FOREWORD

THE COVID CARE CRISIS SPECIAL ISSUE

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I am honored to write the Foreword to this volume dedicated to the discussion of The Covid Care Crisis and its impact on legal education and the legal academy.[1] I am a Black woman, a mother to a beautiful Black son, a partner to a loyal and dignified Ghanaian man, and a law dean. I experienced the pandemic, as did so many of you, gripped with fear about what I did not know about Covid-19, except for the stark realities of isolation, quarantine, and death. My experience with the Covid Care Crisis cannot be disentangled from the paralyzing impact of, among too many others, the murders of Breonna Taylor on March 13, 2020, and George Floyd on May 25, 2020.

While many of my decanal colleagues raced to write statements to their respective communities about yet another killing of Black bodies, I physically could not let go of my son. I was approached by Black students urging me to write to my law school community. I was urged, with care, by staff, faculty, and administrators to write to my law school community. I was barraged with decanal statements about the injustice of the most recent spate of killings—statements that seemed to grow with every passing moment. None of that mattered to me when all I could see in my son's future was his life being crushed out of him under the knee of a police officer acting with

* Dean and Donald J. Farage Professor of Law at Penn State Dickinson Law. I am honored to provide the Foreword that introduces the Covid Care Crisis issue, and what we have learned from it. I congratulate the Southwestern Law Review Symposium editors for continuing to center this work. I also applaud the authors who dedicate time and effort to share their expertise about the impact of these issues on higher education and the reforms needed to institutionalize the valuable pedagogical lessons learned from teaching and learning during the pandemic.

1. *Compare* Shruti Rana, *Seismic Shifts: The COVID-19 Pandemic's Gendered Fault Lines and Implications for International Law*, 39 AUSTL. YEARBOOK OF INT'L. L. 91, 100 n.43 (2021) *with* Shruti Rana, *Caring for the Caregivers: Re-imagining Institutional Recognition of Caregiving Work After the Covid Care Crisis*, 53 SW. L. REV. 110, 117 n.34 (2024) (discussing how the author was part of a symposium group that coined the term "Covid-Care Crisis," which is defined as "capturing the challenges of the pandemic's rippling disparate impacts throughout legal academia, shedding light on the inequities, traps, and obstacles caregivers in academia were facing and how the pressures were compounded and concentrated along the lines of race, gender, disability, tenure status, seniority levels, and other inequalities.").

impunity. This was my experience in the pandemic, and it remains my experience today.

During the transition to remote instruction, I leaned on the leadership skills of compartmentalization to address the fundamental health and safety needs of the members of my community. But I had no way to provide comfort or refuge to anyone because of the paralyzing grief and anger I was experiencing due to the recurring specter of harm that all-too-possibly could befall my Black son and my Ghanaian partner. What helped to deliver me from this paralysis was a law school community that banded together to stand up, speak out, and take action to disrupt and dismantle systemic racial inequality and intersectional injustice through the passing of two unanimous faculty resolutions: (1) to condemn violence against Black and brown people; and (2) to teach and learn according to antiracist principles.[2] These commitments empowered me to lead a co-curated project with four Black women law deans now known as the AALS Law Deans Antiracist Clearinghouse Project,[3] which in turn led to deeper writings about the necessity to engage institutional antiracism in legal education, the legal academy, and the legal profession.[4]

I am in coalition with over 127 chapter contributors and over 82 law and law adjacent organizations to draft, workshop, and publish a nine-volume book series titled "Building an Antiracist Law School, Legal Academy, and Legal Profession, which will be published by the University of California Press. Absent the pandemic, this antiracism work likely would not have emerged. This antiracism work is intwined with the Covid Care Crisis; as well, antiracism work provides a framing for the legal academy's response. When I reference the legal academy, I mean the legal academy *writ large*, including university-level leaders, deans, administrators, faculty, staff, students, and communities in that order. As with antiracism work, the work of addressing the effects on people of the Covid Care Crisis must be done in coalition. Anyone who believes there is a silver bullet to this crisis or any other upheaval that will befall the legal academy is misguided.

