculum. Part III examines the role of the lawyer-leader. Part IV outlines the current initiatives of the CRLSJ used to address current civil rights and human rights injustices. Part V concludes by summarizing the findings of this article. This article provides legal educators with the necessary tools needed to reimagine legal education by transform-

1. Social justice is "[. . .] synonymous with transformative social action, civic engagement for equity, or moral and civic responsibility. . ." SUSAN BENIGNI CIPOLLE, *SERVICE-LEARNING AND SOCIAL JUSTICE: ENGAGING STUDENTS IN SOCIAL CHANGE* 3 (2010).

2. With only about 5 percent of the world's population, the United States incarcerates over 20 percent of the world's prison population. See Michelle Ye Hee Lee, *Yes, U.S. Locks People Up at a Higher Rate than Any Other Country*, WASH. POST (July 7, 2015), <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/07/yes-u-s-locks-people-up-at-a-higher-rate-than-any-other-country>.

3. *Health Equity Considerations and Racial and Ethnic Minority Groups*, CTR. FOR DISEASE CONTROL AND PREVENTION (Apr. 19, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html>.

ing the classroom into a learning laboratory where students develop core leadership strategies in order to take intentional action for justice and equity.⁴

II. WHY LEAD

Schools serve as the garden where seeds of leadership are nurtured over time. “Schools are the garden for leadership—the places where seeds are planted and first green shoots spotted, tended and encouraged.”⁵ Through learning experiences, students develop the skills needed to lead social change. The classroom serves as a learning laboratory where students gain a sense of awareness related to social justice issues, build connections with community stakeholders (knowledge about current social justice challenges), build a collective vision in partnership with the community, engage in a robust exchange of ideas to solve pressing issues, and create a framework for action.⁶ As students learn through these experiences, they develop a toolkit of essential leadership and social justice advocacy tools.

During this process, students will also aid in redefining leadership. Leadership is often mischaracterized as a position or title. Contrarily to this definition, leadership is “a relational and collective process in which collaboration and shared understanding are deemed axiomatic to getting things done.”⁷ Legal education can play a crucial role in training and inspiring law students to become lawyer-leaders. Law schools and institutions of higher education have the ability to influence, equip, and inspire students to lead. “In the long run, the success of our nation depends on how we manage our higher education enterprise in a twenty-first century that demands informed, educated, engaged, and thoughtful citizens, as well as a skilled and knowledgeable workforce that can drive our economy.”⁸ Through the work of the CRLSJ, there is a direct response to the call to leadership in the quest for social justice.

4. “Leaders stand up and speak up for justice. Houston reminded each one of us that we must be a ‘mouthpiece for justice and serve as a sentinel standing against what is wrong.’ A mouthpiece for justice—when we see an injustice, we must stand up and speak out.” ARTIKA R. TYNER, *THE INCLUSIVE LEADER: TAKING INTENTIONAL ACTION FOR JUSTICE AND EQUITY* 64 (2021).

5. JOHN ADAIR, *HOW TO GROW LEADERS: THE SEVEN KEY PRINCIPLES OF EFFECTIVE LEADERSHIP DEVELOPMENT* 122 (2005).

6. These learning exercises are informed by the leadership development framework and theory of “Planting People Growing Justice.” See ARTIKA TYNER, *THE LEADER’S JOURNEY: A GUIDE TO DISCOVERING THE LEADER WITHIN* 3–7 (2015).

7. STEPHEN PRESSKILL & STEPHEN BROOKFIELD, *LEARNING AS A WAY OF LEADING: LESSONS FROM THE STRUGGLE FOR SOCIAL JUSTICE* 3 (2009).

8. FREEMAN A. HRABOWSKI III ET AL., *THE EMPOWERED UNIVERSITY: SHARED LEADERSHIP, CULTURE CHANGE, AND ACADEMIC SUCCESS* 13 (2019).

III. ANSWERING THE CALL TO LEADERSHIP

Lawyers have a professional responsibility to further the public's confidence in our justice system and to seek improvement of the law. Both the American Bar Association's Model Rules of Professional Conduct and Minnesota's Rules of Professional Responsibility state that lawyers "should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession."⁹ They both go on to state that lawyers "should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority."¹⁰

When the laws, policies, and administration of our justice system yield disparities in outcomes, those impacted by the disparities may lose confidence in the rule of law. The CRLSJ is seeking to address the disparities experienced by the Black community as identifiable in quality-of-life indicators. These disparities are reinforced by inequitable laws and policies. Following the teaching philosophy of our founder, the CRLSJ is working to eradicate the root causes of these disparities ("problem") by addressing the underlying economic challenges experienced by the Black community, over the generations. The solution of the CRLSJ is the development of a comprehensive approach to social justice lawyering which is manifested through the exercise of leadership.

United States history has a long list of laws and policies that, on their face or in their administration, created racial disparities and barriers to equal economic opportunity for all communities of color.¹¹ In focusing on the Black experience in America, examples of such laws and policies include the following: the laws governing Blacks during slavery, Black Codes following the Civil War,¹² post-Reconstruction laws criminalizing being unemployed, contract laws with penalties for "attempting to leave a job before an advance had been worked off,"¹³ Jim Crow, the Fair Labor Standards Act's exemptions that excluded agricultural and domestic workers who were largely people of color, and disparities in the administration of the GI Bill.¹⁴ Despite efforts over the years to advance equal economic opportu-

9. MODEL RULES OF PRO. CONDUCT, Preamble (AM. BAR ASS'N 2018); MINNESOTA RULES PRO. CONDUCT, Preamble (2019).

10. *Id.*

11. Dion Rabouin, *10 Myths About the Racial Wealth Gap*, AXIOS (July 23, 2020), <https://www.axios.com/racial-wealth-gap-ten-myths-d14fe524-fec6-41fc-9976-0be71bc23aec.html>; *Black Codes*, HISTORY (Jan. 21, 2019), <https://www.history.com/topics/black-history/black-codes>.

12. MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 28 (2012); *Black Codes*, *supra* note 11.

13. *SLAVERY by Another Name*, PBS, <https://www.pbs.org/tpt/slavery-by-another-name/themes/black-codes-and-pig-laws/> (last visited Oct. 13, 2021).

14. Rabouin, *supra* note 11; Erin Blakemore, *How the GI Bill's Promise Was Denied to a Million Black WWII Veterans: The sweeping bill promised prosperity to veterans. So why didn't*

nity, the Minneapolis Federal Reserve Bank's article *Income and Wealth Inequality in America, 1949–2016* highlights that although “income has grown at a comparable rate for black and white households . . . pre-civil rights era disparities have largely persisted.”¹⁵

The economic disparities between Blacks and Whites are not limited to income disparities. But rather, racial economic disparities are interconnected and include disparities in wealth, the economic impact of incarceration, youth economic mobility, and health. To be effective in addressing the cross-sector economic disparities that exist between Blacks and Whites it requires a recognition of (1) the interconnectedness of racial disparities across sectors and (2) the need to take a holistic, cross-sector approach to address these disparities. In response to this, lawyers have a role in addressing racial economic disparities. To be effective in assuming this leadership role, lawyers should take a social justice lawyering approach rather than a traditional lawyering approach.¹⁶

A. *Why This is A Critical Time to Answer the Call: Demographic Shifts and Racial Economic Disparities*

The United States is changing in terms of racial demographics. It is evolving into a rich multicultural tapestry.¹⁷ In 2020, the U.S. Census Bureau issued a report entitled *Demographic Turning Points for the United States: Population Projections for 2020 to 2060*. By 2045, the United States population is projected to be majority people of color for the first time in the nation's history.¹⁸ Between 2010–2017 Minnesota's population of people of color grew faster than the national average.¹⁹ By 2035, the Minnesota State Demographic Center is projecting that all regions of the state will

Black Americans benefit?, HISTORY (Apr. 20, 2021), <https://www.history.com/news/gi-bill-black-wii-veterans-benefits>.

