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## The Law Professor and the Therapist: Beyond Belonging There's a Place (and Need) for Group Solidarity Among First Generation and Low-Income Students in the Law School Setting

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# The Law Professor and the Therapist: Beyond Belonging There's a Place (and Need) for Group Solidarity Among First Generation and Low- Income Students in the Law School Setting

Monica Teixeira de Sousa\*

*“Lawyers belong to the people by birth and interest, and to the aristocracy by habit and taste; they may be looked upon as the connecting link of the two great classes of society.”<sup>1</sup>*

## INTRODUCTION

The assertion by de Tocqueville that “lawyers belong to the people by birth,”<sup>2</sup> while far less true today, nonetheless can be applied as a critical litmus test for the fairness of existing pathways into

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1. ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 257 (J.P. Mayer & Max Lerner eds., George Lawrence trans., Harper & Row 1966).

2. *Id.*

the profession. It can be argued that when de Tocqueville was observing an American society seemingly freed from the rigid class structures of old Europe, it was sensible to conclude that the legal profession comprised a merit-based *petty bourgeoisie*—sensible insofar as one compartmentalized the profession’s near-exclusion of Black and Indigenous men, in addition to all women.<sup>3</sup> In de Tocqueville’s time, the trajectory from impoverished childhood to a genteel legal career would have been highly visible within the very communities where the small town general practitioner lived and worked.<sup>4</sup> In our modern era, a lawyer’s poor and working class origins can be more difficult to discern. Although far more lucrative, career paths in the private sector, specifically with corporate law firms, remain largely anonymous.<sup>5</sup> Additionally, despite positive trends in tracking racial, ethnic, and gender diversity in the legal profession, it is very difficult to find data regarding the socioeconomic background and/or first-generation status of lawyers and judges.<sup>6</sup> Instead, our society at large is more likely to be aware of lawyers and judges who have seemingly inherited their upper class privilege.<sup>7</sup> This matters

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3. Moses Aaron Simons may have been America’s first Black lawyer—he attended Litchfield Law School in 1810 and was admitted to the NY Bar in 1816. *Moses Aaron Simons*, LITCHFIELD HIST. SOC’Y, <https://ledger.litchfieldhistoricalsociety.org/ledger/students/2317> [<https://perma.cc/6NN7-FYV2>] (last visited Feb. 27, 2023). Macon Bolling Allen is widely credited as being the first African American to receive his license to practice law in 1844. Christopher Gazzio, *Entrepreneur from History | Macon Bolling Allen, Esq. – America’s First Black Lawyer*, DICKINSON L. (Feb. 22, 2021), <https://sites.psu.edu/entrepreneurshiplaw/2021/02/22/entrepreneur-from-history-macon-bolling-allen-americas-first-black-lawyer/> [<https://perma.cc/Y83C-XS6E>].

4. Geoffrey C. Hazard, Jr., *The Changing Professional Environment and the Ideal of General Practice*, 30 HOFSTRA L. REV. 759, 764 (2002).

5. *Id.* “[M]ore than half of all new law school graduates were working at law firms 10 months after graduation. That number has been climbing steadily over the past 10 years. For the Class of 2012, it was 39.3%. For the Class of 2021, it was 50.6%.” A.B.A., 2022 PROFILE OF THE LEGAL PROFESSION 46 (2002), <https://www.americanbar.org/content/dam/aba/administrative/news/2022/07/profile-report-2022.pdf> [<https://perma.cc/DU5F-EK2T>].

6. The A.B.A.’s 2022 Profile of the Legal Profession provides a good example—it contains no reference to lawyer’s socioeconomic background or first-generation status. See A.B.A., *supra* note 5.

7. See Ronit Dinovitzer & Bryant Garth, *A Puzzling Paradox: Social Origins, Law School Tier, and Lawyer Job Satisfaction*, 18 RESEARCHING LAW, Winter 2007, at 1, 10 (“The graduates of elite law schools are overwhelmingly the children of advantage.”); *Following in Their Footsteps*, HARV. L. SCH. CTR.

because family members are cited as the most important source of advice for undergraduates considering a legal career.<sup>8</sup> Relatives of first-generation college students are less likely to recommend the legal profession if they see no evidence of it being a viable pathway for people in their communities.

As a greater portion of American society has been afforded entrée to colleges and graduate schools, this well-educated segment of society has come to rely on advanced education and the rituals of lengthy training for the professions to reproduce itself and its privileges.<sup>9</sup> It is in this reality that the conditions for first-generation

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ON THE LEGAL PRO. (Nov./Dec. 2020), <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/portraiture/following-in-their-footsteps/> [<https://perma.cc/9H7D-HMWE>] (“2004 *After the JD* data that found ‘[a]bout 12 percent of the lawyers in the sample are the children of lawyers, and another 36 percent had some other close relative who was an attorney.’”); Douglas Keith, *Legislative Appointments for Judges: Lessons from South Carolina, Virginia, and Rhode Island*, BRENNAN CTR. (Sept. 29, 2017), <https://www.brennan-center.org/our-work/research-reports/legislative-appointments-judges-lessons-south-carolina-virginia-and-rhode> [<https://perma.cc/XFH8-N8M7>] (“In South Carolina and Virginia, legislators have appointed their relatives to judgeships, and at times familial relationships appeared to take precedence over candidate qualifications.”).

8. ASS’N OF AM. L. SCHS., HIGHLIGHTS FROM BEFORE THE JD: UNDERGRADUATE VIEWS ON LAW SCHOOL: UNDERGRADUATE VIEWS ON LAW SCHOOL 4 (2018), <https://www.aals.org/wp-content/uploads/2018/09/BJDReportsHghlights.pdf> [<https://perma.cc/5PPJ-CF2D>].

9. See Barbara Ehrenreich & John Ehrenreich, *Death of A Yuppie Dream: The Rise and Fall of the Professional-Managerial Class*, ROSA LUXEMBURG STIFTUNG NEW YORK OFFICE (Feb. 2013), [https://www.rosalux.de/fileadmin/rls\\_uploads/pdfs/sonst\\_publicationen/ehrenreich\\_death\\_of\\_a\\_yuppie\\_dream90.pdf](https://www.rosalux.de/fileadmin/rls_uploads/pdfs/sonst_publicationen/ehrenreich_death_of_a_yuppie_dream90.pdf) [<https://perma.cc/8AHA-FBQW>].

The prolonged, expensive, and specialized education required for professional employment had always been a challenge to PMC [professional-managerial class] families—as well, of course, as an often insuperable barrier to the working class. If the children of the PMC were to achieve the same class status as their parents, they had to be accustomed to obedience in the classroom and long hours of study. They had to be disciplined students while, ideally, remaining capable of critical and creative thinking. Thus the ‘reproduction’ of the class required a considerable parental (usually maternal) investment—encouraging good study habits, helping with homework, arranging tutoring (and SAT preparation), and stimulating curiosity about academically approved subjects.

*Id.*; see *Census Bureau Releases New Educational Attainment Data*, U.S. CENSUS BUREAU (Feb. 24, 2022), <https://www.census.gov/newsroom/press->

and low-income background students in law schools must be examined. Young people growing up in households where neither parent has a four-year degree disproportionately enroll in less-selective colleges, complete college at lower rates than their continuing-generation peers, and comprise only 22.5% of law school graduating classes.<sup>10</sup> Outcomes for this demographic continue to lag in relation to their continuing generation peers even after graduation: their rate of employment in bar passage required or anticipated jobs was more than 11 points lower (84.3% vs. 73.2%).<sup>11</sup> Concrete steps can and should be taken at the law school level to support these students. Providing first-generation and low-income law students with supportive group sessions facilitated by a law professor and a therapist can heighten the visibility of this student cohort, promote their wellbeing, and enable the formation of a robust class consciousness around their identity.

Solidarity among first-generation and low-income background students is critical when we consider de Tocqueville's second point, and whether it can be said that today's lawyers continue to belong

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releases/2022/educational-attainment.html [https://perma.cc/RJ6T-Q3JZ] (“Between 2011 and 2021, the percentage of people aged 25 and older who had completed a bachelor’s degree or higher increased by 7.5 percentage points from 30.4% to 37.9%.”). Historically, “they decreased drastically in the ‘90s—partially due to the increased bachelor’s attainment rate in the U.S. in the ‘60s and ‘70s—leading to more collegegoers having at least one college-educated parent. Today, over 40% of entering students are first-gen, as are about one-third of graduating students.” Dick Startz, *First Generation College Students Face Unique Challenges*, BROOKINGS (Apr. 25, 2022), <https://www.brookings.edu/blog/brown-center-chalkboard/2022/04/25/first-generation-college-students-face-unique-challenges/> [https://perma.cc/D2Z6-7ZEP]. The National Longitudinal Survey of Youth revealed that “lawyers and judges were more likely to have richer parents than doctors and engineers.” Debra Cassens Weiss, *Higher-Income Kids Were More Likely to Become Lawyers than Doctors, Study Finds*, A.B.A. (Mar. 25, 2014), [https://www.abajournal.com/news/article/higher-income\\_kids\\_were\\_more\\_likely\\_to\\_become\\_lawyers\\_than\\_doctors](https://www.abajournal.com/news/article/higher-income_kids_were_more_likely_to_become_lawyers_than_doctors) [https://perma.cc/2LNT-8M2L].

10. The National Association for Law Placement’s Class of 2020 Employment Report and Salary Survey finds that 22.5% of Class of 2020 graduates were first-generation college students. *New Findings on Disparities in Employment Outcomes Based on Level of Parental Education*, NAT’L ASS’N FOR L. PLACEMENT (Nov. 2021), <https://www.nalp.org/1121research> [https://perma.cc/Q5GL-DRER].

11. *Id.*

to the people by “interest.”<sup>12</sup> The intervening years have rendered this a far more complex tableau. Barbara and John Ehrenreich’s introduction of the “professional managerial class” in 1976, and their description of a group “employed by capital” that also “manages, controls, [and] has authority over labor,” continues to aptly describe a large percentage of modern lawyers.<sup>13</sup> Apart from, and often in opposition to, the interests of the working class, the majority of today’s legal gentry can no longer be said to “belong to the people.”<sup>14</sup> Leading scholars and public intellectuals have lamented the “corporate capture of the law.”<sup>15</sup> It is no surprise that the public’s level of trust in the legal profession and the judiciary has experienced a precipitous decline in recent years.<sup>16</sup>

Scholars and on-the-ground activists concerned with matters primarily impacting lower-income Americans must pay attention

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12. See DE TOCQUEVILLE, *supra* note 1, at 257.

13. Barbara Ehrenreich & John Ehrenreich, *The Professional-Managerial Class*, 11 RADICAL AM. 7, 18 (March–April 1977), <https://files.libcom.org/files/Rad%20America%20V11%20I2.pdf> [<https://perma.cc/P33N-KTMW>].

14. In this interview of law professor Bill Henderson, his views of today’s legal profession are summarized as “[t]oo many lawyers are working to get rich and ignoring other important aspects of the profession.” Roy Strom, *New Gilded Age: Are Lawyers Too Rich to Solve Big Problems?*, BLOOMBERG L. (June 30, 2022), <https://news.bloomberglaw.com/business-and-practice/new-gilded-age-are-lawyers-too-rich-to-solve-big-problems> [<https://perma.cc/V7NN-QQM5>]; see Sydney P. Freedberg et al., *How America’s Biggest Law Firm Drives Global Wealth Into Tax Havens*, INT’L CONSORTIUM OF INVESTIGATIVE JOURNALISTS (Oct. 4, 2021), <https://www.icij.org/investigations/pandora-papers/baker-mckenzie-global-law-firm-offshore-tax-dodging/> [<https://perma.cc/9D4A-J7SX>]. See generally DAVID ENRICH, *SERVANTS OF THE DAMNED: GIANT LAW FIRMS, DONALD TRUMP, AND THE CORRUPTION OF JUSTICE* (2022).

15. Juliet Isselbacher, *Is the Law a Creature of Corporations?*, HARVARD MAG. (Feb. 1, 2023), <https://www.harvardmagazine.com/2023/02/law-captured> [<https://perma.cc/PQ3L-3M7L>]; see Adam Bonica & Maya Sen, *Judicial Reform as a Tug of War: How Ideological Differences Between Politicians and the Bar Explain Attempts at Judicial Reform*, 70 VAND. L. REV. 1781, 1800–01 (2017).