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2. *See AALS Law Deans Antiracist Clearinghouse Project*, ASS'N AM. L. SCHS., available at https://www.aals.org/antiracist-clearinghouse/ (last visited Oct. 21, 2023); *see also* Danielle M. Conway, *Antiracist Lawyering in Practice Begins with the Practice of Antiracist Teaching and Learning in Law Schools*, 2022, No. 4 UTAH L. REV. 723, 730 n.27 (2022).

3. See *AALS Law Deans Antiracist Clearinghouse Project*, ASS'N AM. L. SCHS., available at https://www.aals.org/antiracist-clearinghouse/ (last visited Oct. 21, 2023); *see also* L. Danielle Tully, *What Law Schools Should Leave Behind*, 22 No. 4 UTAH L. REV. 837, 846 (2022).

4. *See infra* notes 4 and 5; *see also* Danielle M. Conway, BUILDING AN ANTIRACIST LAW SCHOOL, LEGAL ACADEMY, AND LEGAL PROFESSION Volume 0 (forthcoming, University of California Press).

As a coalition, we must appreciate how the pandemic further exposed the hierarchical nature of legal education in which, for the most part, students and their experiences have not been centered in the curriculum or in the pedagogy.[5] Further, we must acknowledge that the pandemic revealed that staff are among the most vulnerable members of a law school community. And yes, as a number of authors in this special issue have demonstrated, we must acknowledge how the hierarchy—determined by race, gender, faculty status, Socratic method, and case method—contributed directly to disproportionate duties and experiences for them in the pandemic.[6] Moreover, the pandemic and the Covid Care Crisis stressed administrators beyond the limits of their expertise, experiences, and capacity for resilience.

Finally, I speak with authority on the impact of the pandemic and the Covid Care Crisis on deans. The impact on this group varied considerably from person to person based on the load each dean had to carry. Some, but not all, factors contributing to the type of load each dean carried depended on the availability (or not) of resources, the cohesion (or not) of the law school community, the experience (or lack of experience) with adaptability and compartmentalization, and the existence (or non-existence) of a support system. These factors contributed to a dean's capacity to understand and respond to the experiences of students, staff, faculty, and administrator community members. These factors also impacted how a dean managed stress and distress, which directly bore on leadership decision-making and the capacity to authentically express empathy, compassion, care, and hope in the pandemic and the Covid Care Crisis.

More concertedly, we have to grapple with the history of legal education to understand the backdrop of the experiences that the authors discuss in this special issue. Formal legal education, whether you date it from the Litchfield era or the Harvard Law School era, was constructed by and for rich, white men who deemed themselves society's elite.[7] Thus, the progenitors of formal

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5. *See* Danielle M. Conway, *Institutional Antiracism and Critical Pedagogy: A Quantum Leap Forward for Legal Education and the Legal Academy*, 75 ALA. L. REV. 717, 740 (2024).

6. *See* Danielle M. Conway, *Embracing and Making Change: Serving the Law Students of Today and Tomorrow*, 70, Nos. 2 & 3 J. LEGAL EDUC. 100 (2021); *see also* Jamie Abrams, *The Centrality of the Socratic Classrooms to Legal Education's Curricular Core Despite its Harms and Limits* in INCLUSIVE SOCRATIC TEACHING: WHY LAW SCHOOLS NEED IT AND HOW TO ACHIEVE IT (University of California Press 2024) (discussing the bifurcated infrastructure between student support provided by staff professionals and the Socratic classroom and revealing that "This infrastructure puts the burden on students to gain these study and performance skills and supports by identifying the value of the programming in the first instance and then setting aside the time and bandwidth to attend. It also houses vital student-support functions with staff who are often under-compensated and over-worked, thus yielding high turnover false," concluding that such a structure means accepting that legal education will "fix" *students* through preparation, mentoring, and support [provided by staff] instead of fixing the *teaching*.").