15. MORITZ KUHN ET AL., FED. RSRV. BANK OF MINNEAPOLIS, *INCOME AND WEALTH INEQUALITY IN AMERICA, 1949-2016* 25 (2018), <https://www.minneapolisfed.org/institute/working-papers-institute/iwp9.pdf>.

16. Raymond H. Brescia, *Creative Lawyering for Social Change*, 35 GA. ST. U. L. REV. 529, 534 (2019). (“In these ways, social-change lawyering is interdependent with larger social forces, and the creative lawyer must take these social forces into account when she engages in efforts to bring about social change.”); Spencer Rand, *Social Justice as a Professional Duty: Effectively Meeting Law Student Demand for Social Justice by Teaching Social Justice as a Professional Competency*, 87 U. CIN. L. REV. 77 (2018).

17. Artika Tyner, *Transforming Public Spaces: The Value-Added of Diversity and Inclusion*, HUFFINGTON POST (Jan. 21, 2017), https://www.huffingtonpost.com/dr-artika-r-tyner/the-value-added-of-diversity-and-inclusion_b_9032118.html.

18. JONATHAN VESPA ET AL., U.S. CENSUS BUREAU, *DEMOGRAPHIC TURNING POINTS FOR THE UNITED STATES: POPULATION PROJECTIONS FOR 2020 TO 2060* 7 (2020), <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p25-1144.pdf>.

19. Maddie Debilzan, *Minnesota's Diversity Growth Continues, Census Figures Show*, ST. PAUL PIONEER PRESS (June 21, 2018), <https://www.twincities.com/2018/06/21/minnesotas-diversity-growth-continues-census-bureau-figures-say>.

become more racially and ethnically diverse.²⁰ In 2019, Saint Paul was reported as a “majority-minority city.”²¹ Racial demographic shifts are more than just numbers, they represent the community of a place. Such demographic shifts lead to changes in our workforce, business owners, students, and the cultures within our neighborhoods. This can present great opportunities for Minnesota and the United States at large, if stewarded appropriately.

Conversely, the United States and Minnesota continue to have stark racial economic disparities, especially between Blacks and Whites. In 2018, the median household income for Whites was \$70,642, while it was \$41,361 for Black households—a \$29,281 income gap.²² In 2019, the poverty rate for Blacks was 18.8 percent, while for Whites it was 7.3 percent.²³ For the second quarter of 2020, the homeownership rate for Blacks was at 47 percent, while the homeownership rate for Whites was 76 percent.²⁴ As it relates to entrepreneurship, gaps exist related to access to capital and annual revenue between Black and White businesses.²⁵ Minnesota continues to rank near the bottom as it pertains to racial disparities between Blacks

20. MINN. ST. DEMOGRAPHIC CTR., MINNESOTA POPULATION PROJECTIONS BY RACE AND HISPANIC ORIGIN, 2005 TO 2035 1 (Jan. 2009), https://mn.gov/admin/assets/Minnesota-Population-Projections-by-Race-and-Hispanic-Origin-2005to2035-msdc-jan2009_tcm36-219659.pdf.

21. Frederick Melo, *Population Trends: St. Paul Now Majority-Minority City*, *Minnesota Continues to Gray*, ST. PAUL PIONEER PRESS (Oct. 4, 2019), <https://www.twincities.com/2019/10/04/state-demographer-says-population-trends-will-impact-st-paul>.

22. JESSICA SEMEGA ET AL., U.S. CENSUS BUREAU, REAL MEDIAN HOUSEHOLD INCOME BY RACE AND HISPANIC ORIGIN: 1967 TO 2018 (2019), <https://www.census.gov/library/visualizations/2019/demo/p60-266.html>; Pam Fessler, *U.S. Census Bureau Reports Poverty Rate Down, But Millions Still Poor*, NPR (Sep. 10, 2019), <https://www.npr.org/2019/09/10/759512938/u-s-census-bureau-reports-poverty-rate-down-but-millions-still-poor>.

23. JESSICA SEMEGA ET AL., U.S. CENSUS BUREAU, INCOME AND POVERTY IN THE UNITED STATES: 2019 15 (2020), <https://www.census.gov/content/dam/Census/library/publications/2020/demo/p60-270.pdf>; JOINT ECONOMIC COMMITTEE, THE ECONOMIC STATE OF BLACK AMERICA IN 2020 8 (2020), https://www.jec.senate.gov/public/_cache/files/ccf4dbe2-810a-44f8-b3e7-14f7e5143ba6/economic-state-of-black-america-2020.pdf.

24. U.S. CENSUS BUREAU, QUARTERLY RESIDENTIAL VACANCIES AND HOMEOWNERSHIP: FOURTH QUARTER 2020 tbl.7 (Feb. 2, 2021), <https://www.census.gov/housing/hvs/files/currenthvspress.pdf>.

25. U.S. CHAMBER OF COMMERCE, AMERICA’S OPPORTUNITY GAPS: BY THE NUMBERS SYSTEMIC BARRIERS TO EQUALITY OF OPPORTUNITY FOR BLACK AMERICANS AND PEOPLE OF COLOR 3 (2020), https://www.uschamber.com/sites/default/files/americas_opportunity_gaps_-_by_the_numbers_white_paper_2020_full.pdf; VICTOR HWANG ET AL., EWING MARION KAUFFMAN FOUNDATION: KANSAS CITY, ACCESS TO CAPITAL FOR ENTREPRENEURS: REMOVING BARRIERS 18 (Apr. 2019), https://www.kauffman.org/wp-content/uploads/2019/12/CapitalReport_042519.pdf; ASSOCIATION FOR ENTERPRISE OPPORTUNITY, THE TAPESTRY OF BLACK BUSINESS OWNERSHIP IN AMERICA: UNTAPPED OPPORTUNITIES FOR SUCCESS 24-25 (2016), https://aeoworks.org/images/uploads/fact_sheets/AEO_Black_Owned_Business_Report_02_16_17_FOR_WEB.pdf; AMERICAN EXPRESS, THE 2019 STATE OF WOMEN-OWNED BUSINESSES REPORT 5 (2019), https://about.americanexpress.com/files/doc_library/file/2019-state-of-women-owned-businesses-report.pdf.

and Whites.²⁶ There is a \$47,000 income gap.²⁷ A 51 percent homeownership gap exists.²⁸ The poverty rate of Blacks in the Twin Cities is four times that of Whites.²⁹ Disparities in government contract dollars awarded to minority-owned businesses in Minnesota exist, and many minority business owners cite access to capital as a barrier.³⁰ Research and reports have highlighted that by addressing and minimizing some of these economic disparities between Blacks and Whites it could result in economic gains for the United States as a whole.³¹

In light of everything above, a question arises. Where does the rule of law and the justice system intersect with these economic disparities such that it gives rise to a call to leadership for lawyers? The following sections provide an overview of the historical and present-day economic disparities between Blacks and Whites, as well as instances where laws and policies intersected with each.

i. Historical and Present-Day Economic Disparities Between Whites and Blacks Tied to Wealth Building

In 2019, the percentage of people living in poverty in the United States was 10.5 percent.³² While 7.3 percent of non-Hispanic Whites lived in poverty, 18.8 percent of Blacks lived in poverty.³³ A closer look at historical United States laws and policies can shine a light on actions that have contributed to current racial income and wealth disparities.