16. See generally Benjamin H. Barton, *American (Dis)Trust of the Judiciary*, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS. (Sept. 2019), [https://iaals.du.edu/sites/default/files/documents/publications/barton\\_american\\_distrust\\_of\\_the\\_judiciary.pdf](https://iaals.du.edu/sites/default/files/documents/publications/barton_american_distrust_of_the_judiciary.pdf) [<https://perma.cc/Y8LW-3P34>]; Jeffrey M. Jones, *Supreme Court Trust, Job Approval at Historical Lows*, GALLUP (Sept. 29, 2022), <https://news.gallup.com/poll/402044/supreme-court-trust-job-approval-historical-lows.aspx> [<https://perma.cc/48V5-K2ZV>].

not only to opening law school doors to those from all socioeconomic backgrounds, but ensuring these students' voices and perspectives are heard once inside the walls of legal education. This is a task in furtherance of democratic ideals: data shows that the likelihood children born into the "bottom half of the education ranks will 'out-learn' their parents and reach the top education quartile" is on the decline.<sup>17</sup> But ensuring access to legal education is only a first step. The theoretical framing for this article stems from the premise that democratization of access to the legal profession alone is insufficient to imbue lawyering with a concern and regard for issues that matter most to the demographic from which these attorneys originally hail. There is a quality to legal education—to the study of law itself—that rather efficiently strips any class markers from newly minted attorneys, making them primarily useful to the upper rather than lower classes. Contrary to popular perceptions of law schools as hotbeds of progressive thinking, a rather comprehensive and longstanding body of literature reveals that law schools are best at reproducing social hierarchy, ultimately reinforcing conservative and traditional modes of thought and behavior and buttressing rather than upsetting the existing social order.

Although some may debate whether "[t]he aristocracy of America [continues to be found] on the Bench and at the Bar,"<sup>18</sup> or whether the levers of political power are instead now firmly in the grip of technology conglomerates and chaebols,<sup>19</sup> de Tocqueville's larger point regarding the preeminent role that lawyers play in this society is difficult to overstate. Whether in the context of business, government, or the family sphere, the attorney is ever-present.<sup>20</sup>

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17. Aparna Mathur, *The U.S. Does Poorly on Yet Another Metric of Economic Mobility*, FORBES (July 16, 2018), <https://www.forbes.com/sites/aparnamathur/2018/07/16/the-u-s-does-poorly-on-yet-another-metric-of-economic-mobility/?sh=6d8e49916a7b> [https://perma.cc/MRE4-HS3G].

18. DE TOCQUEVILLE, *supra* note 1, at 259. "If I were asked where I place the American aristocracy, I should reply, without hesitation, that it is not among the rich, who are united by no common tie, but that it occupies the judicial bench and the bar." *Id.* at 355.

19. E. Tammy Kim, *The Chaebolization of Big Tech Has Made Its Way to America*, N.Y. TIMES (May 21, 2021), <https://www.nytimes.com/2021/05/21/opinion/semiconductor-biden-samsung-south-korea.html> [https://perma.cc/KF8C-MJ6Q].

20. Francesco Arreaga, *Law Schools Have a Moral and Social Responsibility to End Systemic Racism*, CAL. L. REV. ONLINE (July 2020),

In many ways, America's approach to problem-solving is not only shaped but *stunted* by a lawyer-centric culture.<sup>21</sup> It is because of this over-reliance on the legal profession for resolution of society's most pressing challenges that basic principles of equity demand the bench and bar include representation from all corners of American life, particularly from communities disconnected from traditional loci of power due to economic insecurity and poverty. The identity of the lawyer alone, the *birth* aspect of de Tocqueville's statement,<sup>22</sup> is insufficient to be of practical significance to disenfranchised communities when the educational and professional demands placed on this striver class collide with the needs of communities left behind. The challenge is in persuading the heavy machinery of legal education to pause long enough to engage in a self-critical assessment of its basic design and take stock of its impact on the trajectories of young people who seek out the law because they want to make the world a more just place.<sup>23</sup> At the very least, legal education can and should play a role in enabling newly minted lawyers to use their training in the interest of those at the bottom rungs of the socioeconomic ladder.

Ultimately, it is not enough to graduate law students *from* the lowest rungs of the socioeconomic ladder. The rituals of legal training should facilitate the advancement of lawyers who wish to remain *of* these communities.<sup>24</sup> Our focus should be to make it

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<https://www.californialawreview.org/law-schools-systemic-racism>  
[<https://perma.cc/Q73W-TF MQ>].

21. When faced with a lack of affordable housing, we seem to move right past the otherwise obvious solution of building more units, and land on increased attorney resources to provide eviction defense as the answer. When faced with "failing schools" we hire education lawyers to represent schoolchildren and their parents, again bypassing the provision of direct resources for the improvement of schools. We have elder lawyers and public benefits attorneys but are less perturbed by the flimsy architecture of the social safety net we have in place for our community's elders and most vulnerable.

22. DE TOCQUEVILLE, *supra* note 1, at 257.

23. "Aspiring undergraduates report public-spirited motivations as the top reasons for considering a JD, including seeing it as a pathway to a career in public service, being helpful to others, and advocating for social change." ASS'N OF AM. L. SCHS., *supra* note 8, at 3.

24. See generally IGNACIO MARTÍN-BARÓ, WRITINGS FOR A LIBERATION PSYCHOLOGY 76–77 (Adrienne Aron & Shawn Corne eds., 1994) (describing the way the dominant class does not want marginalized groups to maintain an outlook shaped by their upbringing, Baró writes "[a] successful political



possible for a critically conscious class of lawyers to work with and for clients situated on the periphery of financial stability and political influence. Of course, not all first-generation and low-income background students will want to pursue a social justice lawyering path and we should be equally supportive of their aspirations.<sup>25</sup> But a reimagined legal education can make it possible for law students to make this decision for themselves.

In this article, an inexpensive intervention grounded in principles of liberation psychology—peer support group sessions facilitated by a law professor and a therapist—is put forth as a first step in creating a critical space for marginalized student voices.<sup>26</sup> The author's own experience implementing this initiative is discussed and practical recommendations are made for law school faculty and support professionals interested in pursuing a similar approach at their institutions. Even small changes to legal education's role in the reproduction of hierarchy can yield sizeable benefits—a practical embrace of liberation psychology within a small corner of the law school space has transformative potential. The lawyer and therapist intervention represents one small step that can modify the law school space to liberate a group of first-generation and low-income background students to remain true to their initial reasons for pursuing a law degree: with the simple act of claiming a space for their voices in the larger law school community.

Part I of this article examines the primary obstacles blocking the formation of a class-conscious first-generation and low-income lawyer identity, which includes culture shock, pressure to assimilate, traditional legal education's repression of emotion, the invisibility of the first-generation and low-income identity, and the relentless focus on climbing the proverbial ladder. Part II outlines the origin story of this article by providing a brief description of the

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socialization from the point of view of the established system would be one in which the individual's thoughts, values, and abilities are congruent with those of the political system—with the interests of the dominant classes and the hierarchy of values the system implicitly or explicitly defends”).

25. The obvious distinction is that our current system of legal education is already designed to support careers in service of monied interests. What we have been doing is largely standardizing and packaging first-generation and low-income background students into a form that is most useful to the wealthiest among us.

26. See, e.g., MARTÍN-BARÓ, *supra* note 25.

author's experience implementing the law professor and therapist intervention. Part III highlights the benefits of peer supports for first-generation and low-income background students and introduces the liberation psychology framework guiding the law professor and therapist intervention. Part IV urges adoption of this intervention by other law schools and highlights important next steps.

I. CHALLENGES FACED BY FIRST-GENERATION AND LOW-INCOME STUDENTS IN DEVELOPING A POLITICALLY COSCIOUS GROUP IDENTITY

The extent to which low-income and first-generation law students secure access to a legal education and then experience a feeling of inclusion and belonging on campus and in the classroom sets the stage for their development as a political class committed to advancing a set of common interests. The innovative law professor and therapist intervention advocated for in this article provides a low-cost way to not only foster belonging, but build upon it by forging ties of solidarity, resilience, and persistence among first-generation and low-income students in the law school setting. This model is designed to remove the primary obstacles blocking the formation of a class-conscious first-generation and low-income lawyer identity, including culture shock and pressure to assimilate, the invisibility of the first-generation and low-income background identity, and the relentless competition and focus on climbing the proverbial ladder—a feature of upward mobility discourse that serves to reinforce classist hierarchies in legal education and the profession. Finding its inspiration in liberation psychology practices connected to emotional well-being, the recurring group dialogue engaged in by first-generation students and co-facilitated by a law professor and a therapist sets the stage for transformative action in service of those at the bottom of the socioeconomic ladder.

A. *Disorientation*

In our American society, we place great value on the idea of opportunity and believe with a near-religious fervor that all who strive hold the realization of their aspiration within their grasp.<sup>27</sup>

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27. See Michael W. Kraus & Jacinth J. X. Tan, *Americans Overestimate Social Class Mobility*, 58 J. EXPERIMENTAL SOC. PSYCH. 101 (May 2015) (finding

This faith is misplaced. Research demonstrates that rates of intergenerational upward mobility in the United States, as compared to those of other advanced economies, are quite low.<sup>28</sup> The shock of

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that Americans overestimate social class mobility). *But see* Timothy M. Smeeding, *Multiple Barriers to Economic Opportunity for the “Truly” Disadvantaged and Vulnerable*, 2 RSF: RUSSELL SAGE FOUND. J. SOC. SCIS., May 2016, at 98, 100 (“Today, only 42 percent of Americans agree that if you work hard you will get ahead. . . . Most Americans (55 percent) believe that one of the biggest problems in the country is that not everyone is given an equal chance to succeed in life. Other recent surveys have shown the same result—parents’ confidence in their children being better off than they are is at or near the lowest point ever recorded.”). *See generally* Raj Chetty et al., *Race and Economic Opportunity in the United States: An Intergenerational Perspective*, 135 Q. J. ECON., May 2020, at 711 (discussing racial disparities in socioeconomic mobility from an intergenerational perspective).

28. Miles Corak, *Income Inequality, Equality of Opportunity, and Intergenerational Mobility*, 27 J. ECON. PERSP., Summer 2013, at 79, 97.

Relatively less upward mobility of the least advantaged is one reason intergenerational mobility is lower in the United States than in other countries to which Americans are often compared. But it is not the only reason. Intergenerational mobility is also lower because children of top-earning parents are more likely to become top earners in their turn. An era of rising inequality will be more likely to heighten these differences than diminish them. The cohort of American children raised since the 1980s, who will reach their prime working years in the coming decade, is likely to experience an average degree of intergenerational income mobility as low—if not lower—than previous cohorts who were raised in an era of less inequality.

*Id.*; Bhashkar Mazumder, *Intergenerational Mobility in the United States: What We Have Learned from the PSID*, 680 AM. ACAD. POL. & SOC. SCI. 213, 214 (2018) (“In recent decades, a broad consensus has emerged that intergenerational income mobility is actually relatively low in the United States, especially when compared with other advanced economies (e.g., Corak 2013). This suggests that the view of America as a highly mobile society and a “land of opportunity” may be unwarranted.”).

For example, a child born to parents with income in the lowest quintile is more than ten times more likely to end up in the lowest quintile than the highest as an adult (43 percent versus 4 percent). And, a child born to parents in the highest quintile is five times more likely to end up in the highest quintile than the lowest (40 percent versus 8 percent). These results run counter to the historic vision of the United States as a land of equal opportunity.”

MICHAEL GREENSTONE ET AL., THE HAMILTON PROJECT, THIRTEEN ECONOMIC FACTS ABOUT SOCIAL MOBILITY AND THE ROLE OF EDUCATION 6 (2013); Miles Corak, *Inequality from Generation to Generation: the United States in Comparison*, in THE ECONOMICS OF INEQUALITY, POVERTY, AND DISCRIMINATION IN THE 21ST CENTURY 107, 111 (Robert S. Rycroft ed., 2013) (“If we restrict our

learning the truth about our flawed meritocratic experiment is felt most acutely by those students who succeed in climbing to the top rungs of the educational ladder, only to find that they are “disproportionately enrolled in lower-ranked schools with lower rates of bar passage and post-graduation employment.”<sup>29</sup> Ironically, these

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attention to the rich countries there remains considerable variation, with the United States standing out, along with Italy and the United Kingdom, as the least inter-generationally mobile.”).

In the United States 26% of the sons born to fathers in the top 10 percent of the earnings distribution grow up to have earnings that place them in turn in the top 10%, and the majority of these sons are in at least top 30% of their earnings distribution, while only 3% fall to the bottom ten percent. There is also stickiness in earnings at the top in Canada, but not as great: 18% of top decile sons remain in the top decile, about 40% are in the top 30% and about 8% fall to the bottom. Similarly, there is stickiness across the generations for sons raised by low earning fathers, and once again more so in the United States, where 22% of bottom decile sons remain in the bottom 10% as adults, and one-half remain in the bottom 30%. In Canada 16% remain in the bottom, while about 4 in ten remain in the bottom 30% of the earnings distribution . . . .

*Id.* at 116.

Corak, Curtis, and Phipps (2011) conclude their much more extensive statistical review by stating that the family context in which children are raised in the United States is more challenging than in Canada, raising the risks that some children will not see the full development of their capabilities. American labour markets are also more unequal raising the stakes for child outcomes, both elevating opportunities and heightening risks. Finally, public policy is less “progressive,” not compensating in the same degree for family background and labour market inequality . . . .

*Id.* at 119; Kraus & Tan, *supra* note 27, at 101 (“The United States is faced with record levels of income inequality and one of the lowest rates of actual social mobility among industrial nations.”).