7. Robert Stevens, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S, p. xiv (The Lawbook Exchange LTD. ed. 2016); *See* Laura Appleman, *The Rise of the Modern American Law School: How Professionalization, German Scholarship, and Legal Reform Shaped Our System of Legal Education*, 39 N. Engl. L. Rev. 251, 252-54 (2005); THOMAS G. WILKINSON, JR. & ROGER B. MEILTON, *Supervising and Regulating the Practice of Law,* in THE

legal education were intentionally small in number and they represented the interests of the dominant, white supremacist, imperialist, capitalist, patriarchy (DWSICP).[8] With reference to the later in time Harvard Law School model of formal legal education, the DWSICP produced the case method, along with the Socratic method of questions and answers, as the dominant form of pedagogy for legal instruction.[9] The DWSICP and their methods dominated American legal education then and now.[10]

The dual domination—the DWSICP and the chosen pedagogy—scaffolded by the Harvard Law School model was copied by later legal education entrants and further embedded structural hierarchy in law schools, which incidentally mirrored the structural hierarchy in society. These hierarchies persist today. Formal legal education saw exclusion as the way to maintain "quality" and "scholarly excellence," thereby doubling down on both the DWSICP ideology and the chosen pedagogy to reinforce hegemony.[11]

As with a society built on the DWSICP, the goal of formal legal education was to make this dual domination a canon for the legal academy and for the legal profession in so far as the former served the interests of the latter, and both served the interests of corporations and elite society.[12] Thus, it is a through-line to the conclusion that politics and power eclipsed democracy and pedagogy in building and structuring formal legal education. So, when legal education and the legal profession finally relented in partial and sporadic ways to permit women and people of color into the legal academy and the legal profession, the latter entrants were admitted to the lower rungs of the hierarchy, which explains their positionality today as alluded to and discussed by the authors in this special issue.

The Socratic classroom, dominated by the DWSICP, was designed to be the core of legal education and it has remained the status quo, despite

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SUPREME COURT OF PENNSYLVANIA: LIFE AND LAW IN THE COMMONWEALTH, 1684-2017, p. 82 (John J. Hare ed. The Pennsylvania State University Press 2018); Danielle Conway, *supra* note 5 at 725.

8. Robert Stevens, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S, p. xiv (The Lawbook Exchange LTD. ed. 2016).

9. Jamie Abrams, *The Centrality of the Socratic Classrooms to Legal Education's Curricular Core Despite its Harms and Limits* in INCLUSIVE SOCRATIC TEACHING: WHY LAW SCHOOLS NEED IT AND HOW TO ACHIEVE IT (University of California Press 2024).

10. Robert Stevens, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S, p. xiv (The Lawbook Exchange Ltd. Ed. 2016).

11. *See* L. Danielle Tully, *What Law Schools Should Leave Behind*, 22 No. 4 UTAH L. REV. 837, 842-43 (2022) ("While law schools 'work' for some students, they don't work for most. Legal education is perpetuating and even building new forms of inequality while fostering profoundly unhealthy professional practices.").

12. *See* Robert Stevens, *supra* note 10 at xv.

episodic innovations at the fringes.[13] It is this status quo structure that legal education and the legal academy occupied at the time the Covid-19 pandemic began, and it is this same status quo structure that defined the disproportionate impacts on the various stakeholders—students, staff, faculty, and administrators—throughout the pandemic. It is this status quo that has exposed the Covid Care Crisis today.

This special issue provides myriad entry points for understanding and analyzing the multitudinous and disproportionate outcomes leading to the Covid Care Crisis in higher education, generally and in legal education, specifically. Thanks to these authors, we are transported to intimate spaces in which our guides share their lived experiences as learners, teachers, parents, researchers, scholars, administrators, a dean, service providers, and institutional citizens, with many of these authors having intersectional identities. This last point is critical to the reality that the Covid Care Crisis counsels all of us to be responsible and accountable in the knowledge that responses to this crisis must center both equity and interdependence.

Professor Meera Deo is one of the resonant voices researching and writing about the challenges facing women of color law professors in the legal academy. Her groundbreaking empirical work demonstrates the very real intersectional barriers that women of color face throughout their careers—whether short or long—in trying to navigate entry, status, progress, pay, respect, and workloads that perpetuate disproportionate equities in the best of times. In Covid Caregiving, Professor Deo aptly addresses the caretaking overload that women of color, specifically, and women generally, as a result of the embedded racialized, and gendered hierarchies plaguing legal education. In this special issue, Professor Deo draws from her Pandemic Effects on Legal Academia (PELA) data set and finding to share "a general overview of the negative effects COVID has had on vulnerable populations, revealing [] worsening inequities, a lack of structural support, and negative health effects, especially for caregivers, women of color, white women, and untenured faculty."[14] She applauds the work that deans and administrators have undertaken to support law students during the pandemic, but she counsels extending similar support to staff and faculty who also suffer because of the negative effects of the pandemic and the ensuing Covid Care Crisis.[15] Professor Deo also implicitly underscores that deans and administrators represent only one segment of the shared governance model,