During Reconstruction (1865–1877), Blacks started building political and economic power.³⁴ However, following the end of Reconstruction, states enacted laws that eliminated these political and economic gains until the 1960s.³⁵ Laws and policies, such as those limiting black employment to low wage jobs in agriculture and domestic occupations, had a significant impact on income and opportunities to build generational wealth for Black

26. Christopher Ingraham, *Racial Inequality in Minneapolis is Among the Worst in the Nation*, WASH. POST (May 30, 2020), <https://www.washingtonpost.com/business/2020/05/30/minneapolis-racial-inequality/>; Greg Rosalsky, *Minneapolis Ranks Near the Bottom for Racial Equality*, NPR (June 2, 2020), <https://www.npr.org/sections/money/2020/06/02/867195676/minneapolis-ranks-near-the-bottom-for-racial-equality>.

27. Ingraham, *supra* note 26.

28. Ingraham, *supra* note 26.

29. Rosalky, *supra* note 26.

30. KEEN INDEPENDENT RESEARCH, MINN. DEPT. ADMINISTRATION, STATE OF MINNESOTA 2017 DISPARITY STUDY, app. J, 6–7 (Mar. 2018), https://mn.gov/admin/assets/KeenIndependentAdminDisparityStudyFullReport03122018_tcm36-331963.pdf.

31. U.S. CHAMBER OF COMMERCE, *supra* note 25; ASSOCIATION FOR ENTERPRISE OPPORTUNITY, *supra* note 25; AMERICAN EXPRESS, *supra* note 25.

32. SEMEGA ET AL., *supra* note 23, at 12.

33. SEMEGA ET AL., *supra* note 23, at 13 fig.8; JOINT ECONOMIC COMMITTEE, *supra* note 23.

34. Eric Foner, *Reconstruction*, ENCYCLOPEDIA BRITANNICA (Sep. 10, 2020), <https://www.britannica.com/event/Reconstruction-United-States-history>.

35. *Id.*

families.³⁶ Between 1935 and the 1960s the following laws and policies were implemented that had a direct impact on income, homeownership, and generational wealth³⁷:

- 1935: Social Security excluded agricultural and domestic workers and thus removed them from the opportunity to have retirement savings in the same way as Whites; Wagner Act excluded nonwhites and denies them from access to union benefits such as medical care, full-time employment, higher wages, and job security.³⁸
- 1930s–1940s: Government programs provided subsidized low-cost loans to buy homes and tied loan eligibility to race, classifying nonwhites as a risk and increased denial of loans.³⁹
- 1944: The Servicemen’s Readjustment Act of 1944 (GI Bill) was created to provide World War II veterans benefits such as low-interest mortgages, unemployment benefits, and stipends for educational tuition.⁴⁰ Many Blacks were unable to access the benefits due to insurmountable barriers put in place.⁴¹
- 1948: Although restrictive covenants were outlawed by the Supreme Court decision in *Shelley v. Kraemer*, private developers still refused to sell to nonwhites.⁴²
- 1949: Urban renewal under the National Housing Act displaced Blacks and Hispanics at a higher rate.⁴³
- 1950s–1960s: Development of freeways often built through Black neighborhoods led to displacement and loss of generational wealth creation.⁴⁴

In addition, economic disparities related to income have continued to grow over the past 50 years. Between 1967 and 2019 the median income for Whites increased by \$22,212, while Black households saw an increase of \$16,412.⁴⁵ In 1967, there was an income gap of \$20,966 between Blacks

36. Foner, *supra* note 34; DIONISSI ALIPRANTIS & DANIEL CARROLL, FED. RSRV. BANK OF CLEVELAND, WHAT IS BEHIND THE PERSISTENCE OF THE RACIAL WEALTH GAP? (Feb. 28, 2019), <https://www.clevelandfed.org/newsroom-and-events/publications/economic-commentary/2019-economic-commentaries/ec-201903-what-is-behind-the-persistence-of-the-racial-wealth-gap.aspx>.

37. *Uncle Sam Lends a Hand: Did the Government Racialize Housing and Wealth?*, PBS (2003), https://www.pbs.org/race/000_About/002_06_a-godeeper.htm.

38. *Id.*

39. *Id.*

40. Blakemore, *supra* note 14.

41. *Uncle Sam Lends a Hand: Did the Government Racialize Housing and Wealth?*, *supra* note 37.

42. *Uncle Sam Lends a Hand: Did the Government Racialize Housing and Wealth?*, *supra* note 37.

43. *Uncle Sam Lends a Hand: Did the Government Racialize Housing and Wealth?*, *supra* note 37.

44. *Uncle Sam Lends a Hand: Did the Government Racialize Housing and Wealth?*, *supra* note 37.

45. JESSICA SEMEGA ET AL., *supra* note 23 at 28–33 tbl.A-2 (All dollar amounts referenced are in 2019 dollars.).

and Whites.⁴⁶ In 2019, there was a \$26,766 income gap.⁴⁷ Blacks earned a median income of a mere \$45,438 in 2019; therefore there is a looming question related to what type of jobs are Blacks working. In 2017, 14.3 percent of Blacks had “poverty-level wage” jobs that paid at rates below the federal poverty level for a family of their size compared to 8.6 percent of Whites.⁴⁸ The U.S. Bureau of Labor Statistics’ *2019 Labor Force Statistics from the Current Population Survey* depicts higher percentages of Blacks in service occupations. Service occupations tend to pay lower median weekly earnings (\$480) compared to higher weekly earning occupations such as management and professional occupations (\$1,250).⁴⁹

Similar to the income gap between Blacks and Whites, the wealth gap has also remained fairly similar since the early 1960s.⁵⁰ In 1962, the average White household wealth was seven times that of the average Black family.⁵¹ Today, White household median wealth is now ten times that of Blacks.⁵² Upon a closer look at the value of Black assets compared to Whites across the following areas, significant gaps in amount and value exist: “regular checking accounts, stocks and mutual fund shares, equity in business or profession, rental property, and 401K and thrift savings plans.”⁵³ Gaps also exist as it relates to homeownership values with Whites experiencing greater returns on their investments.⁵⁴ Although business ownership may be an avenue to build wealth, due to lack of capital, Black entrepreneurs are almost three times as likely as Whites to see their business growth and profitability negatively impacted.⁵⁵ As it relates to passing on generational wealth, 26 percent of White families, compared to 8 percent of

46. JESSICA SEMEGA ET AL., *supra* note 23 at 28–33 tbl.A-2 (All dollar amounts referenced are in 2019 dollars.).

47. JESSICA SEMEGA ET AL., *supra* note 23 at 28–33 tbl.A-2 (All dollar amounts referenced are in 2019 dollars.).

48. JOINT ECONOMIC COMMITTEE, *supra* note 23.

49. U.S. CHAMBER OF COMM., *supra* note 25, at 6.

50. *See* Aliprantis & Carroll, *supra* note 36.