29. Miranda Li et al., *Who’s Going to Law School? Trends in Law School Enrollment Since the Great Recession*, 54 U.C. DAVIS L. REV. 613, 614 (2020); Irina Vladimirovna Naletova et al., *Classical Concepts of Social Solidarity as the Basis of Theoretical Studies on the Institutions of Modern Civil Society*, 11 INT’L J. ENV’T & SCI. EDUC. 11,529, 11,536–37 (2016) (“[T]he social crisis, by the contradictions between the declared objectives and the lack of the opportunities to achieve them for the majority of people.”).

Fathers of students attending top ten schools have occupational prestige scores that are significantly higher than those from the fourth-tier schools, “with reports of fathers’ occupational scores declining in a linear fashion along with law school tier.” . . . More than half of the graduates of top ten law schools work in the megafirms of over 250

are precisely the same students for whom a strong early belief in their individual merit's capacity to trump their station of birth likely propelled them toward academic success.<sup>30</sup> As they ascend the educational ladder, these students may experience psychological distress upon discovering the uniqueness of their journey, as well as the heavy burden they must carry in order to maintain their newly acquired but precarious foothold in the middle class.<sup>31</sup>

The law school experience is difficult for most students, but it presents a particular challenge for those who are first-generation and low-income, for whom educational trajectories have placed great cultural, if not always geographic, distance between them and their home communities. Law students who are the first in their immediate families to graduate from college embody the promise of the American Dream; their perceived ascendance serving as a testament to the values of hard work and perseverance. Yet this journey can strain childhood and family bonds, creating a rupture

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lawyers compared to just 4% of fourth tier graduates, who are working predominantly in small firm or solo practice. Even those graduates of elite schools who work in the public sector are more likely to occupy prestigious positions in the federal government as opposed to lower tier graduates who are more likely to work in state government.

Dinovitzer & Garth, *supra* note 7, at 8.

30. "Importantly, each experiment provided causal evidence for an informational (Study 2) or motivational (Studies 3 and 4) account of class mobility beliefs—that people overestimate class mobility because they lack information about the causes of mobility, or because they seek to protect the self." Kraus & Tan, *supra* note 27, at 110; Eric Jaffe, *Americans Think Upward Mobility Is Far More Common Than It Really Is*, BLOOMBERG (Feb. 2, 2015, 1:33 PM), <https://www.bloomberg.com/news/articles/2015-02-02/americans-think-upward-mobility-is-far-more-common-than-it-really-is> ("Across four experiments, test participants overestimated economic mobility by an average of roughly 23 percent.").

31. See Kraus & Tan, *supra* note 27, at 102.

Class mobility overestimates may also increase the tendency for individuals to work harder and strive for economic advancement—even when they are currently lower in the social hierarchy. In this fashion, overestimates of class mobility can be both beneficial and adaptive for one's life outcomes. . . . [R]ecent evidence suggests that relatively lower-class individuals are more likely to engage in behaviors that actually promote economic mobility—Democratic members of the US Congress were more likely to sponsor legislation that decreases economic inequality in society (e.g., raising the minimum wage) if they were lower (versus higher) in average annual wealth.

*Id.*

between the students and their place of origin. Consider the following reflection by a first-generation student who went on to become a professor:

I felt disconnected from my own heritage communities and from my new university community. Because I chose to leave home and gain an education, I was ostracized; because I was a first-generation college student of color, I felt alienated on campus.<sup>32</sup>

The dislocation experienced by this demographic reflects the larger context of social class reproduction. The unspoken norms and codes of conduct in law school are often unfamiliar to students whose families and social networks do not include college graduates, and a struggle to acculturate can diminish both academic and social well-being.<sup>33</sup> The social and cultural distance traveled by many first-generation students in order to enroll in law school can make for a difficult transition.<sup>34</sup> The energy expended by students on assimilation and acculturation often detracts from their ability to focus on classroom material.<sup>35</sup> The rigid norms and formalities

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32. Stefani Baldivia & Kendall Leon, *LATINA LEADERSHIP: LANGUAGE AND LITERACY EDUCATION ACROSS COMMUNITIES* 103 (Laura Gonzales & Michelle Hall Kells eds., 2022).

33. Rob Longwell-Grice et al., *The First Ones: Three Studies on First-Generation College Students*, 36 *NACADA J.*, vol. 2, 2016, at 40–41 (citing Anne-Marie Nunez, *Negotiating Ties: A Qualitative Study of First-Generation Female Students' Transition to College*, 17 *J. FIRST-YEAR EXPERIENCE & STUDENTS IN TRANSITION*, no. 2, 2005, at 87).

34. *See id.* (“Nunez (2005) explained the research ‘suggests that first generation students must traverse a greater social and cultural distance than other students to become part of the college community and to negotiate a successful passage through college.’”).

35. “[S]everal studies indicate that awareness of one’s lower status relative to others is cognitively demanding . . . or likely to elicit stereotype threat . . . and these studies suggest that conscious modification of class signals will disrupt individual cognitive performance at least until the behaviors become habitual.” Michael W. Kraus et al., *Signs of Social Class: The Experience of Economic Inequality in Everyday Life*, 12 *PERSPS. PSYCH. SCI.* 422, 429 (2017).

In studies investigating the role of stereotype threat in the underperformance of working-class and poor students on academic tests, researchers . . . found that when social class status was made salient prior to taking the test or when participants were told that the test would reflect intelligence, the working-class and poor students performed significantly lower than their more privileged counterparts

of most law schools, particularly in the 1L year, may only exacerbate these feelings among first-generation students.

The 1L classroom serves at the primary setting for the disorientation experienced by first-generation students. Implicit and explicit messages are sent to students by professors about what is appropriate discourse in a law school classroom. When engaged in classroom dialogue with students, law professors are often focused on extracting the legal rules and doctrines from students' classroom responses. There are sound pedagogical reasons for adopting this approach—the professor is simultaneously gauging that individual student's level of proficiency and also using the student's response to teach the appropriate rule to the class as a whole. Given the enormous amount of material and rapid pace at which it is covered, it can be expedient to sidestep unwieldy student comments seeking to weigh in on the fairness, racial equity, and public policy implications of the rules. However, because students' reactions to their assigned materials are so tied to their own life experiences, this pedagogical technique can cause students to feel as though their very identities are being minimized and sidelined in the classroom.<sup>36</sup>

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and lower than their working-class and poor peers who took the tests in a nonthreatening context. And yet when those "threats" related to a stereotype about poor people were removed, there was no substantial difference between the test performances of low-and high-SES students. In short, the way educators perceive bodies in moment-to-moment interactions with students and families has real consequences for interpersonal relationships, trust, academic achievement, and the reproduction of inequality.

Stephanie Jones & Mark D. Vagle, *Living Contradictions and Working for Change: Toward a Theory of Social Class-Sensitive Pedagogy*, 42 *EDUC. RESEARCHER* 129, 134–35 (2013).

36. See Lani Guinier et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 *U. PA. L. REV.* 1, 47 (1994).

The hierarchy within the large first-year Socratic class also includes a hierarchy of perspectives. Those who most identify with the institution, its faculty, its texts, and its individualistic perspectives experience little dissonance in the first year. On the other hand are students who import an ambivalent identification with the institution, who resist competitive, adversarial relationships, who do not see themselves in the faculty, who vacillate on the emotionally detached, 'objective' perspectives inscribed as 'law,' and who identify with the lives of persons who suffer from existing political arrangements. These students experience much dissonance.

Furthermore, law school pedagogy has been critiqued as placing undue emphasis on “dispassionate, logical legal analysis” and devaluing “emotional reactions” to legal rules and systems.<sup>37</sup> This seemingly values-neutral approach to teaching the law prejudices those first-generation students whose life experiences provide counter-narratives to what may be taught in the classroom. It also serves to promote an acceptance of the current system.<sup>38</sup> Students’ healthy and desirable reactions to injustice in the legal system are stymied when professors leave no room in the curriculum or classroom discussion for normative arguments.<sup>39</sup>

Students also realize that their failure to conform to their professors’ expectations about what comprises competence in the classroom can have immediate and negative consequences. Professors signal praise for students’ responses that mimic what will be expected on their examinations and dismiss or minimize more

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*Id.*

37. Abigail Loftus DeBlasis & Elizabeth Adamo Usman, *Unrealized Potential: How Shifting the Focus to Student Learning Outcomes Could Reduce Law Student Distress*, 95 U. DET. MERCY L. REV. 179, 189 (2018).

38. Ronald H. Silverman, *Weak Law Teaching, Adam Smith and a New Model of Merit Pay*, 9 CORNELL J.L. & PUB. POL’Y 267, 292 (2000).

Various “Crits,” including proponents of critical race theory and feminist legal scholars, have sharply criticized law teaching that fails to take its responsibility for “normative jurisprudence” seriously. Such law teaching, that often avoids the explicit discussion and evaluation of values and policies, is all too likely to cultivate certain “anti-feminist” and “capitalistic values.” Thus, the supposedly value-free law school classroom only reinforces certain “illegitimate hierarchies” and provides “a false legitimacy to existing social and power relations.”

*Id.* (quoting Andrew J. Pirie, *Objectives in Legal Education: The Case for Systematic Instructional Design*, 37 J. LEGAL EDUC. 576, 580 (1987). See generally Duncan Kennedy, *Legal Education and the Reproduction of Hierarchy*, 32 J. LEGAL EDUC. 591 (1982).

39. See DeBlasis & Usman, *supra* note 37, 189–90.

This emphasis has the unintended effect of making students believe that their sense of justice, of right and wrong, is irrelevant. As a result, some students come to believe that they have to sacrifice parts of themselves to do well in law school. Another commentator describes the emphasis on logic-based reasoning as potentially creating “value conflicts and cognitive dissonance.” Yet another commentator states, “For some students, ‘learning to think like a lawyer’ means abandoning their ideals, ethical values, and sense of self.”

*Id.*



emotional responses. Students know that these are the same professors who will grade them, provide academic references, and extend professional connections that may be helpful in securing employment.<sup>40</sup> These practical concerns are critical for first-generation and low-income background students who are less likely to possess the same access to “social networks that provide entry paths into job opportunities.”<sup>41</sup> They are more dependent on the relationships formed with their professors and law school administrators for a successful entrée into the profession.

Another important factor leading to the students’ disorientation is that first-generation students in law school comprise a distinct minority. At the undergraduate level, first-generation students make up more than half of entering classes.<sup>42</sup> But as these students move through their educational journey to law school, they find their numbers dwindle. First-generation students comprise only 42% of students who graduated with a bachelor’s degree in academic year 2015–16 and make up a mere twenty percent of law school entering cohorts.<sup>43</sup> First-generation and low-income

40. There is sadly nothing new about this dynamic: decades ago, Duncan Kennedy described law school professors as “middle class in manner,” and remarked that “[s]tudents change the way they dress and talk; they change their opinions and even their emotions.” Kennedy, *supra* note 38, at 593, 603.

41. Jones & Vagle, *supra* note 35, at 2.

42. See SERENA E. HINZ ET AL., ISSUE BRIEF: FIRST-GENERATION COLLEGE GRADUATES’ TRANSITION TO GRADUATE SCHOOL AND EMPLOYMENT (2020), [https://firstgen.naspa.org/files/dmfile/Issue-Brief\\_final.pdf](https://firstgen.naspa.org/files/dmfile/Issue-Brief_final.pdf) [<https://perma.cc/5J4D-WXUT>] (“Among students who graduated with a bachelor’s degree in academic year 2015–2016, 42% were first-generation college graduates, meaning that their parents did not complete a bachelor’s degree.”); Dick Startz, *First-Generation College Students Face Unique Challenges*, BROOKINGS (Apr. 25, 2022), <https://www.brookings.edu/blog/brown-center-chalkboard/2022/04/25/first-generation-college-students-face-unique-challenges/> [<https://perma.cc/A794-BTJX>] (“Today, over 40% of entering students are first-gen, as are about one-third of graduating students.”).

43. Among students who graduated with a bachelor’s degree in academic year 2015–16, 42% were first-generation college students. THE POSTSECONDARY NATIONAL POLICY INSTITUTE, *First Generation Students in Higher Education 1* (2022), <https://pnpi.org/first-generation-students/> [<https://perma.cc/D2EP-AA9A>]. 22.5% of Class of 2020 graduates were first-generation college students according to NALP’s Class of 2020 Employment Report and Salary Survey. *New Findings on Disparities in Employment Outcomes Based on Level of Parental Education*, NALP (Nov. 2021), <https://www.nalp.org/1121research> [<https://perma.cc/L32D-YP9T>]. “According

background students must struggle not only with the academic demands, but also the cultural norms of the law school experience. The culture of law school itself has been described as middle-class,<sup>44</sup> and because the first-generation identity may not be immediately apparent, identifying a similar peer group can prove challenging.<sup>45</sup>

There are risks inherent in the first-generation student's quest for community, as finding out another's socio-economic status usually involves revealing your own. More than surface-level conversations are required to learn that a fellow student's parent(s) did not complete a four-year college degree, the metric through which first-generation students are defined under federal law.<sup>46</sup> Impediments to these deeper conversations include law students' pronounced anxiety surrounding how they will be perceived in relation to others, leading to a tendency to present or posture in a manner reflecting the dominant continuing-generation culture of law school.<sup>47</sup> The inability to find one's peers and establish bonds based on a shared experience of dislocation only exacerbates feelings of

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to the Law School Survey of Student Engagement (LSSSE), 29% of law students are first-generation." Melissa A. Hale, *Guest Post: The Importance of Supporting First-Generation Law Students*, LSSSE, <https://lsse.indiana.edu/tag/first-generation> [<https://perma.cc/27K9-F5W2>] (last visited Apr. 3, 2023).