13. *See* Jamie Abrams, *supra* note 9 (discussing the central dominance of the traditional Socratic classroom as the curricular core of modern legal education and the pointed critiques of it before conveying discrete examples of innovation, such as experiential education opportunities—skills, seminar, and clinical lawyering courses); *see also* L. Danielle Tully, *What Law Schools Should Leave Behind*, 22 No. 4 UTAH L. REV. 837 (2022) ("Legal education has been in a roundabout for a while. The last foundational changes came in the 1970s and 1980s with the rapid expansion of clinical education . . . and the [American Bar Association (ABA)] requirement that law schools offer a rigorous writing experience for law students. After that, not much changed.").

14. Meera Deo, *Covid Caregiving*, 53 SW. L. REV. 15, 20 (2024).

15. *See id*. at 25, 28, 35-36, 39-42.

thus acknowledging that faculty—especially those with status and security—have a significant role to play in being accountable for transforming legal education to be more equitable, regardless of whether we are in steady state or crisis.[16]

In the spirit of Paulo Freire, Katyayani Suhrud shares her perspective of the law school classroom as a space where faculty are centered and placed on pedestals. She astutely identifies that this approach to teaching revealed itself in the pandemic as a potential harm to faculty. She shares that "[t]he pandemic was frightening and bizarre, [leaving] no one out. . . . If was of course not just the students that suffered but also our teachers."[17] She expounds on the need for students to see the humanity of faculty and that this can only occur by flattening the hierarchies between faculty and students.[18] She shares that in "four semesters of online instruction, there was at least one course per semester that was truly exciting to her because these classrooms were spirited and reckoned with the world in honest, unflinching ways."[19] In contrast, joy was not the case when "[professors] went on as if a pandemic hadn't struck, [] or where the law was being taught as if in a vacuum, bereft from [what was ongoing in] our world and [what was happening to] people."[20] In flattening the hierarchies and acknowledging the value of bringing lived experiences into the law school classroom, Suhrud counsels that the joy of teaching and learning can flourish.

Dean Brian Gallini, with no hesitation, acknowledges status hierarchy within legal education and the academy and the perpetuation of the hierarchy pre-pandemic and the reengagement with the hierarchy post-pandemic, in his essay *Pandemic Innovation*.[21] Included in the list of hierarchy, in descending order, he names (1) tenured and tenure track faculty; (2) deans; (3) clinical faculty; (4) legal writing faculty; (5) law librarians; (6) adjunct faculty; (7) staff. He then acknowledges the "deep and troubling ambiguity in the word 'faculty,'" before adding "Academic Success Professors, Bar Success Professors, Visiting Assistant Professors, Library [Personnel], Faculty Fellows, Distinguished Practitioners in Residence, Distinguished Jurists in Residence," and a host of other titles afforded to legal educators."[22] Just in the exercising of "naming" the hierarchy is disturbing whether in a steady state or in crisis. Dean Gallini's observation that the "pandemic exacerbated

16. *See id*. at 34-35.
17. Katyayani Suhrud, *A Covid-19 Education*, 53 SW. L. REV. 100, 103 (2024).
18. *See id*.
19. *See id*. at 105.
20. *See id*.
21. Brian Gallini, *Pandemic Innovation*, 53 SW. L. REV. 61, 62-65 (2024).
22. *See id*. at 63-65.

those divisions" begs the ultimate question about the illegitimacy of scaffolding a hierarchy that supports a DWSICP in legal education.

One of the several innovations touching community, curriculum, coalition, and competencies that resulted from reimagining legal education during the pandemic was a change to personnel policies that informed faculty governance. After three years of work during the pandemic, Dean Gallini and his faculty approached the equity fork in the road and chose "the process of shifting to an increasingly unified faculty track that has made faculty equity closer to the new norm."[23] Dean Gallini and his colleagues are by no means alone in shifting to unitary tenure, by whatever process, but this approach is still a minority approach to law school governance. That being said, the process to decenter the hierarchy as the status quo is an essential aspect of the lessons in transformation that the pandemic and the Covid Care Crisis teach.