51. *See* Aliprantis & Carroll, *supra* note 36.

52. *See* Aliprantis & Carroll, *supra* note 36; U.S. CHAMBER OF COMM., *supra* note 25, at 14; JOINT ECONOMIC COMMITTEE, *supra* note 23.

53. Kenneth J. Fasching-Varner et al., *Beyond School-to-Prison Pipeline and Toward an Educational and Penal Realism*, in *EQUITY & EXCELLENCE IN EDUCATION* 47(4), 410, 415 (2014), https://ubwp.buffalo.edu/aps-cus/wp-content/uploads/sites/16/2015/07/eyond_School-to-Prison_Pipeline_and_Toward_an_Educational_and_Penal_Realism.pdf.

54. *See* Bryan L. Sykes & Michelle Maroto, *A Wealth of Inequalities: Mass Incarceration, Employment, and Racial Disparities in U.S. Household Wealth, 1996 to 2011*, RSF: THE RUSSELL SAGE FOUNDATION JOURNAL OF THE SOCIAL SCIENCES 129, 131 (2016), <https://www.rsfjournal.org/content/rsfjss/2/6/129.full.pdf>.

55. U.S. CHAMBER OF COMM., *supra* note 25, at 10; *See* Hwang et al., *supra* note 25; ALICIA ROBB & ARNOBIO MORELIX, EWING MARION KAUFFMAN FOUNDATION: KANSAS CITY, *STARTUP FINANCING TRENDS BY RACE: HOW ACCESS TO CAPITAL IMPACTS PROFITABILITY* (2016), https://www.kauffman.org/wp-content/uploads/2019/12/ase_brief_startup_financing_by_race.pdf.

Black families, have reported that they have received an inheritance that helps in building their wealth.⁵⁶

Despite decades of programs created to remedy disparities and increase equal economic opportunity, research and studies have found that “persistent systemic differences in economic opportunity” remain a significant factor in these obstinate disparities.⁵⁷ With Blacks accounting for 40 percent of those in state and federal prisons, it is important to highlight (1) the intersections between incarceration, economic opportunity, and economic mobility for Blacks and (2) economic disparities between Blacks and Whites who have been incarcerated.

ii. *The Intersection Between Incarceration, Economic Opportunity, and Economic Mobility*

It has been widely researched and discussed that although Blacks make up 13 percent of the United States population, Blacks account for nearly 40 percent of those in state and federal prisons.⁵⁸ However, the long-term economic impact of incarceration on Black individuals and families as it pertains to economic opportunity and building wealth is less widely discussed.⁵⁹ Generations of incarceration in a family can remove opportunities for generational wealth building. The paragraphs below highlight a few laws and policies between 1877 and the 1980s that resulted in disproportionate arrests and incarceration of Black males.

Immediately following Reconstruction in 1877, laws were enacted in the South that were disproportionately enforced against Black males.⁶⁰ This resulted in tens of thousands of arrests.⁶¹ Such laws included stealing a farm animal (“Pig Laws”), speaking loudly in the presence of white women, selling produce after dark, and farm workers walking on the side of the railroad tracks after dark.⁶² In addition, there were vagrancy statutes that made it a crime if someone could not demonstrate being employed.⁶³ Often misdemeanors were treated as felonies.⁶⁴ Also, many had to work to pay off the costs and fines connected with their arrest and would not be released until these costs were paid in full.⁶⁵ The time spent working to pay off the cost and fines was time not spent generating income that would go to the families of these individuals.

56. Rabouin, *supra* note 11.

57. Rabouin, *supra* note 11.

58. Fasching-Varner et al., *supra* note 53, at 413.

59. See Sykes & Maroto, *supra* note 54, at 129.

60. ALEXANDER, *supra* note 12 (citing *SLAVERY by Another Name*, *supra* note 13).

61. ALEXANDER, *supra* note 12 (citing *SLAVERY by Another Name*, *supra* note 13).

62. *SLAVERY by Another Name*, *supra* note 13.

63. *SLAVERY by Another Name*, *supra* note 13.

64. *SLAVERY by Another Name*, *supra* note 13.

65. ALEXANDER, *supra* note 12 (citing *SLAVERY by Another Name*, *supra* note 13).

Throughout the first half of the 1900s, violations of Jim Crow era laws could result in arrest.⁶⁶ This was another example of the tools of criminalization being used to disenfranchise Blacks. The Civil Rights era of the 1960s became a catalyst for change by seeking to ensure equal rights and equal justice for Blacks. Less than twenty years after the successes of the Civil Rights era, the 1980s saw the beginning of the War on Drugs and an increase in the number of Blacks being incarcerated.⁶⁷ Many experienced longer sentences due to harsher sentencing for crack versus powder cocaine.⁶⁸ So, although the 1970s saw the median Black household income grow 20 percent faster than the median White family, this temporary narrowing of the income gap was reversed in the 1980s when incarceration rates increased.⁶⁹

Incarceration has economic impacts for all who have been incarcerated. For example, studies have shown that a year after formerly incarcerated people are released around 60 percent remain unemployed.⁷⁰ Research has shown that economic disparities exist between Blacks and Whites who have been incarcerated. Formerly incarcerated Blacks interviewing for jobs experience a 65 percent reduction in employer callbacks.⁷¹ For formerly incarcerated Whites, the employer callback reduction rate is by 50 percent.⁷² For those who are able to secure employment, White males who have been incarcerated experience a reduction in wages by 2 percent, while Black males experience a 9 percent reduction.⁷³

There are a number of direct economic impacts of incarceration on a family. Studies have shown that “family income averaged over the years a father is incarcerated is 22 percent lower than family income was the year before a father is incarcerated. Even in the year after the father is released, family income remains 15 percent lower than it was the year before incarceration.”⁷⁴ In addition, individuals who are incarcerated often have fines and fees that must be paid.⁷⁵ The total amount of these fines and fees is a burden on families that adds to the debt and can make it difficult to pay for

66. *Jim Crow Laws*, NAT’L PARK SERV. (Apr. 17, 2018), https://www.nps.gov/malu/learn/education/jim_crow_laws.htm; Melvin I. Urofsky, *Jim Crow Law*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/event/Jim-Crow-law> (last visited Apr. 24, 2021).

67. JOINT ECONOMIC COMMITTEE, *supra* note 23, at 19; ALEXANDER, *supra* note 12.

68. JOINT ECONOMIC COMMITTEE, *supra* note 23.

69. KUHN ET AL., *supra* note 15, at 26.

70. SANETA DE VUONO-POWELL ET AL., ELLA BAKER CENTER FOR HUMAN RIGHTS, *THE TRUE COST OF INCARCERATION ON FAMILIES 20* (2015).

71. U.S. CHAMBER OF COMM., *supra* note 25, at 12.

72. U.S. CHAMBER OF COMM., *supra* note 25, at 12.

73. Fasching-Varner et al., *supra* note 53, at 414.

74. Fasching-Varner et al., *supra* note 53, at 414. (citing the PEW CHARITABLE TRUST, COL-LATERAL COSTS: INCARCERATION’S EFFECTS ON ECONOMIC MOBILITY. WASHINGTON, DC: PEW CHARITABLE TRUSTS (2010)).