44. See Kennedy, *supra* note 38, at 593, 605.

45. Ashley Kish, *Managing Culture Shock: Supporting First-Generation Transitions to Higher Education*, 24 THE VT. CONNECTION 1, 1 (2003) <https://scholarworks.uvm.edu/tvc/vol24/iss1/2> [<https://perma.cc/PEZ5-AZS9>].

Students, administrators, or faculty may notice first-generation individuals by their manner of dress, hairstyle, or use of language. Because first-generation is a hidden status, some may never be recognized as individuals within this group. The uniqueness of their experience, their culture, or the special needs they bring as they attend an institution of higher education are often overlooked. These students are required to function on a level unfamiliar to many non-first-generation college-going individuals, one that demands intense personal motivation, concentration, and perseverance.

*Id.*

46. *Id.*

47. See generally Lawrence S. Krieger, *What We're not Telling Law Students—and Lawyers —That They Really Need to Know: Some Thoughts-In-Action Toward Revitalizing the Profession from its Roots*, 13 J.L. HEALTH 1, 13 (1998).

anxiety and makes students more susceptible to external messages and pressures to conform to the majority culture of law school.

The data reveals that the first-generation experience is shaped by “sensitiv[ity] to a variety of cues that may signal a lack of fit or belonging.”<sup>48</sup> It is not irrational for first-generation students to fear their class status will be apparent to others even without their disclosure.<sup>49</sup> The research confirms that topics of conversation, speech patterns, and regional accents can all serve to signal a student’s socioeconomic status to fellow students.<sup>50</sup>

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48. L. Taylor Phillips et al., *Access is Not Enough: Cultural Mismatch Persists to Limit First-Generation Students’ Opportunities for Achievement Throughout College*, 119 J. PERSONALITY & SOC. PSYCH. 1, 3 (2020).

49. See Kraus et al., *supra* note 37, at 424.

Second, studies of social class signaling indicate that perceivers can rapidly and accurately judge the social class of others based on only small amounts of information. Theoretical accounts of social class suggest that it shapes people’s lives in persistent and enduring ways by constraining or expanding access via levels of economic resources or by shaping behavior through cultural and psychological means . . . . Studies generally support this assertion: Class determines the foods people eat . . . , the music and art they enjoy . . . , the leisure activities people engage in . . . , the linguistic patterns they employ . . . , and the clothing they wear . . . . This analysis suggests that when people engage in social interactions, some of their behaviors and cultural practices are infused with social class and, as a result, accurately communicate social class position to observers.

*Id.* (citations omitted).

The prominent cultural critic bell hooks reflected on her own educational trajectory from the hills of Kentucky to studies find that students from lower social class backgrounds are more likely to speak using nonstandard dialects than relatively upper class individuals . . . . As well, discrimination occurs more often against individuals in the United States with nonstandard dialects . . . , and people from traditionally low status groups in society sometimes code switch away from nonstandard speech to more standard forms in order to blend in while in high status contexts . . . .

*Id.* at 425 (citations omitted).

50. See Kennedy, *supra* note 38, at 602–03.

It encodes the message of the legitimacy of the whole system into the smallest details of personal style, daily routine gesture, tone of voice, facial expression, a plethora of little p’s and q’s for everyone to mind. Partly, these will serve as a language a way for the young lawyer to convey that he knows what the rules of the game are and intends to play by them. Partly, it is a matter of ritual oaths and affirmations by adopting the mannerisms one pledges one’s troth to inequality.

Experiences at the undergraduate level have taught them to be cautious in navigating their identity. Consider the writer and cultural critic bell hooks' description of her experiences as a first-generation student in the college setting:

Living away from my native place I become more consciously Kentuckian than I was when I lived at home. This is what the experience of exile can do, change your mind, utterly transform one's perception of the world of home. The differences geographical location imprinted on my psyche and habits of being became more evident away from home. In Kentucky no one had thought I had a Kentucky accent; in California speaking in the soft black southern vernacular that was our everyday speech made me the subject of unwanted attention. In a short period of time I learned to change my way of speaking, to keep the sounds and cadences of Kentucky secret, an intimate voice to be heard only by folks who could understand.<sup>51</sup>

As shown above, the first-generation student experience is not entirely dissimilar to that of an immigrant acculturating to a new country, one that is predominantly middle class and white.<sup>52</sup> In the same way that newly arrived immigrants make sense of their new surroundings through a lens that is informed by their prior life experiences, legal education also does not start from a clean slate. Law students have been shaped by their prior educational experiences, including inhospitable college climates. The first-generation and low-income background student who enrolls in law school may have been previously harmed in educational institutions. The following was shared in an interview by an undergraduate student attending an elite university:

We had to overcome a lot to get here. We are warriors. We are invincible. Or so we think. Being in this toxic environment without resources changes us. When I got here, I was

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*Id.*

51. BELL HOOKS, *BELONGING: A CULTURE OF PLACE* 13–14 (2009).

52. Kennedy, *supra* note 38, at 605 (“Students who are women or black or working class find out something important about the professional universe from the first day of class: that it is not even nominally pluralist in cultural terms. The teacher sets the tone a white, male, middle class tone.”).

invincible. Over time, I started breaking down. If I went to another school where I was comfortable, I would be more of a leader. Since coming to [], I've become quiet, more conscious, especially in the classroom.<sup>53</sup>

Further complicating first-generation students' ability to form a social group is their identity, which can best be understood as intersectional given the disproportionate percentage of first-generation students who are also BIPOC, female, and older.<sup>54</sup> Because first-generation students are disproportionately low-income, their trajectory is likely to have included financial challenges not experienced by their counterparts whose parent(s) hold at least a bachelor's degree.<sup>55</sup> This population of students are also more likely to

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53. ANTHONY ABRAHAM JACK, *THE PRIVILEGED POOR: HOW ELITE COLLEGES ARE FAILING DISADVANTAGED STUDENTS* 42 (2019).

54. See generally *Web Tables: Profile of Undergraduate Students: 2011-12*, INST. EDUC. SCI. (Oct. 2014), <https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2015167> [<https://perma.cc/RZY7-VQ88>].

[A]mong all first-generation college students, 54% are racial/ethnic minorities . . . , with Black and Latinx racial identities being the most represented . . . . In other words, nearly 1 in 3 college students (30%) are both first-generation college students and racial minorities, possessing the intersectional identity of first-generation student(s) of color (FGSOC). The theory of intersectionality (Crenshaw, 1991) asserts that individuals experience life events and are perceived by others through the intersection of the different identities they hold (e.g., race, gender, sexual orientation). Thus, individuals and groups who possess multiple privileged identities will experience greater advantages in society, while those who possess multiple marginalized identities will experience greater disadvantages . . . . FGSOC are academically, socially, and psychologically at-risk . . . due to their multiple marginalized identities (low SES, person of color, first-generation college student), highlighting the need for an increased understanding of the unique challenges they face.

Sophie W. Schuyler et al., *Promoting Success for First-generation Students of Color: The Importance of Academic, Transitional Adjustment, and Mental Health Supports*, 6 *J. COLL. ACCESS* 12, 12 (2021), <https://scholarworks.wmich.edu/jca/vol6/iss1/4> [<https://perma.cc/NL9Z-UCW6>] (citations omitted).

55. Rochelle Sharpe, *Are You a First Gen? Depends on Who's Asking*, *N.Y. TIMES* (Nov. 3, 2017), <https://www.nytimes.com/2017/11/03/education/edlife/first-generation-college-admissions.html> [<https://perma.cc/3EJY-WVNS>] (“Only 12.5 percent of all students whose parents didn’t get a bachelor’s degree come from families with incomes exceeding \$106,000, according to an analysis of federal data by Robert Kelchen, an assistant professor at Seton Hall University.”); see *id.* (explaining that there are law school first-generation programs

be acting as caretakers for children or other family members.<sup>56</sup> These multiple identities set the stage for a highly disorienting induction into the legal education environment.<sup>57</sup>

It must be emphasized that BIPOC students experience unique challenges. Considering existing stereotypes of minoritized racial and ethnic groups, these students face the additional concern that any slight deviation from perfection will confirm the truth of these stereotypes. This constant stressor can negatively impact a student's socioemotional wellbeing, as well as their academic

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that have chosen to explicitly recognize this connection by including "first-generation and/or low-income" in their program title).

56. Stephanie Francis Ward, *Women Outnumber Men in Law Schools for First Time, Newly Updated Data Show*, A.B.A. J. (Dec. 19, 2016, 9:03 AM), [https://www.abajournal.com/news/article/women\\_outnumber\\_men\\_in\\_law\\_schools\\_for\\_first\\_time\\_newly\\_updated\\_data\\_show](https://www.abajournal.com/news/article/women_outnumber_men_in_law_schools_for_first_time_newly_updated_data_show) [<https://perma.cc/VV7B-UBK7>].

Deborah Merritt, a professor at the Ohio State University's Moritz College of Law, found that women now make up 50.32 percent of law students at ABA-accredited schools, and it's the first time that there's been more women than men at law schools. However as she and Kyle McEntee of Law School Transparency wrote about last month (PDF), on average higher-ranked law schools still have significantly smaller percentages of female law students.

*Id.*

Nearly twice as many Black women as Black men study law, and roughly 58% of Hispanic and Asian-American law students are now women. However, women and racial minorities are not distributed equally across law schools. Among the top 30 law schools, there is little gender divide and 10% of students are Asian American, 9% are Hispanic and 6% are black. Among the lowest-ranked law schools—including many unaccredited law schools—women constitute 58% of students and the student body is 23% Hispanic, 16% black and 4% Asian American.

Gabriel Kuris, *What Underrepresented Law School Applicants Should Know*, U.S. NEWS (June 8, 2020, 9:48 AM), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/what-underrepresented-law-school-applicants-should-know>; see Li et al., *supra* note 31 ("The majority status of women in law school is almost wholly due to the substantial predominance of women among Asian, Black, and Hispanic students."); Kara Balemian & Jing Feng, *First-Generation Students: College Aspirations, Preparedness and Challenges*, COLL. BD. 9–10 (2013), <https://files.eric.ed.gov/fulltext/ED563393.pdf> [<https://perma.cc/EA98-8US6>]; Patrick T. Terenzini et al., *First-Generation College Students: Characteristics, Experiences, and Cognitive Development*, 37 RSCH. HIGHER EDUC. 1, 8 (1996).

57. See Guinier et al., *supra* note 38, at 47–48.

performance.<sup>58</sup> Black and Latinx students who experience stereotype threat also report less effective help-seeking behaviors, as their fear of confirming the stereotype prevents them from reaching out to their professors when they have a question regarding the course material.<sup>59</sup> As such, the availability of law professor and therapist led sessions may help remove the transaction costs that would otherwise impede BIPOC first-generation students from seeking out supports in the law school space.

For all the reasons discussed above, the unifying thread of first-generation status will typically not suffice to generate a cohesive social group without affirmative steps being taken at the institutional level to connect these students.<sup>60</sup> The good news is that an increasing number of law schools have started to provide targeted supports to first-generation students at various stages of their legal education: throughout the admissions process, at orientation, and as one component of DEI programming for the duration of the law school experience.<sup>61</sup>

### B. *Sense of Belonging*

Despite these positive trends, first-generation and low-income background students are significantly less likely than their continuing-generation and more affluent peers to feel comfortable being themselves in law school.<sup>62</sup> First-generation law students report feeling isolated in their law school experience due to their first-generation status.<sup>63</sup> Additionally, students who are first-generation

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58. See Elizabeth Bodamer, *Do I Belong Here? Examining Perceived Experiences of Bias, Stereotype Concerns, and Sense of Belonging in U.S. Law Schools*, 69 *J. LEGAL EDUC.* 455, 461–62 (2020).

59. *Id.* at 463.

60. Barry Checkoway, *Inside the Gates: First-Generation Students Finding Their Way*, 8 *HIGHER EDUC. STUDS.* 72, 72–84 (2018).

61. Karen Sloan, *U.Va Law School Program Courts First-Generation College Students*, *REUTERS* (Feb. 2, 2022, 3:44 PM), <https://www.reuters.com/legal/legalindustry/uva-law-school-program-courts-first-generation-college-students-2022-02-02/> [<https://perma.cc/2EMZ-DMNL>].

62. *L. SCH. SURV. OF STUDENT ENGAGEMENT, DIVERSITY & EXCLUSION: 2020 ANNUAL SURVEY RESULTS 9* (2020), <https://lssse.indiana.edu/wp-content/uploads/2020/09/Diversity-and-Exclusion-Final-9.29.20.pdf> [<https://perma.cc/UVG9-MRM7>].

63. See K.G. Molina & LawProfBlawg, *Welcome to Law School, First-Generation Students*, *ABOVE THE L.* (Aug. 20, 2019, 10:48 AM), <https://abovethelaw.com>.

struggle more than their continuing-generation counterparts to feel a sense of belonging on the law school campus. To be clear, “belonging” in the social science literature is described as one’s psychological sense of “fit in a particular environment.”<sup>64</sup> The data on the extent to which first-generation and low-income background students feel a sense of belonging on their law school campuses is unequivocal and disappointing. While 31% of students with at least one parent with a bachelor’s degree reported they “strongly agree” that they feel part of the community, only 23% of first-generation students felt the same.<sup>65</sup> In fact, one-third (33%) of first-generation students reported in the 2020 Law School Survey of Student Engagement [LSSSE] that they do not feel valued by their law school.<sup>66</sup> In addition, because first-generation students are more likely to graduate with higher law school debt,<sup>67</sup> it is significant

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com/2019/08/welcome-to-law-school-first-generation-students/ [https://perma.cc/84MP-JWJ5].

Being a first-generation college student in law school feels like standing on the periphery of a crowd, nearest the edge of a cliff. To everyone else in the crowd, it looks like you stand amongst them. Only you notice that your feet linger precariously closer to the ledge. Your margin for error feels narrow: one wrong academic or financial step and you fall into the crevasse below.

*Id.* Kraus et al., *supra* note 37 (“Several correlational studies find that first generation college students report feeling more alienated from university environments than do their continuing generation counterparts—a finding that suggests that signals of social class on college campuses, which are predominantly populated by people from highly educated families, reduce feelings of belonging among relatively lower class individuals.”).

64. Dorainne J. Green et al., *Group-Based Inequalities in Relationships in Law School Predict Disparities in Belonging, Satisfaction, and Achievement in Law School*, J. EDUC. PSYCH. (forthcoming).

65. See L. SCH. SURV. OF STUDENT ENGAGEMENT, *supra* note 62, at 9.

66. See *id.* at 8.

67. “While almost one-third (31%) of students who owe \$40,000 or less ‘strongly agree’ that they are valued by their institution, only 17% of students owing over \$160,000 feel the same whereas a full 38% owing at the highest levels believe their schools do not value them.” L. SCH. SURV. OF STUDENT ENGAGEMENT *supra* note 62, at 8.

[F]irst-generation students rely on loans to greater extents than other students. More than 86% of LSSSE respondents reported having incurred student loan debt before or during law school. Within this group, more than 93% of first-generation students had incurred loan debt, compared 84% of other students. Put differently, the proportion



that 38% of students with more than \$160,000 in debt also reported they do not feel their law schools value them.<sup>68</sup>

There is an almost clinical precision to the LSSSE survey results: students whose parents had the lowest levels of educational attainment were least likely to feel comfortable on campus, while those whose parents had doctoral or professional degrees were most likely to feel comfortable.<sup>69</sup> This matters because the data also shows that these students are less likely to establish strong relationships with peers, staff, and faculty—relationships that themselves serve as predictors of a student’s sense of belonging.<sup>70</sup> First-generation students are also less likely to participate in academic and extra-curricular activities, such as law journal, moot court, and faculty research assistantships.<sup>71</sup> In short, the data reveals first-

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of first-generation students with no education debt was less than half the proportion among other students.

L. SCH. SURV. OF STUDENT ENGAGEMENT, *LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION: ANNUAL RESULTS 2014*, at 10 (2014), [http://lssse.indiana.edu/wpcontent/uploads/2016/01/LSSSE\\_2014\\_AnnualReport.pdf](http://lssse.indiana.edu/wpcontent/uploads/2016/01/LSSSE_2014_AnnualReport.pdf) [<https://perma.cc/W3AX-8YVT>] [hereinafter *LOOKING AHEAD*] (examining first-generation population in nationwide survey of law students).

First-generation students reported higher loan debt than other students, particularly in the latter years of study. On average, first-generation, full-time 3Ls reported 23% more debt than other 3Ls \$97,000 compared to \$79,000. Part-time, first-generation students in their fourth year reported 26% more debt than other students in the same class—\$97,000 compared to \$77,000. These self-reported figures likely understate the actual debt loads these students have incurred, but the trends of higher reliance on debt for first-generation students are both intuitive and supported by the student debt research. Lower levels of personal and family wealth likely contribute to the higher reliance on student loans by first-generation students. Law school financial aid policies could also contribute. Law schools tend to award the most lucrative merit scholarships to students with higher LSAT scores and undergraduate GPAs. Because first-generation students tend to score lower on both indicators, they likely have a lower proportion of their education costs subsidized by scholarship aid.

*Id.*

68. *Id.*; L. SCH. SURV. OF STUDENT ENGAGEMENT, *supra* note 62, at 8.

69. *Id.* at 10.

70. Bodamer, *supra* note 60, at 456.

71. See *LOOKING AHEAD*, *supra* note 69, at 11 (“First-generation students reported lower rates of participation in some of the most prominent co-curricular activities, such as law journal, moot court, and faculty research assistantships.”).

generation students have a law school experience that is distinct from that of their continuing-generation peers.<sup>72</sup> The effort required to meet the intellectual and emotional demands of law school leaves little time and emotional energy for seeking out and building friendships with other first-generation and low-income background students. Yet these are the very relationships that can aid the first-generation and low-income background student in their healthy acculturation to law school and the legal profession.<sup>73</sup> Relationship-building with other first-generation and low-income background students is a necessary step in developing a class-conscious group identity.<sup>74</sup>

Unfortunately, research suggests that aspects of legal education currently act to stymie relationship-building among first-generation and low-income background students. In addition, the dominant law school culture's elevation of reason and logic above all else acts to suppress the expressions of solidarity and mutual

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72. This data mirrors the research conducted at the undergraduate level—multiple studies have found that first generation college students feel alienated from the larger campus environment to a greater degree than their peers who have parent(s) with college degrees. This information matters because students who don't feel a strong sense of belonging at their educational institution are less likely to experience educational success. Unfortunately, without concrete steps being taken by the educational institution to welcome this population, the initial subjective mismatch experienced by first-generation students will persist throughout their studies. See Phillips et al., *supra* note 50, at 4 (“As a result of this continued lower subjective sense of fit, social class gaps in academic and social outcomes should likewise persist over time.”).

73. See Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991) (arguing that subordinated groups can embrace socially constructed categories, rather than reject them, in order to create positive self-identification).

74. See Erin Dyke & Brendan Muckian Bates, *Educators Striking for a Better World: The Significance of Social Movement and Solidarity*, 9 BERKELEY REV. OF EDUC., Fall/Winter 2019, at 3–4, <https://escholarship.org/uc/item/7zk5p5sw> [<https://perma.cc/L4S3-4LEW>].

[P]ower is the product of organized relationships and the resource sharing of those most directly affected by white supremacy, colonialism, heteropatriarchy, border imperialism, and capitalism. . . . Change is possible through leveraging the power of these networks of relationships to pressure and influence people in key decision-making positions, thereby democratizing the power of those positions (e.g., lawmakers, mayors, superintendents).

*Id.*

feeling needed for authentic community formation.<sup>75</sup> Because the predominant feeling experienced by these first-generation and low-income background students is one of alienation and disorientation, it is almost impossible to establish relationships built on mutuality and trust.<sup>76</sup> Pedagogical techniques reminiscent of hazing rituals, coupled with rigid hierarchies, serve to induce a state of near-perpetual anxiety among law students.<sup>77</sup> Upon their arrival in the law school space, students are made aware of a grading curve and told to compete for CALI awards, limited spots on law review, and judicial clerkships.<sup>78</sup> Students internalize the message that their individual worth will be determined by a series of high-stakes and zero-sum endeavors in which a certain percentage of the entering cohort is guaranteed to fail.<sup>79</sup> Psychologists who regularly work with law students report on the implicit messages sent to students by their professors about the Darwinian construct of law school.<sup>80</sup> The

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75. See Silverman, *supra* note 40, at 290.

This conception of law, as a kind of science, incorporated a claim that the legal system was ideally composed of a “value-free” set of principles. While the case method was purportedly a tool for the rigorous “mining” of judicial opinions, the typical law school case-centered course, prior to the 1960s at least, was probably preoccupied with matters of doctrinal explication and consistency to the substantial exclusion of explicit policy and normative concerns.

*Id.*; see Naletova et al., *supra* note 31, at 11,534 (“Community is the realm of instincts, feelings, organic relations; society is dominated by reason and abstraction.”).

76. See Naletova et al., *supra* note 31, at 11,534 (“Class solidarity is associated with self-identification of the workers, with their perception of themselves as “fellows” as opposed to “alien” representatives of another class.”); *id.* at 11,531 (“Only because of the familial responsibilities man betrays his original selfishness and can dully ascend to the final level, to sociality.”).

77. See Kennedy, *supra* note 38, at 596 (“This procedure disables students from any future role but that of apprentice in a law firm organized in the same manner as a law school, with older lawyers controlling the content and pace of depoliticized craft training in a setting of intense competition and no feedback.”); *id.* at 600 (“[T]he process by which a hierarchical arrangement analogous to that of law school applicants, law schools, and law firms, is established within a given student body.”).

78. See DeBlasis & Usman, *supra* note 37, at 189–90.

79. *Id.*

80. Shawn Healy & Dr. Jeff Fortgang, *The Full Weight of Law School: Stress on Law Students is Different*, LAWS. CONCERNED FOR LAWS. (Jan. 18, 2019), <https://www.lclma.org/2019/01/18/the-full-weight-of-law-school-stress-on-law-students-is-different/> [https://perma.cc/6T26-EKCR] (“You may be

paradigm is one of scarcity and war; law students are told to compete with one another for the spoils.<sup>81</sup>

Law school in its current form exacts a tremendous psychological and emotional toll, in addition to the obvious financial one. This psychic damage is disproportionately experienced by stigmatized groups, including first-generation and low-income background students.<sup>82</sup> An individualistic model of education has been shown

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getting the message from some faculty that you're in a Darwinian environment in which only the strong survive: 'You'd better shape up and adopt values that place dogged work and competitive striving above the relationships, activities, and sources of meaning and purpose that were inherent in your pre-law school life.'").

81. ARMEN A. ALCHIAN & WILLIAM R. ALLEN, *UNIVERSITY ECONOMICS* 11–14 (3rd. ed. 1972).

82. See Silverman, *supra* note 40, at 295–96.

Ronald Pipkin's early '70s survey of student attitudes about law school pedagogy noted, among other conclusions, that "students see law school as warping students' personalities, causing excessive anxiety, stress, boredom, cynicism, and the development of psychological defenses incompatible with later ethical practice. Law School is charged with inculcating a mindless obedience to authority as in the Watergate syndrome."

*Id.* at 296 (quoting Ronald M. Pipkin, *Legal Education: The Consumers' Perspective*, 1 AM. BAR FOUND. RSCH. J. 1161, 1163 (1976)); see Andrew S. Watson, *The Quest for Professional Competence: Psychological Aspects of Legal Education*, 37 U. CIN. L. REV. 93, 113–14 (1968). Watson further notes that he has

[n]ever seen more manifest anxieties in a group of persons under "normal" circumstances than is visible in first year law students . . . . There will be jaw clenching, fingernail biting, restlessness, blushing, blanching, absenteeism, a spate of psychosomatic illnesses, and overt and recognized anxiety. Each of these stress responses will itself create further discomfort and anxiety, which will necessitate some adaptive reaction by the student. Only rarely have I seen law teachers acknowledge these reactions. By ignoring them, the teacher not only causes the student to feel the anxiety, but creates the additional sensation within the student that he is alone in his suffering.

*Id.* at 121–22.

Acculturation, or ". . . the internal negotiation over the degree to which a student's personal attitudes and behaviors conform to both the norms of the dominant culture and their culture of origin" . . . , can negatively impact the mental health and well-being of FGSOC. For example, FGSOC have lower self-esteem and life satisfaction and higher levels of stress than white first-generation college students . . . . Further, stress related to acculturation has been found to increase symptoms of depression and anxiety in students of color, as well as decrease the ability to cope with these symptoms . . . .

to have disproportionate negative effects on first-generation students.<sup>83</sup>

The results include vulnerabilities to psychological stressors among first-generation and BIPOC students.<sup>84</sup> Data shows that college students who are both first-generation and BIPOC have lower levels of self-esteem, life satisfaction, and report higher levels of stress than their continuing-generation and white counterparts.<sup>85</sup> Specifically, the process of acculturation has been shown to increase symptoms of both depression and anxiety, as well as to reduce the students' ability to manage such symptoms.<sup>86</sup> These factors are compounded by the fact that this population is less likely to seek mental health supports, even if counseling centers are present on their campus.<sup>87</sup> This has been shown to be linked to the greater propensity on the part of this population to view themselves negatively if they avail themselves of mental health services.<sup>88</sup> It is because of these multi-layered barriers to seeking mental health supports that the law professor and therapist intervention can yield large benefits. It creates a non-threatening space for interactions to occur between first-generation students and a clinician. Students can be exposed to the benefits of seeing a therapist in a manner that does not threaten their vision of self. This approach is supported by the literature:

. . . psychotherapists working on college campuses should have a presence beyond the counseling center, such as helping to develop and facilitate initiatives directed toward the psychosocial needs of [first-generation BIPOC students] . . . . An example of such an initiative would be designing and testing a new support program that focuses on academic achievement and social interaction within the

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Schuyler et al, *supra* note 56, at 17 (citations omitted).