75. MATTHEW MENENDEZ ET AL., BRENNAN CTR. FOR JUST., *THE STEEP COSTS OF CRIMINAL JUSTICE FEES AND FINES: A FISCAL ANALYSIS OF THREE STATES AND TEN COUNTIES 6–7* (2019), https://www.brennancenter.org/sites/default/files/2020-07/2019_10_Fees%26Fines_Final.pdf.

basic needs such as food and housing.⁷⁶ Not only are there fees associated with being convicted, but the fees connected to phone calls to incarcerated loved ones can cost \$250 per month if families have a one-hour call once a week.⁷⁷

With formerly incarcerated individuals earning less income and generating less generational wealth, a question arises as to whether their children may be able to attain a better socioeconomic status. Unfortunately, parental income has been shown to be a strong predictor of a child's future socioeconomic status.⁷⁸

iii. *How Disparities in Economic Opportunity and Mobility Impact Youth*

While one in seventeen White children have a parent incarcerated, one in nine Black children have an incarcerated parent.⁷⁹ In light of the impacts of incarceration on income and wealth-building for an individual, there can be rippling economic mobility effects for the children of incarcerated individuals. With incarcerated individuals earning less income and income connecting to where someone can afford to live, incarceration poses barriers as to where someone may be able to rent or buy a home. Where people rent or buy a home impacts the neighborhoods their children grow up in and go to school. For Black male children and White male children growing up in a similar neighborhood with low poverty rates and high graduation rates, these children tend to have significantly higher incomes when they are adults.⁸⁰ While this increases the likelihood of a Black male having a higher income when an adult, Black males growing up in this environment also tend to experience even wider income gaps with their White peers who grew up in a similar neighborhood because the income of their White peers also tends to be much greater.⁸¹

In the United States, roughly 30 percent of Black children live in poverty compared to approximately 10 percent of White children.⁸² With Black children being three times as likely to be in poverty, the likelihood of mini-

76. *Id.*

77. Artika R. Tyner, *A Long Time Coming: The Case for Prison Phone Justice Reform*, 47 CLEARINGHOUSE REV. J. POVERTY L. & POL'Y 354, 354 (2013).

78. Fasching-Varner et al., *supra* note 53, at 414 (citing the PEW CHARITABLE TRUST, COL-LATERAL COSTS: INCARCERATION'S EFFECTS ON ECONOMIC MOBILITY, WASHINGTON, DC: PEW CHARITABLE TRUSTS (2010)).

79. LINDSEY CRAMER ET AL., URB. INST., PARENT VISITING PRACTICES IN PRISONS AND JAILS: A SYNTHESIS OF RESEARCH AND PRACTICE 1 (2017), https://www.urban.org/sites/default/files/publication/89601/parent-child_visiting_practices_in_prisons_and_jails.pdf.

80. Raj Chetty et al., *Race and Economic Opportunity in the United States: An Intergenerational Perspective*, 135 Q.J. OF ECON. 711, 717 (2019), <https://academic.oup.com/qje/article/135/2/711/5687353>.

81. *Id.*

82. JOINT ECONOMIC COMMITTEE, *supra* note 25 (citing U.S. CENSUS BUREAU, *Historical Poverty Table 2: Poverty Status of People by Family Relationship, Race, and Hispanic Origin -*

mizing the income gap between Blacks and Whites for subsequent generations within their family minimizes as well.

iv. Relationship Between Socioeconomic Status, Healthcare Access, and Overall Health

In addition to income being tied to wealth building, income and socioeconomic status are also connected to health and well-being. Socioeconomic status can have an impact on healthcare access and overall health.⁸³ Above, we highlight that Blacks are overrepresented in “poverty-level wage” jobs. People in these positions have been found to experience the lowest access to healthcare and paid leave.⁸⁴ In 2018, while 74.8 percent of Whites had healthcare coverage, only 55.4 percent of Blacks did.⁸⁵ In addition, children born to families living in poverty are twice as likely to experience poor health as adults than those with incomes twice that of the poverty line.⁸⁶

In the wake of the COVID-19 pandemic, Blacks have been disproportionately affected in terms of health and economic impacts. In June of 2020 it was reported that Blacks accounted for 22 percent of COVID-19 cases and a higher rate of COVID-19 deaths.⁸⁷ Further, between January and May of 2020, Black unemployment increased by 10.8 percent (from 6 percent to 16.8 percent). While in May, unemployment for Whites was at 12.4 percent.⁸⁸

B. The Need for a Social Justice Lawyering Approach

The racial economic disparities are interconnected with laws and policies and impact multiple areas of an individual’s life. In light of this, there is a role for lawyers to play in advocating for social change and social justice. To do this effectively, alternative approaches to lawyering and building systems ought to be considered.⁸⁹

Traditional lawyering often includes applying the skills lawyers acquire such as case law research, legal analysis, problem solving, and being a

1959 to 2018, <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-people.html>); see also Fessler, *supra* note 22.

83. *The Influence of Inequality on Health Outcomes*, in *NEW HORIZONS IN HEALTH: AN INTEGRATIVE APPROACH* (Burton H. Singer & Carol D. Ryff eds., 2001), <https://www.ncbi.nlm.nih.gov/books/NBK43780>.

84. U.S. CHAMBER OF COMM., *supra* note 25, at 13.

85. U.S. CHAMBER OF COMM., *supra* note 25, at 13.

86. JOINT ECONOMIC COMMITTEE, *supra* note 23, at 12.

87. U.S. CHAMBER OF COMM., *supra* note 25, at 13.

88. U.S. CHAMBER OF COMM., *supra* note 25, at 13.

89. See Gerald P. Lopez, *Living and Lawyering Rebelliously*, 73 *FORDHAM L. REV.* 2041, 2045 (2005).

zealous advocate for clients in the courtroom.⁹⁰ Through this approach, a lawyer does all she can for her client to get the best outcome within the parameters of the legal system. However, this approach does not stop to ask, “Does the legal system, as structured, allow for my client to get the most favorable outcome for her situation?”⁹¹ Despite the call from the rules of professional conduct to improve the justice system, traditional lawyering tends to work within the system rather than seeking to determine if the system needs improvement, is accessible, and leaves the public feeling confident in the justice system. If a lawyer concerned with our justice system wants to know if the public feels confident in it, would not the first step be to ask the public that must navigate that system?⁹² In 2015, Harvard’s Institute of Politics asked people ages 18–29, “How confident are you in the US judicial system’s ability to fairly judge people without bias for race and ethnicity?”⁹³ Collectively, 49 percent selected “none” or “not much.”⁹⁴ The response data was disaggregated by race breaking out responses by White, Black and Hispanic respondents.⁹⁵ Black respondents had the least amount of confidence with 66 percent selecting “none” or “not much.”⁹⁶ Hispanic and White respondents lacking confidence were at 53 percent and 43 percent respectively.⁹⁷ In light of the combination of (1) the stark Black-White racial economic disparities detailed above, (2) overrepresentation of Blacks in our prisons, and (3) the percentage of Black young adults lacking confidence in our justice system, it is reasonable to conclude that our justice system needs improvement and traditional lawyering within this current system is not yielding the most favorable outcomes for Blacks.

Research by legal scholars has identified a number of alternatives to traditional lawyering. For example, community lawyering, rebellious lawyering, social change lawyering, change-oriented lawyering, and social justice lawyering.⁹⁸ The lawyers needed now to address the interconnected disparities in the United States and Minnesota need creativity and collabo-

90. See Brescia, *supra* note 16, at 537; Charles Elsesser, *Community Lawyering - The Role of Lawyers in the Social Justice Movement*, 14 LOY. J. OF PUB. INT. L. 375 (2013).

91. See Lopez, *supra* note 89; Elsesser, *supra* note 90.

92. See Lopez, *supra* note 89.

93. JOHN DELLA VOLPE & ELLEN ROBO, HARV. UNIV. INST. OF POL. EXECUTIVE SUMMARY: SURVEY OF YOUNG AMERICANS’ ATTITUDES TOWARDS POLITICS AND PUBLIC SERVICE 7 (27th ed. 2015), https://iop.harvard.edu/sites/default/files_new/IOPSpring15PollExecSumm.pdf; see also Alex Dobuzinskis, *Nearly half of young Americans lack confidence in justice system: survey*, REUTERS (2015), <https://www.reuters.com/article/us-usa-justice-study/nearly-half-of-young-americans-lack-confidence-in-justice-system-survey-idUSKBN0NK2BS20150429>.

94. VOLPE & ROBO, *supra* note 93, at 7.

95. VOLPE & ROBO, *supra* note 93, at 7.

96. VOLPE & ROBO, *supra* note 93, at 7.

97. VOLPE & ROBO, *supra* note 93, at 7.

98. See Lopez, *supra* note 89; Elsesser, *supra* note 90; DR. ARTIKA R. TYNER, THE LAWYER AS LEADER: HOW TO PLANT PEOPLE AND GROW JUSTICE 6 (2014).

ration in their approach to lawyering.⁹⁹ Working with the community through collaboration “to challenge injustice and establish equitable outcomes” is central to each of these alternative lawyering approaches.¹⁰⁰ Taking a social justice-oriented lawyering approach with a lens towards holistic, cross-sector strategies may be the approach most needed during these times to address the racial economic disparities highlighted in this article.¹⁰¹ The CRLSJ engages in instructional strategies to prepare the next generation of lawyer-leaders in taking a social justice-oriented lawyering approach.

C. Instructional Strategies

The instructional strategies of the CRLSJ are informed by experiential learning and service-learning. Experiential learning focuses on learning by doing.¹⁰² It is a hands-on approach of developing practical strategies for addressing longstanding civil rights and human rights challenges. An example of this approach is CRLSJ’s administrative law course. This class has been designated as a “changemaking”¹⁰³ and “writing across the curriculum” course.¹⁰⁴ These two pedagogical approaches combine a deeper understanding of the strategies needed to engage in systems change with the development of the key skills needed to utilize the strategy of writing as a tool for advocacy. These learning experiences serve as the foundation for developing key advocacy skills.

Service-learning also provides a framework for community engagement. Students engage in a process of serving as active participants in collective and strategic action. Service-learning provides students with the opportunity to use their intellectual skills and technical competencies to address community challenges.¹⁰⁵ Through a process of reflection, students reimagine and develop the capacity to create a just and inclusive society.¹⁰⁶

99. Brescia, *supra* note 16, at 538 (“According to Marjorie Shultz and Sheldon Zedeck, creativity is one of the core lawyering skills that they have identified as essential to contemporary law practice”); see TYNER, *supra* note 98, at 6.

100. TYNER, *supra* note 98, at 6.

101. “Social justice lawyering involves questions about the professional role of lawyers, legal rights and the ability to bring legal claims to courts, and developing ways of working toward the empowerment of clients and communities.” MARTHA R. MAHONEY ET AL., *SOCIAL JUSTICE: PROFESSIONALS, COMMUNITIES AND LAW: CASES AND MATERIALS* 5 (2003).

102. *Experiential Learning*, BU CENTER FOR LEARNING AND TEACHING, <https://www.bu.edu/ctl/guides/experiential-learning> (last visited Apr. 23, 2021).

103. *What is a Changemaker?*, CENTER FOR THE COMMON GOOD, <https://www.stthomas.edu/center-for-common-good/changemaking> (last visited Apr. 23, 2021).

104. JOHN C. BEAM, *ENGAGING IDEAS: THE PROFESSOR’S GUIDE TO INTEGRATIVE WRITING, CRITICAL THINKING, AND ACTIVE LEARNING IN THE CLASSROOM*, JOSSEY-BASS (2011).

105. CHRISTINE M. CRESS, PETER J. COLLIER, VICKI J. REITENAUER AND ASSOCIATES, *LEARNING THROUGH SERVING: A STUDENT GUIDEBOOK FOR SERVICE-LEARNING ACROSS THE DISCIPLINES* (2005).

106. *Id.*

IV. DESCRIPTION OF CURRENT CRLSJ INITIATIVES

CRLSJ's mission is "to inspire and equip the next generation of lawyer-leaders who create new inroads to justice and freedom." In furtherance of this mission, CRLSJ is engaged in a number of initiatives that advance equal economic opportunity.

A. *Developing a Partnership with Operation HOPE*

During the 2019 HOPE Global Forum, CRLSJ received national recognition as one of the inaugural HOPE in Action Commitment organizational partners.¹⁰⁷ There, CRLSJ signed a commitment and announced the launch of its annual *Justice in Action Lecture Series*. Just as Operation HOPE works to train the next generation of leaders, CRLSJ seeks to train the next generation of lawyer-leaders. The *Justice in Action Lecture Series* addresses topics related to equity and justice for all. It includes the following components and topics: Community TED Talk Series, supporting efforts to eradicate racial disparities, economic development through social entrepreneurship, and addressing health and wellness for social justice advocates. As it relates to advancing equal economic opportunity, CRLSJ has worked in partnership with Minnesota-based Ujamaa Place¹⁰⁸ to create job opportunities for men returning home from prison. Also, it has advocated to cap the high cost of prison phone calls which at over \$1 per minute can prevent over 2.7 million children from remaining in contact with their incarcerated parent.

B. *Strengthening Minority Business Ownership and Development*

With the wealth gap a persistent issue, strategies that may minimize the gap are important. One strategy is to increase the support of Black entrepreneurship and Black-owned businesses. On average, Black business owners tend to be wealthier than Blacks who do not own businesses.¹⁰⁹ The median net worth of Black business owners is twelve times that of Black nonbusiness owners.¹¹⁰ Not only is their net worth higher, but the rate at which they build wealth is faster.¹¹¹

In light of the percentage of Black men who have been incarcerated and how a criminal record significantly limits employment prospects,¹¹² entrepreneurship opportunities may be another vehicle for those re-entering

107. HOPE GLOBAL FORUMS, <https://hopeglobalforums.org/speaker/artika-tyner> (last visited Apr. 23, 2021).

108. UJAMAA PLACE, <http://www.ujamaaplace.org> (last visited Apr. 22, 2021).

109. ASSOCIATION FOR ENTERPRISE OPPORTUNITY, *supra* note 25, at 4.

110. *America's Opportunity Gaps: By the Numbers Systemic Barriers to Equality of Opportunity for Black Americans and People of Color*, *supra* note 25, at 10.

111. *America's Opportunity Gaps: By the Numbers Systemic Barriers to Equality of Opportunity for Black Americans and People of Color*, *supra* note 25, at 10.

112. JOINT ECONOMIC COMMITTEE, *supra* note 23, at 11.

society to earn an income and start building wealth.¹¹³ Through CRLSJ's social entrepreneurship efforts, there will be a partnership with prominent civil rights leaders to develop strategies and an action plan with sustainable action steps related to minority-owned businesses in general, as well as supporting entrepreneurship for formerly incarcerated Blacks.