83. See Schuyler et al, *supra* note 56, at 14 (“The individualistic culture of U.S. universities tends to discount first-generation college students’ academic achievement, as these students struggle to integrate their own cultural values with the environment of their institution.”).

84. *Id.* at 17–18.

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.*

context of being a [first-generation BIPOC student] . . . . In addition, instructors, staff, and administrators are encouraged to promote help-seeking . . . as a form of cultural capital . . . .<sup>89</sup>

Law schools are in the driver's seat in terms of their ability to establish a feeling of belonging among first-generation and low-income background students. A proactive approach on the part of law schools is necessary. Affirmative steps taken by law schools to create a space for first-generation students helps overcome these obstacles and aids the first-generation student in identifying and forming their peer group. These efforts bring first-generation students together, thereby helping to reduce feelings of isolation and anxiety. It is through such actions that members of marginalized and minoritized communities entering the legal profession can be armed with a social network of their making—one rooted in social solidarity, but framed by the ritual or ceremonial institutions at the heart of legal education.<sup>90</sup>

## II. THE LAW PROFESSOR AND THERAPIST: ORIGIN STORY

“The program has become a space where I can be vulnerable and talk about things I am struggling with and know I will be supported and validated. When I shared about the anxiety attacks I was experiencing, the other students in the group reached out in support and helped me with resources. That experience helped me feel more comfortable seeking outside help to better manage my anxiety. I've become really good friends with people I met in the first-gen program. I think and hope these will be friendships that will last far beyond law school.”<sup>91</sup>

“It feels good to have a community where we can all speak freely, confide in each other, and get advice.”<sup>92</sup>

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89. *Id.* at 21.

90. Herbert Spencer articulates several types of social institutions. The legal profession is at once a professional institution, but also heavily guided by a set of rites, rituals and etiquette. *See* Naletova et al., *supra* note 31.

91. THE BRIDGE, FINDING COMMUNITY INSTEAD OF ISOLATION 21 (2020).

92. *Id.*

“I’ve also joined student organizations that are meaningful to me and have managed to find a supportive group of first-gen students. We understand each other because we know what it’s like to be underdogs. We help one another by venting, swapping outlines, or sharing network connections. Finding solidarity within this group has replaced the feelings of isolation and failure. We may struggle more as first-gen law students, but we’re resilient, and we’re doing important work. We’re paving a path and passing down our lessons to those like us, which makes being a first-gen law student special.”<sup>93</sup>

In the 2018–2019 academic year, I created a program for first-generation students on my law school’s campus. In the first year of operation the program consisted primarily of a welcome reception, social get-togethers throughout the academic year, and outside speaker events. In my role as director of this new program, I became the point person for all first-generation students and soon began to acquire a renewed appreciation for the incredible challenges faced by this population. I also taught Property Law to first-year students, and I enjoyed the advantage of high visibility, which was helpful in terms of increasing buy-in among students and faculty.<sup>94</sup> With each passing month, the number of students reaching out with personal stories and challenges increased. Many of the narratives shared were so emotionally intense that I began to wonder whether, as a lawyer and law professor, if I was trained to provide the support needed by these students.

In Massachusetts, the nonprofit organization Lawyers Concerned for Lawyers, Inc. (LCL), has served as the state’s lawyer

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93. Giselle Garcia, *What It Means to Thrive as a First-Generation Law Student*, *Student Lawyer Blog*, A.B.A. (Jan. 1, 2020), <https://abaforlawstudents.com/2020/01/01/how-to-thrive-as-a-first-generation-law-student/> [https://perma.cc/4PKY-24CT].

94. “Although many students will only rarely see the dean of students, every student interacts with faculty. Students look up to faculty and meet with them regularly for academic and career development support. Faculty, if properly educated and willing to play this role, can spot potential issues before they become a crisis.” Jerome M. Organ et al., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 *J. LEGAL EDUC.* 116, 151 (2016).

assistance program since 1978.<sup>95</sup> Its incredible team of staff clinicians specializes in providing mental health support to lawyers and law students. I had the great fortune to first meet Barbara Bowe, LICSW, in the fall of 2018. Barbara is a veteran clinician who has worked with LCL since 1996 and is known and beloved by clients and colleagues alike. Anyone who has had the pleasure of meeting Barbara knows that she is a special individual and that her no-nonsense approach, directness, and pragmatism is coupled with a deep and genuine affection for everyone she meets. In her role as a liaison with the Deans of Massachusetts' nine law schools, Barbara also possesses a keen understanding of the mental health needs of law students. Barbara was already engaged in efforts to provide support for first-generation students at other area law schools, and she was given my name as a contact for our law school's first-generation students' initiative. I invited Barbara to speak to a group of first-generation students in the spring of 2019, and shortly thereafter we began to discuss creating a regularly occurring support group for students.

In our respective roles, each of us had independently arrived at the same conclusion: a partnership between a law professor and a therapist held the promise of alleviating academic, professional, and socio-emotional pressures attendant to the first-generation experience. Barbara and I adopted a strengths-based approach, focusing on the ways first-generation students' previous experiences of success, resilience, and resourcefulness could bolster their confidence and academic success. One of our goals was to facilitate help-seeking behaviors on the part of first-generation students by normalizing interactions with a wellness professional.

When we first began meeting with students, the sessions were held on a monthly basis and took place in one of the seminar classrooms at the law school. This room configuration enabled us to sit around the room, all facing one another. Our goals were simple: provide a space for first-generation students to be their authentic selves and share their stories with peers, foster a sense of belonging, and promote resilience and well-being. We both worked hard

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95. See generally LAWS. CONCERNED FOR LAWS., <https://www.lclma.org/> [<https://perma.cc/DHK9-92KZ>] (last visited Apr. 1, 2023).



to help students see all their small and large “wins,” and we celebrated each of them!

The protocol for the sessions was also straightforward. Barbara and I initiated each session by explaining the purpose of the group and emphasizing that everything shared in the group was to remain confidential. We were serious in this regard and explained that holding confidences was not only an inviolable rule of our group but a vital component of the students’ professional identity formation. The other key feature of our introduction was distinguishing this peer support group between any subject of inquiry relevant to the character and fitness questionnaires bar applicants are required to answer. Because most states include mental health questions, law students can be very afraid to seek out counseling or treatment and avoid anything they perceive as potentially jeopardizing their chances of successfully completing their applications. We were careful to explain to students that although Barbara’s approach to the group was informed by her expertise as a clinician, the group was not therapy and a student’s participation reflected nothing about their mental health status. Since we were in Massachusetts, we were also able to tell students that this was one of the eleven states at the time that did not consider a candidate’s mental health status in evaluating their character and fitness.<sup>96</sup>

We would then typically go around the room, allowing each person to “check-in” by telling us how they were doing that week and whether they wanted to share any recent successes and/or challenges. We would listen attentively without interrupting the speaker before proceeding to the next participant. Barbara taught me the value of not rushing to fill in the silence that would sometimes occur at our meetings. This practice created a more relaxed and contemplative space than one usually finds in the law school setting. Occasionally we would share an article or short video clip with students related to wellbeing, but we typically allowed students to generate topics organically. Barbara and I would then respond with information within each of our areas of expertise. I

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96. Currently, twenty-one states do not consider a candidate’s mental health in evaluating their character and fitness. *Mental Health Character & Fitness Questions for Bar Admission*, A.B.A. (Mar. 24, 2023), <https://www.americanbar.org/groups/diversity/disabilityrights/resources/character-and-fitness-mh/> [<https://perma.cc/3VWK-KD5L>].

tended to field questions related to the law school experience, and Barbara took on questions related to mental health and wellness.

We had the privilege of watching the development of students throughout their three years of law school. We celebrated their successes and shared in their sorrows. Throughout exam seasons, vacations, and COVID disruptions, we were a constant in the lives of our students. A few of the students returned home during periods of online instruction brought on by the pandemic, giving us an opportunity to see childhood homes, meet parents, and acquire a robust understanding of our students' lives outside of law school. Although our sessions were forced online because of COVID, students simultaneously requested to increase the frequency of our sessions. What began as a monthly group was now meeting weekly! We also noticed that the online meetings did not detract from the closeness of the group. Students seemed as comfortable, if not more, sharing their stories with us in the Zoom meeting format.

Law professors rarely have the benefit of prior training in managing the emotional and behavioral dimensions of teaching and learning. In navigating the feelings shared by students in our group sessions, I sought and received guidance not only from Barbara but from the writings of educators who prioritize the emotional experience of their students in their work as professors. The writings of educators bell hooks and Parker Palmer, in particular, prompted me to reflect on artificial distinctions between thinking and feeling, logical versus emotional responses, and provided a framework for creating a space for students that rejects the "broken paradox" of separating head from heart in the world of education.<sup>97</sup> I was careful to change my posture from that of "sage on the stage," the one who holds all the important knowledge to be gleaned from the lesson, to that of facilitator. Barbara and I made it clear that students were there as co-creators of the experience: as possessors

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97. Parker Palmer brilliantly elucidates the connection between the teacher's thoughts and feelings, explaining that "[t]he courage to teach is the courage to keep one's heart open in those very moments when the heart is asked to hold more than it is able so that teacher and students and subject can be woven into the fabric of community that learning, and living, require." PARKER PALMER, *THE COURAGE TO TEACH: EXPLORING THE INNER LANDSCAPE OF A TEACHER'S LIFE* 11 (2003); see HOOKS BELL, *TEACHING COMMUNITY: A PEDAGOGY OF HOPE* (2003).

of important knowledge to be shared with others, not merely as passive spectators. In the words of Palmer, creating an inclusive climate for first generation students requires not just that we be “polite to the guest—the good host assumes that the guest has stories to tell.”<sup>98</sup>

Adopting this stance made some of the most impactful aspects of our program possible. We witnessed students supporting one another at meetings, upper class students providing guidance to first year students, and were made aware of several student-led support initiatives outside of group meetings. We realized that one of the most important actions we had taken was simply to bring these students together in dialogue. The extent to which students in the group felt comfortable sharing so much of themselves with their fellow students led to the formation of supportive relationships between them.

An unexpected development for me in co-facilitating these sessions was that students began to move beyond discussions of what each was experiencing on an individual basis and turned to matters of group concern. This was particularly true for the 2Ls and 3Ls, who could see their own initial law school experience replayed through the comments of the first-year students. In a very practical and concrete manner, each individual student received the lesson that their struggles in acclimating to law school had less to do with them and more to do with the architecture of legal education. It is also important here to note that the *group* included not only those present for sessions, but rather students in these discussions also began to make suggestions for concrete changes that could help members of their *class* in future years.

The most vivid illustration of this related to students’ concerns about equitable access to career development and resume enhancing opportunities. One of the challenges for first-generation and low-income background students interested in public interest careers is that many internships with non-profit organizations are unpaid.<sup>99</sup> Highly coveted judicial internships are also often

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98. PALMER, *supra* note 100 at 79.

99. The practice is so widespread that the ABA publishes a list of resources for students seeking stipends for their unpaid summer internships. *Summer Fellowships*, A.B.A., <https://www.americanbar.org/groups/center-pro>

unpaid.<sup>100</sup> Students discussed these inequities with one another at our meetings. Although no concrete action steps were taken to challenge this pattern of exclusion, students' comments reflected a growing awareness of the myriad ways in which their individual choices were constrained.

My time as co-facilitator of the first-generation student group sessions was and will remain a professional highlight. Considering the COVID disruptions weathered by the students throughout this same time period, the supportive relationships formed in the group may have taken on an even greater significance to the individual participants. For my part, it is difficult to overstate the profound impact the experience had on my own development as a professor. The working relationship with Barbara and the insight it gave me into an entirely different discipline, that of psychology, has forever shaped my own approach to working with students.

### III. IT TAKES A VILLAGE TO RAISE A CONSCIOUSNESS: LIBERATION PSYCHOLOGY PROVIDES A ROADMAP FOR THE LAW PROFESSOR AND THERAPIST INTERVENTION

“We can, to some extent at will, ignore what social structures have told us to do. We can ignore the sidewalk and walk in the street; we can carry the bag with handles from its underside. We can do the thing that will be punished; we can ignore the potential reward, choose the smaller prize. Moreover, we can accept the rewards and the punishments without accepting the ‘lessons’ they are meant to teach us about who and what is worthy.”<sup>101</sup>

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bono/resources/directory\_of\_law\_school\_public\_interest\_pro\_bono\_programs/definitions/pi\_summer\_fellowships/ [https://perma.cc/K2VD-ACYR] (last accessed Apr. 1, 2023); see Kate Miceli, *Unpaid Internships: A Garbage and Discriminatory Legal Practice*, Ms. J.D. (Jan. 21, 2019), <https://ms-jd.org/blog/article/unpaid-internships-a-garbage-and-discriminatory-legal-practice> [https://perma.cc/SRZ4-WT3A].