C. *Supporting Policy Initiatives Focused on Anti-Displacement within Minority Communities*

In the wake of COVID-19 and the civil rights protests following the killing of George Floyd, many cultural districts and communities of color in the Twin Cities have expressed concerns pertaining to threats of housing and business displacement. Local organizations and community members have begun mapping business and homeownership data in the Twin Cities and are in need of support to prevent displacement within communities of color.¹¹⁴ In considering the wealth gap and the role that business ownership and homeownership play in building wealth, CRLSJ is working with students being trained in social justice lawyering to research and advocate for policies and economic strategies in alignment with these community efforts.

D. *Addressing the Dual Pandemic: Racial Justice*

During 2020, a dual pandemic had emerged with the onset of the novel COVID-19 pandemic and the effect of centuries of structural racism.¹¹⁵ The latter phenomenon has focused on policing and the reality of deadly force encounters. Nearly 1,000 people are killed annually due to police-involved deadly use of force (specifically, shootings).¹¹⁶ People of color experience this violence at a substantially higher rate. Namely, African American men are 2.5 times more likely to be killed by the police when compared to their white counterparts.¹¹⁷ The murder of George Floyd was a catalyst for a global movement. Across the United States the chant "Black Lives Matter" rang in the air, a conservative estimate of over 15 million people (up to 26

113. *Advancing Entrepreneurial Readiness Training for Returning Citizens*, ENDEAVOR-READY, 4 (May 2020), https://aeoworks.org/wp-content/uploads/2020/06/EndeavorReadyToolkit_WEB.pdf; see ASSOCIATION FOR ENTERPRISE OPPORTUNITY, *supra* note 25, at 9–11.

114. Ron Wirtz, *COVID-19: Another Strain for Minority-, Woman-, and Veteran-Owned Firms*, FED. RSRV. BANK OF MINNEAPOLIS (May 11, 2020), <https://www.minneapolisfed.org/article/2020/covid-19-another-strain-for-minority--woman--and-veteran-owned-firms>.

115. Ángel Gonzalez, *The Impact of the Dual Pandemic on Black, Indigenous and Students of Color*, HIGHER EDUCATION TODAY (Oct. 2, 2020), <https://www.higheredtoday.org/2020/10/02/impact-dual-pandemic-black-indigenous-students-color>.

116. John Sullivan, et al., *Four Years in a Row, Police Nationwide Fatally Shoot Nearly 1,000 People*, WASHINGTON POST (Feb. 12, 2019), https://www.washingtonpost.com/investigations/four-years-in-a-row-police-nationwide-fatally-shoot-nearly-1000-people/2019/02/07/0cb3b098-020f-11e9-9122-82e98f91ee6f_story.html.

117. Lynne Peoples, *What the Data Say About Police Brutality and Racial Bias — and Which Reforms Might Work*, NATURE (June 19, 2020), <https://www.nature.com/articles/d41586-020-01846-z>.

million) marched for justice in 550 places during the summer of 2020.¹¹⁸ Further, tens of thousands of people around the world stood in solidarity through their protests.¹¹⁹

CRLSJ has been actively involved in policy development, advocacy, and research related to policing. CRLSJ students have developed community educational resources and hosted community forums. In 2019, CRLSJ's founding executive director was appointed to the Minnesota Working Group on Police-Involved Deadly Force Encounters.¹²⁰ This first of its kind working group was convened by co-chairs, Minnesota Attorney General Keith Ellison and Public Safety Commissioner John Harrington, with the goal in mind to bring together a group of professionals from community, academia, judicial branch, and law enforcement to develop key strategies for reducing deadly force encounters. "The working group outlined 28 recommendations and 38 action steps such as:

- Establish a formal, protected, non-disciplinary sentinel event review to analyze critical incidents and identify systemic issues that need to be addressed to improve outcomes.
- Discuss strategies to increase the role of the Peace Officer Standards and Training (POST) Board in approving, suspending, or revoking officer licenses at request of chief or sheriff.

Some of the recommendations have been adopted and implemented. For example, in February 2020, BCA filled a new position: Victim, Family, and Community Relations Coordinator."¹²¹ Presently, students are researching proposed legislation: Philando Castile Omnibus Bill (local-Minnesota) and George Floyd Justice in Policing Act (national).¹²²

E. Advancing Prison Phone Justice

Prison phone calls serve as a lifeline for families to remain connected.¹²³ Offenders typically are in a prison located an average of 100

118. Larry Buchanan et al., *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

119. Damien Cave et al., *Huge Crowds Around the Globe March in Solidarity Against Police Brutality*, N.Y. TIMES (June 9, 2020), <https://www.nytimes.com/2020/06/06/world/george-floyd-global-protests.html>.

120. Dr. Artika R. Tyner, *Reimagining the Future of Public Safety After George Floyd*, BLOOMBERG LAW (Mar. 12, 2021), <https://news.bloomberglaw.com/business-and-practice/reimagining-the-future-of-public-safety-after-george-floyd>.

121. *Id.*

122. George Floyd Justice in Policing Act of 2021, H.R. 1280, 117th Cong. (1st Sess. 2021).

123. Gail Rosenblum, *Rosenblum: Long Overdue, The Pressure is on for Prison Phone Justice*, STAR TRIBUNE (Mar. 6, 2014), <https://www.startribune.com/rosenblum-calls-to-reform-unfair-prison-phone-system/24867614>.

miles from their home.¹²⁴ Phone calls provide a means of communication that is not restricted by physical distance. However, economic impediments make it nearly impossible for families to be connected. A phone call can cost \$1 per minute.¹²⁵ The rate of prison phone calls is exorbitant due to the fee structure. Prisoners' families must pay prison phone rates that are inflated by commissions (or kickbacks).¹²⁶ The cost of prison phone calls reflect the commissions paid by private phone companies to prisons. This yields over \$152 million per year in profits received by states.¹²⁷

CRLSJ supports national and local advocacy to cap the cost of prison phone calls. Our goal is to ensure the price rate of prison phone calls are "just, reasonable, and fair."¹²⁸ CRLSJ's work focuses on raising community awareness, supporting community mobilization, and promoting policy reform.

F. *Creating a Pipeline for Faculty of Color*

The United States has evolved in a multicultural landscape. With current population projections, the U.S. will be a majority-minority by 2045.¹²⁹ Despite the increasing rate of diversity in demographic data, higher education has failed to increase diversity within its ranks. Pew Research cites trends that highlight a culturally diverse student body with a predominantly white faculty:

In fall 2017, about three-quarters of postsecondary faculty members in the U.S. were white (76%), compared with 55% of undergraduates, according to the National Center for Education Statistics (NCES). In contrast, around a quarter of postsecondary faculty were *nonwhite* (24%), versus 45% of students.¹³⁰

Research outlines key obstacles to increasing faculty diversity. This includes: the need for a pipeline, support for recruitment and retention of faculty candidates, and the myth that faculty diversity is inconsistent with

124. Rachel Nuwer, *The Average Prisoner Only Gets Two Visits While They Are Incarcerated*, SMITHSONIAN MAG. (Sept. 15, 2014), <https://www.smithsonianmag.com/smart-news/average-prisoner-only-gets-two-visits-while-they-are-incarcerated-180952706>.

125. *New Report Uncovers the Cost of Phone Calls in Over 2,000 Locally-Run Jails Across the U.S.*, PRISON POL'Y INITIATIVE (Feb. 11, 2019), <https://www.prisonpolicy.org/blog/2019/02/11/phone-justice-report>.

126. *Campaign for Prison Phone Justice*, NATION INSIDE END MASS INCARCERATION, <https://nationinside.org/campaign/prison-phone-justice/facts> (last visited Apr. 23, 2021).

127. *Id.*

128. *Fact Sheet: Ensuring Just, Reasonable, and Fair Rates for Inmate Calling Services*, F.C.C., <https://docs.fcc.gov/public/attachments/DOC-335571A1.pdf> (last visited Apr. 23, 2021).

129. Vespa et al., *supra* note 18, at 7.

130. Leslie Davis & Richard Fry, *College Faculty Have Become More Racially and Ethnically Diverse, but Remain far Less so than Students*, PEW RESEARCH (July 31, 2019), <https://www.pewresearch.org/fact-tank/2019/07/31/us-college-faculty-student-diversity>.

academic excellence.¹³¹ CRLSJ created the Law and Public Policy Scholars Program to address the pipeline challenge.¹³² Each year, our team works with an emerging scholar to produce innovative and cutting-edge scholarly research on civil rights and human rights issues. Our goal is to inspire and equip these scholars to assume leadership roles as practitioner-scholars.

G. Addressing Collateral Consequences

The inaugural research project of the Law and Public Policy Scholars Program focused on the impact of collateral consequences. Collateral consequences are defined as hidden sanctions that emerge automatically at the onset of a criminal conviction.¹³³ Mass incarceration is evidenced by the growing rate of incarceration over the past forty years.¹³⁴ The War on Drugs and punitive criminal justice policies increased the rate of incarceration. Today, there are nearly 2.3 million people incarcerated in the United States.¹³⁵ The impact of mass incarceration is intensified by collateral consequences.¹³⁶ They are referred to as “hidden” because they are not formally quantifiable in a sentence or imposed penalty.¹³⁷ Due to the disproportionate rate in which African-Americans are incarcerated,¹³⁸ collateral consequences have a profound impact by limiting access to jobs and professional licensure,¹³⁹ thereby restricting access to the ladder of eco-

131. DAMON A. WILLIAMS & KATRINA C. WADE-GOLDEN, *THE CHIEF DIVERSITY OFFICER [CDO]: STRATEGY, STRUCTURE, AND CHANGE MANAGEMENT* (2013).

132. *Center on Race, Leadership & Social Justice*, UNIV. OF ST. THOMAS SCH. OF L., <https://www.stthomas.edu/law/centers/rlsj> (last visited Apr. 23, 2021); Stephanie Francis Ward, *How Many Tenured Law Professors are Black? Public Data Does Not Say*, ABA J. (Oct. 28, 2020), <https://www.abajournal.com/web/article/how-many-tenured-law-professors-are-black-public-data-does-not-say>; Elvia Malagón, *As Country Reckons with Racial Disparities, Northwestern Law Students Continue Push for More Black Faculty Members*, CHICAGO SUN TIMES (July 9, 2020), <https://chicago.suntimes.com/education/2020/7/9/21310596/northwestern-law-pritzker-nlawindifference-george-floyd>.

133. *See* U.S. COMM’N ON HUM. RTS., *COLLATERAL CONSEQUENCES: THE CONSEQUENCES OF PUNISHMENT, REDEMPTION AND THE EFFECTS ON COMMUNITIES*, 9 (June 2019).

134. *See* NAT’L RSCH. COUNCIL OF THE NAT’L ACAD., *THE GROWTH OF INCARCERATION IN THE UNITED STATES: EXPLORING CAUSES AND CONSEQUENCES* 70 (Jeremy Travis et al. eds., 2014).

135. TRONE PRIV. SECTOR AND EDUC. ADVISORY COUNCIL TO THE ACLU, *BACK TO BUSINESS, HOW HIRING FORMERLY INCARCERATED JOB SEEKERS BENEFIT YOUR COMPANY* 4 (2017).

136. *See* Margaret E. Finzen, Note, *Systems of Oppression: The Collateral Consequences of Incarceration and Their Effects on Black Communities*, 12 *Geo. J. on Poverty L. & Pol’y* 299, 320–22 (2005).

137. TRONE PRIV. SECTOR AND EDUC. ADVISORY COUNCIL TO THE ACLU, *supra* note 135, at 11.

138. “At year-end 2017, the imprisonment rate for sentenced black males (2,336 per 100,000 black male U.S. residents) was almost six times that of sentenced white males (397 per 100,000 white male U.S. residents).” Jennifer Bronson, Ph.D. & E. Ann Carson, Ph.D., *Prisoners in 2017*, U.S. DEP’T OF JUST., BUREAU OF JUST. STAT. (Apr. 2019).

139. Natalie Goulette & James Frank, *Examining Criminal Justice Practitioners’ Views on Collateral Consequences Policy*, 43 *AM. J. CRIM. JUST.* 724, 726 (2017).

conomic mobility.¹⁴⁰ This research will be used to impact policy reform within organizations and at the state and national levels.

H. *Promoting Health and Wellness for the Social Justice Advocate*

In June of 2020, following the killing of George Floyd, medical groups, cities, counties, and states declared racism a public health crisis.¹⁴¹ In considering the laws, policies, and the persistent economic disparities outlined in this article from the late 1870s to the present, race and systemic racism are a factor in these outcomes. In addition to training the next generation of social justice lawyer leaders, CRLSJ has a vision to offer support for the health and well-being of social justice leaders by doing the following: (1) providing resources and tools for sustaining the work of the social justice advocates and (2) supporting community members impacted by racial disparities and injustice. To realize this vision, CRLSJ has worked with local community organizations and leaders working in the space of wellness and healing justice. Such partners included Russel Ballenger with Circles of Peace, Rebeka Sat Nishan Ndosi, and Kasim Abdur Razzaq. In 2019, CRLSJ convened social justice advocates for healing justice and wellness at an event entitled *Healing Justice: Wellness for the Social Justice Advocate* as part of its *Justice in Action Series*.

V. CONCLUSION

With an eye toward the future, CRLSJ is training the next generation of lawyer-leaders. These leaders utilize a multifaceted and cross-functional toolbox. These tools include critical thinking, strategic planning, and social justice advocacy. Collectively, these are essential for addressing the persistent and pervasive social justice challenges of our time. Through experiential and service-learning, students develop these tools. They learn how “[. . .] to use the law to create and foster opportunities for people and communities who lack access to even the most basic means of survival.”¹⁴² This is the process of operationalizing the social justice mission of the University of St. Thomas School of Law.

The University of St. Thomas School of Law, as a Catholic law school, is dedicated to integrating faith and reason in the search for truth through a focus on morality and social justice.

140. See *supra* Part iii.

141. Christine Vestal, *Racism Is a Public Health Crisis, Say Cities and Counties*, PEW CHARITABLE TRUSTS (2020), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/06/15/racism-is-a-public-health-crisis-say-cities-and-counties>; Jacqueline Howard, *Racism is a Public Health Issue and ‘Police Brutality Must Stop,’ Medical Groups Say*, CNN HEALTH (2020), <https://www.cnn.com/2020/06/01/health/racism-public-health-issue-police-brutality-wellness-bn/index.html>.

142. DEBORAH KENN, *LAWYERING FROM THE HEART 2* (2009).