100. “The Appeals Court also hires law students as unpaid judicial interns during the academic semesters and summer months.” *Appeals Court Law Clerk and Judicial Intern Application Information*, COMMONWEALTH OF MASS., <https://www.mass.gov/appeals-court-law-clerk-and-judicial-intern-application-information> [https://perma.cc/53AL-NHER] (last visited Apr. 1, 2023).

101. OLUFÉMI O. TÁÍWÓ, *ELITE CAPTURE: HOW THE POWERFUL TOOK OVER IDENTITY POLITICS (AND EVERYTHING ELSE)* 102 (2022).

It is important to carve out a dialogic space for first-generation and low-income background students in law school. Engaged in a shared discourse grounded in each other's experiences, they can cultivate the inner strength necessary to resist the destructive and conformist narratives of law school. It is in the sharing of personal stories with one another, as well as the "compassionate witnessing" of other first generation and low-income background students' challenges, that student participants acquire a critical awareness of their individual and collective identity.<sup>102</sup> In stepping outside of their individual experiences to appreciate the common struggle of their similarly situated peers, first-generation and low-income background students can direct their increasingly critical gaze away from themselves and toward the unjust structures around them. Liberation psychology provides the theoretical underpinnings for this approach. It furnishes a pathway for establishing genuine bonds of solidarity among first-generation and low-income background students through the practice of narrative storytelling, *testimonios*, and it focuses students' attention on external and systemic factors that they have the power to change through collective action.

Liberation psychology is most closely associated with the work and writings of Ignacio Martín-Baró, a psychologist, Jesuit priest, and prolific academic who was murdered by members of the military in his adopted country of El Salvador in 1989.<sup>103</sup> Martín-Baró's work also drew inspiration from Paulo Freire's liberation pedagogy. In these approaches, Martín-Baró found a shared and

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102. Ann E. Freedman, *Fact-Finding in Civil Domestic Violence Cases: Secondary Traumatic Stress and the Need for Compassionate Witnesses*, 11 AM. U. J. GENDER SOC. POL'Y & L. 567, 652 (2003).

103. See generally Cathleen Caron, *News from the Inter-American System*, 7 HUM. RTS. BRIEF 15 (2000).

The initial petition submitted on the afternoon of the executions alleged that during the early morning hours on November 16, 1989, members of the El Salvador Armed Forces entered the Jesuits' residence in the Central American University (UCA) in San Salvador and summarily executed Father Ignacio Ellacuria, UCA's rector; Father Ignacio Martín Baró, UCA's vice-rector; Father Segundo Montes, director of UCA's Human Rights Institute; professors Armando Lopez, Joaquin Lopez y Lopez, and Juan Ramon Moreno; Julia Elba Ramos, the cook; and Ramos's daughter, Celina Mariceth Ramos.

*Id.* at 15.

unwavering commitment to elevating the voices of the marginalized and opposing structural injustices.<sup>104</sup> Martín-Baró's goal was to apply a social justice and action-oriented framework to the field of psychology and to demand that the profession look externally for the source of patients' suffering.<sup>105</sup> His experience living in El Salvador during its brutal civil war provided clear evidence that people's psychological anguish was often a normal response to an abnormal system. Although Martín-Baró's material reality was extreme, the lessons from liberation psychology nonetheless provide a framework for addressing the particular mental health and well-being challenges experienced by first-generation and low-income background students in the law school setting.

First, liberation psychology offers a strengths-based approach that does not seek to smooth away the distinct features of first-generation and low-income background students perceived as jagged edges by the dominant culture. Instead, it seeks instead to sharpen what makes these students strong, and free them to change the world around them. The law professor and therapist intervention's regularly occurring support group sessions apply liberation psychology's view that an accurate construction of self can only be achieved in fellowship with a community. For first-generation and low-income background students, having a dedicated space in which to co-construct personal and group identities brings into stark relief those aspects of their personality and character that have served them well in the past. It also reminds them they already possess everything necessary to overcome the challenges of the present:

It has to do with recovering not only the sense of one's own identity and the pride of belonging to a people but also a reliance on a tradition and a culture, and above all, with rescuing those aspects of identity which served yesterday,

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104. See Glenn Adams & Phia S. Salter, *A Critical Race Psychology Is Not Yet Born*, 43 Conn. L. Rev. 1355, 1368 (2011). Liberation theologian Gustavo Gutierrez celebrated the work of Paulo Freire and described Freire's *conscientização* as the process through which "the oppressed person rejects the oppressive consciousness which dwells in him, becomes aware of his situation, and finds his own language." GUSTAVO GUTIERREZ, *THEOLOGY OF LIBERATION: HISTORY, POLITICS AND SALVATION* 57 (1971).

105. See MARTÍN-BARÓ, *supra* note 25, at 30.

and will serve today, for liberation. Thus, the recovery of a historical memory supposes the reconstruction of models of identification that, instead of chaining and caging the people, open up the horizon for them, toward their liberation and fulfillment.<sup>106</sup>

This is of particular significance to students who are first-generation, of low-income background, and disproportionately BIPOC. For racially and ethnically minoritized students, the presence of “counter-spaces,” such as the first-generation space described in this article, provides an important positive coping strategy for managing the frequent microaggressions in the larger law school space.<sup>107</sup> The intersectional population of first-generation, low-income background, and BIPOC students can experience intense isolation in educational institutions whose identities are majority continuing-generation, middle-class, and predominantly white. These students often experience their surroundings as posing a binary choice to conform or disengage from the prevailing law school culture; neither avenue accepting of the students’ true selves.<sup>108</sup> The dynamic of regularly occurring support group discussions creates a tightly knit community within the larger law school space. The law professor and therapist intervention allows students to discern they are capable of success in the law school environment, that they belong in the campus community, and that their experiences are valuable sources of knowledge that can help support their peers.<sup>109</sup> Instead of a solitary journey, students see their efforts as interdependent; a posture proven to enhance academic outcomes of first-generation students.<sup>110</sup> This support system can help students

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106. MARTÍN-BARÓ, *supra* note 25, at 30.

107. Meera E. Deo, *Privilege Revealed: Past, Present, & Future: Two Sides of a Coin: Safe Space & Segregation in Race/Ethnic-Specific Law Student Organizations*, 42 WASH. U. J.L. & POL’Y 83, 86 (2000).

108. *Id.* at 99–101.

109. *Id.* Entering students who see 2L and 3L leaders of student organizations admit to many of the same struggles with acculturation, identity loss, and fear of failure. They also learn viscerally that their own success is achievable.

110. Nicole M. Stephens et al., *Unseen Disadvantage: How American Universities’ Focus on Independence Undermines the Academic Performance of First-Generation College Students*, 102 J. PERSONALITY & SOC. PSYCH. 1178, 1194 (2012).

release the stress experienced in their over-pressurized environment and resist internalizing its most harmful messages.

Second, in bringing students together within the hyper-individualistic and competitive construct of legal education, students are shown that strength and support can be found within a circle of their peers. Research shows that first-generation and low-income background students benefit more than their continuing-generation counterparts from robust peer networks.<sup>111</sup> The unique reality of this student population can best be understood by others similarly situated. They are precariously standing with *pés em duas canoas*: they have one foothold in the socioeconomic strata of their upbringing and another in the camp of upwardly mobile strivers, with sights set on becoming part of the professional managerial class. Alone in their experience, it is almost impossible to attain a degree of balance. Students find themselves hopping from one vessel to another, never quite finding their equilibrium. As individuals, they remain vulnerable to any storm; the threat of capsizing only ever one powerful wave away. But as part of a collective, with hands joined in a common struggle, they can create a third possibility that encompasses their past, present and future.

Practically, the guiding principle shaping these exchanges consists of centralizing the students as agents of their liberatory practice. The law professor and therapist intervention embodies the type of liberatory practice that can enable the formation of a robust peer community among first-generation and low-income background students. The authentic dialogue established at each session is one in which the law professor and therapist talk *with* the students, rather than to them. Sessions are held with the understanding that the students will serve as one another's primary source of support in law school and beyond. Mutual trust among the participants is enforced via strict rules of confidentiality. It is among this group of fellow first-generation and low-income background students that the individual law student's "most authentic identity, the one that makes [them] who [they] are," can be

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111. See generally Meera E. Deo & Kimberly Griffin, *The Social Capital Benefits of Peer Mentoring Relationships in Law School*, 38 OHIO N.U. L. REV. 305 (2011).



recognized.<sup>112</sup> This matters because these students are pursuing entry into the legal profession at a time of uncertainty—mere possession of a law degree no longer guarantees stable employment and financial wellbeing. A network of peers built on mutual recognition provides a safety net otherwise absent from the modern profession.<sup>113</sup>

Data also supports the premise that facilitating a robust peer network for first-generation and low-income background students is an effective strategy for fostering a sense of belonging and lessening the *survival of the fittest* sensibility of legal education.<sup>114</sup> Already, a majority of law students report they receive more support from fellow students than other friends or faculty.<sup>115</sup> In terms of

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112. PAUL RICOEUR, *THE COURSE OF RECOGNITION* 22 (David Pellauer trans., Harv. Univ. Press 2005).

113. Consider the following description of the class of workers these law students will join upon their graduation:

Unemployed and underemployed professional workers—from IT to journalism, academia, and eventually law—became a regular feature of the social landscape. Young people did not lose faith in the value of an education, but they learned quickly that it makes more sense to study finance rather than physics or “communications” rather than literature. The old PMC dream of a society rule by impartial “experts” gave way to the reality of inescapable corporate domination. But the PMC was not only a victim of more powerful groups. It had also fallen into a trap of its own making. The prolonged, expensive, and specialized education required for professional employment had always been a challenge to PMC families—as well, of course, as an often-insuperable barrier to the working class. Higher degrees and licenses are no longer a guarantee of PMC status. . . . In between, health workers and lawyers and professors find their work lives more and more hemmed in and regulated by corporation-like enterprises. The center has not held. Conceived as “the middle class” and as the supposed repository of civic virtue and occupational dedication, the PMC lies in ruins.

Barbara Ehrenreich, *Death of the Yuppie Dream: The Rise and Fall of the Professional-Managerial Class*, IN *THESE TIMES* (Feb. 19, 2013), <https://inthesetimes.com/article/death-of-a-yuppie-dream> [<https://perma.cc/9NVB-CBKU>].

114. See Deo & Griffin, *supra* note 116, at 318–19; Larasz Moody, *The Importance of Peer Engagement and Peer Support Groups on Persistence of Online Law Students: A Mixed Methods Study* (2021) (Ed.D dissertation, West Chester University), [https://digitalcommons.wcupa.edu/all\\_doctoral/109](https://digitalcommons.wcupa.edu/all_doctoral/109) [<https://perma.cc/BL85-9QAP>].

115. Deo & Griffin, *supra* note 116, at 318–19. This is particularly true for students who identify as BIPOC. Deo, *supra* note 112, at 100–01 (“Higher percentages of Black and Latino students report receiving ‘strong support’ from group membership.”).

students' emotional well-being, high-quality peer relationships "characterized by a sense of mutual engagement, empathy, authenticity, and empowerment," can reduce feelings of loneliness, boost self-esteem, and set the stage for a student's personal awakening to their capacity to influence the world around them.<sup>116</sup> The emotional benefits of these peer relationships include their role as a "buffer against stress and risk", as well as providing "emotional support in daily life."<sup>117</sup>

Third, the liberation psychology inspired process of bringing together law students to share their common experiences has the potential to not only help students resist harmful external messages about their worth, but to recast their own vision of their ability to transform the world around them.<sup>118</sup> First-generation law students may initially turn to the group for support in alleviating their own personal distress as they commence their legal education, but their sustained participation "inevitably connects [them] with others in the search for a more just society."<sup>119</sup> It is in the act of bringing these students together to exchange their stories of what first caused alienation and discomfort that can blossom into a foundation for a cohesive social group. Instead of an unhealthy focus on the individual's lack of fit or fear of failure, the student's horizon expands to "recognize the tangled web of economics, politics, social networks, access, power, and personal opportunity" that constrain their reality.<sup>120</sup>

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116. Terese Jean Lund et al., *Purpose in Life Among First-Generation College Students: Friends Make a Difference*, 2 YOUTH 12, 18 (2022), <https://doi.org/10.3390/youth2010002> [<https://perma.cc/Y29X-MQTL>]; see Christopher Kitchings, *Peer-to-Peer Interactions Between First-Generation Students at the University of San Diego* (May 16, 2019) (M.A. in Higher Educ. Leadership), <https://digital.sandiego.edu/soles-mahel-action/45> [<https://perma.cc/2832-XP33>].

117. Kitchings, *supra* note 121, at 6.

118. See *id.* at 82; MARTÍN-BARÓ, *supra* note 25, at 111 ("Change the lens and see mental health or illness not from the inside out but from the outside in; not as the result of an individual's internal functioning but as the manifestation, in a person or a group, of the humanizing or alienating character of the framework of historical relationships.").

119. LIBERATION PRACTICES: TOWARDS EMOTIONAL WELLBEING THROUGH DIALOGUE 39 (Taiwo Afuape & Gillian Hughes eds., 2015).

120. Jones & Vagle, *supra* note 35, at 131.

It is in dialogue with one another that first-generation and low-income background students can “directly confront the social conditions of the majority of the population and reflect critically on those conditions.”<sup>121</sup> Martín-Baró described this type of approach as an “intervention[] that involve[s] the transformation of social relationships and structures to alleviate personal and collective distress.”<sup>122</sup> The related practice of *testimonios*, rooted in Latina feminist tradition, provides the design framework for law schools to employ in their programmatic interventions for first-generation and low-income background students. The practice of *testimonios* calls on participants to share their stories, described as “counter-narratives, confessions, and consejos, or advice,” with others.<sup>123</sup> Through the inexpensive and rather straightforward action of gathering willing participants to share their experiences and listen to one another, communities can be forged, collective grievances can form the basis of political action, and individual pain can help fuel societal change.<sup>124</sup>

Also referred to as *papelitos guardados*,<sup>125</sup> the *testimonios* reveal the pain and joy often hidden behind flat affects and stern countenances. It is through this process of mutual engagement with the personal narratives of others that a community is built.<sup>126</sup> It becomes possible to recognize the humanity in those around us when an opportunity is presented for mutual revelation of the stories people might otherwise keep stored away. The concept of

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121. MARTÍN-BARÓ, *supra* note 25, at 44.

122. *Id.* at 19.

123. Alejandro Cervantes, *Testimonios*, in LIBERATION PSYCHOLOGY: THEORY, METHOD, PRACTICE, AND SOCIAL JUSTICE 133, 135 (Lillian Comas-Díaz & Edil Torres Rivera eds., 2020).

124. See Jesica Siham Fernández, *A Mujerista Liberation Psychology Perspective on Testimonios to Cultivate Decolonial Healing*, 45 WOMEN & THERAPY 131, 131–33, 135–36, 144–45, 147–48 (2022); LUZ DEL ALBA ACEVEDO ET AL., TELLING TO LIVE: LATINA FEMINIST TESTIMONIOS (2001).

125. “Papelitos guardados has hybrid meanings for us: protected documents, guarded roles, stored papers, conserved roles, safe papers, secret roles, hidden papers, safe roles, preserved documents, protected roles.” Luz del Alba Acevedo et al., *Introduction*. *Papelitos Guardados: Theorizing Latinidades Through Testimonio*, in TELLING TO LIVE: LATINA FEMINIST TESTIMONIOS 1, 1 (2001). Also described as “writings tucked away, hidden from inquiring eyes.” *Id.*

126. Siham Fernández, *supra* note 124, at 132, 136.

*papelitos guardados* also aptly captures the physical nature of the burdens first-generation and low-income background students carry with them in the law school space. The law professor and therapist intervention allows students to reveal and share these burdens, and provides students with the tools needed to succeed in their legal training and subsequent profession without sacrificing either their values or emotional wellbeing.<sup>127</sup> Getting beyond belonging and into a space where transformative structural change is possible requires that first-generation and low-income background students find a community of peers with whom to share their *papelitos guardados*, not only as a way to enable their individual wellbeing and success in the law school environment but as a necessary precursor to collective action in furtherance of common goals.

Finally, the level of agency experienced by student participants in these regularly occurring group sessions is critically important to their success. An emphasis is placed on co-construction of the liberation approach utilized in the group sessions in order to ensure it is and remains suited to the realities experienced by the participants. The role of the co-facilitators is not to impose their own view of what comprises liberation for the assembled group, but to humbly cede any claim of expertise to the collective. Students must be given the space and opportunity to determine for themselves how to approach their transition to law school, manage their professional identity formation, and navigate their multiple identities.<sup>128</sup> It is not a matter of presenting students with a fully laid out path

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127. See Kennedy, *supra* note 38, at 599–600 (“What is needed is to think about the law in a way that will allow students to enter into it, to criticize without utterly rejecting it, and to manipulate it without self-abandonment to an alien system of thinking and doing.”); Fernández, *supra* note 124, at 137 (“My purpose as an educator and learner are to help cultivate and co-create with my students a learning community of reciprocal recognitions of our knowledge and experiences and a sociopolitical consciousness that fosters radical hope and imagination.”).

128. “As Martín-Baró (1994) stated, a liberation approach must be co-constructed alongside the people we work with; hence, there are multiple ‘psychologies of liberation’ . . . [D]rawing on Martín-Baró’s (1994) ideas, we feel that it is important to highlight the connections between the socio-political contexts and power inequities in people’s lives and their distress.” Dzifa Afonu et al., *Is It Possible to Take a Liberation Approach as a Clinical Psychology Trainee?*, in *LIBERATION PRACTICES: TOWARDS EMOTIONAL WELLBEING THROUGH DIALOGUE* 187, 188 (Taiwo Afuape & Gilian Hughes eds., 2016).

but rather providing students with tools they can use to forge their own way through the law school experience.<sup>129</sup> This can be a tall order for law professors accustomed to the “sage on the stage” model of education, but it is imperative for the success of this initiative.<sup>130</sup>

#### IV. BARRIERS, NEXT STEPS AND LEARNING FROM HISTORY

The pairing of a law professor and a therapist to lead regularly occurring group sessions for first generation students in the law school setting represents a model intervention supported by research in the fields of psychology and sociology, and carries with it the potential to improve the first-generation student’s legal education experience. The hope is that every law school across the country will identify, validate, and support their first-generation students. Moreover, if the academic environment in certain sectors of legal education is currently ill-equipped to support first-generation students, law professors, school administrators, and student support services professionals must be resourceful and creative in identifying partners in the mental health and wellness world who can provide the necessary interventions for students.

Law schools, particularly those whose student populations include large numbers of first generation and low-income students, have an ethical responsibility not only to expand pathways of access into the legal profession but to affirmatively create conditions on their campus that facilitate the academic and professional success of this population. The rates at which first-generation student enrollment in colleges and universities has increased in recent decades suggests that the increased presence of first-generation students on law school campuses is not a momentary disruption to be weathered by law school faculty and administrators, but rather a long-awaited opportunity to disinvest in an antiquated and

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129. Maria Castro Romero & Taiwo Afuape, *Teaching Liberation Psychology*, in *LIBERATION PRACTICES: TOWARDS EMOTIONAL WELLBEING THROUGH DIALOGUE* 162, 169 (Taiwo Afuape & Gilian Hughes eds., 2016).

130. *See id.* (“By relinquishing the idea of being experts who have the final word, we highlight our capacities for listening and questioning. By facilitating the creation of learning communities, we demonstrate that we want to learn from and alongside trainees, so that we all come to mutually trust the process of dialogue.”).

exclusionary form of legal education.<sup>131</sup> Even if only as a matter of pure self-interest on the part of law schools enrolling large percentages of first-generation students, the research suggests that increasing these students' sense of belonging is a way to increase academic success and bar passage rates.<sup>132</sup>

Because barriers to any academic initiative is most often discussed in terms of resource allocation, it should be noted that although not an expensive intervention, successful implementation of the law professor and therapist intervention requires at least one high visibility faculty member, staff member, or administrator; and one clinician. Care should be taken to ensure that those selected have a genuine interest in this type of work. Without a genuine commitment to the liberatory frame of the intervention and a willingness to devote a significant portion of time, it is unclear if the project will be regarded as successful by the student participants.

Additionally, law schools should be encouraged to create nuanced applications in which information about a student's first-generation status can be gathered. A practical first step is to work with the admissions office to include questions on the law school's application that inquire about each parent or guardian's highest level of educational attainment.<sup>133</sup> In this way, an institution will be able to track important metrics such as rates of attrition, graduation,

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131. See NAT'L CTR. FOR EDUC. STAT., *THE CONDITION OF EDUCATION 2012*, at 12, 86 (2012), <https://nces.ed.gov/pubs2012/2012045.pdf> [<https://perma.cc/N4KD-TSC4>] (finding that in 2010, 46% of 12th-grade students whose parents attained education of "high school completion or less" "had definite plans" to graduate from a four-year institution); see, e.g., Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 76 *J. HIGHER EDUC.* 276, 290 (2005); Malar Hirudayaraj, *First-Generation Students in Higher Education: Issues of Employability a Knowledge Based Economy*, 5 *ONLINE J. FOR WORKFORCE EDUC. & DEV.* 1, 3 (2011).

132. See, e.g., JENNIFER ENGLE ET AL., *STRAIGHT FROM THE SOURCE: WHAT WORKS FOR FIRST-GENERATION COLLEGE STUDENTS* 5–8 (2006).

133. Example: "Parent/Guardian #1. What is the highest level of school completed or the highest degree received? Less than high school degree; High school degree or equivalent (e.g., GED); Some college but no degree; Associate degree; Bachelor degree; Graduate degree."

law review participation, bar passage, and post-graduate employment for this demographic of students.<sup>134</sup>

Although the law professor and therapist intervention is inspired by one law school's experience, given the relatively easy up-front costs involved, the takeaway is that any law school enrolling first-generation students would be remiss not to implement this strategy. Data already shows the benefits of prioritizing robust faculty-student and student-student relationships.<sup>135</sup> The therapist and law professor intervention is put forth as a pragmatic and research-grounded way to eliminate transaction costs involved in finding community among first-generation and low-income background students. This intervention is also promoted as a mechanism for fostering authentic inclusion and belonging within a larger space that is infrequently attuned to issues of socioeconomic background and financial hardship. Through this intervention, the research suggests that first-generation and low-income background students can find peer support, improve their emotional wellbeing, and even enhance their academic performance.

#### CONCLUSION

We come full circle then to the *why* of this intervention. Practical, yes. Relatively inexpensive, also true. But capable of creating a class-conscious group of lawyers determined to use their education to change structural conditions of inequity? Only time will tell. Martín-Baró believed it was through social organization that “members of the oppressed classes [would gain] a consciousness of their common interests and an understanding that if their world does not change it is largely because of their division and individualistic

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134. An additional question might ask students to indicate whether a parent's education was acquired in another country, as these students might also experience a lack of familial knowledge about systems of schooling in the United States and/or a professional network from which to seek guidance. See, e.g., Robert K. Toutkoushian et al., *Talking 'Bout My Generation: Defining "First-Generation College Students" in Higher Education Research*, 120 TCHRS. COLL. REC. 1, 1–4, 16–30 (2018).

135. Hallett, R., Bettencourt et al., *Re-envisioning Campuses to Holistically Support Students: The Ecological Validation Model of Student Success*, USC ROSSIER PULLIAS CENTER FOR HIGHER EDUCATION (Jul. 2021), [https://pass.pullias.usc.edu/wp-content/uploads/2021/08/Brief\\_Reenvisioning\\_Campuses\\_Jul21\\_final.pdf](https://pass.pullias.usc.edu/wp-content/uploads/2021/08/Brief_Reenvisioning_Campuses_Jul21_final.pdf) [<https://perma.cc/P8CK-EK82>].

isolation.”<sup>136</sup> But judging the efficacy of a liberatory practice by the beliefs of those we memorialize for their selflessness may not be realistic.

We do know that liberatory praxis can bring our students’ lived experiences into focus. Instead of feeling constrained by a bounded reality, they begin to see the possibilities of transformation and recognize their individual agency in creating a new set of conditions. The liberatory process of *conscientização* awakens in students a sensibility they can apply in their future roles as lawyers, jurists, and elected officials. Once awakened to their reality, it is difficult to unsee the “oppressive processes by which...their social contexts are constructed.”<sup>137</sup> As a true liberation project, the law professor and therapist intervention has the potential to awaken this striver class to its potential role in transforming the larger structures oppressing the lower-income and working classes in which they grew up. This intervention may also result in changes being made at the law school level that benefit future classes of first-generation and low-income background students. The greater the share of law schools that implement the law professor and therapist intervention, the more data we will have to definitively answer these questions in the affirmative.

Ultimately, one of the most lasting impacts of the intervention described herein may be the message sent to first-generation and low-income background students that their life experiences have equipped them to enter the rarified legal education environment with their “differences and make them strengths.”<sup>138</sup> Arming students with this robust knowledge of self-equips them to use the law to disestablish inequitable systems and to fight “against the use of education in the reproduction of a class society.”<sup>139</sup> In light of the responsibilities these students will soon undertake to their clients, law schools should do no less.

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136. MARTÍN-BARÓ, *supra* note 25, at 219.

137. Bernadette Wren, *A Clinical Service for Gender Non-Conforming Young People*, in *LIBERATION PRACTICES: TOWARDS EMOTIONAL WELLBEING THROUGH DIALOGUE* 78, 82 (Taiwo Afuape & Gilian Hughes eds., 2016).

138. AUDRE LORDE, *The Master’s Tools Will Never Dismantle the Master’s House*, in *SISTER OUTSIDER: ESSAYS AND SPEECHES BY AUDRE LORDE* 110, 112 (2007).

139. IVAN ILLICH, *TOOLS FOR CONVIVIALITY* 75 (1973).