Another profoundly impactful innovation stemming from the work of Dean Gallini and his colleagues is alternative bar licensure. As Dean Gallini notes, despite sound scholarship that the bar examination has a "disparate impact on [minoritized and] [] non-traditional students . . . the bar exam and its related licensure requirements largely went unquestioned for the better part of a century—that is, until the pandemic."[24] Seizing on the reality that an in person bar examination was potentially deadly, forward looking conversations among lawyer leaders in the State of Oregon unearthed "shared concerns about how to measure te proper competencies to practice law." Task Force reports were drafted that considered, among other issues: (1) whether alternatives to professional licensure existed beyond the traditional bar exam; and (2) the racially inequitable outcomes of the current bar exam.[25] Dean Gallini, assisted by a coalition of decanal colleagues, faculty members, judges, students, lawyers, and stakeholders succeeded in changing the course of attorney licensure in Oregon, a change that will have significant and positive impact on legal education. For their efforts, "the Oregon Supreme Court unanimously voted to approve in concept bot the Oregon Experiential Pathway and the Supervised Practice pathway" as alternatives to the traditional bar examination.[26] By engaging institutional antiracism and contesting and disrupting hierarchies in legal education and the legal academy, the pandemic innovations of which Dean Gallini writes will build a strong and sustainable rule of law that moves us closer to equality and justice for all.

In line with Katyayani Suhrud, Professor Debra Moss Vollweiler channels Freire's Pedagogy of the Oppressed when she interrogates pre-pandemic teaching methods and changes some faculty at some law schools

23. *See id*. at 66.
24. *See id*. at 71.
25. *See id*. at 73-74.
26. *See id*.

made in response to the pandemic. The two types of teaching methods that feature prominently in her essay *Return of the Sage (on the Stage?)* are "the sage on the stage" and "the guide on the side."[27] The former method being faculty-centric and the latter being more student-centric. Professor Vollweiler projects her questions to a post-pandemic future about whether the shifts and changes in pedagogy that faculty were willing to experiment with will gain traction or will faculty return to the pedagogy that perpetuated the hierarchical status quo.[28]

Implicit in the questions about pedagogical experimentation and adoption is the power that tenured faculty retain over the choice of teaching methods that govern and direct the pedagogy used by less senior, less secure faculty and staff who must bend to that power. Professor Vollweiler observes that "the authority figure at the front of the [law school classroom is not] always entirely [performing by] lecture or presentation, [this figure] also [engages] other ways of being 'on stage,' [referring to the] Socratic method—where the teacher is the lynchpin of discussions with individual students."[29] As Professor Vollweiler notes, the Socratic method has been passed down from the origins of formal legal education. It perpetuates a command of physical space in the classroom, the establishment of authority built on hierarchy, and condones intimidation of students.[30] Similar to Dean Gallini, Professor Vollweiler connects innovation in teaching methods with the realities of the pandemic teaching landscape. In her essay, Professor Vollweiler encourages faculty to determine whether they are more committed to building out the pedagogy they learned in the pandemic or are they more loyal to the hierarchy that defined the status quo in the before pandemic times.[31]

In a related, unpublished essay, *What Remote Learning Revealed About Law Schools' Reification of the "Traditional Law Student,"* Professor Dina Haynes clearly identifies the construction of the law school classroom as a "cis, white male space" that rewards competition in the classroom, as opposed to teaching and learning.[32] Based on her experience teaching the required Constitutional Law I course and what she describes as survey data from observations, interviews, and anecdotal evidence from 157 1L students

27. *See* Debra Moss Vollweiler, *Return of the Sage (on the Stage)*, 53 SW. L. REV. 129, 129-30 (2024).

28. *See id*. at 131-34.

29. *See id*. at 131.

30. *See id*.

31. *See id*. at 134.

32. Dina Haynes, *What Remote Learning Revealed About Law Schools' Reification of the "Traditional Law Student"* (on file with author).

she taught in the prior year, Professor Haynes concluded that legal education with its in-person law school classroom attempts to mold all students into the tradition of white men as norm.[33] Drawing from survey responses, she explains how the remote education model had the anecdotal effect of creating new spaces for previously erased students so that these students could step back into the classroom with their complete identities. Through the remote educational model, many more students were empowered to engage in the classroom. This engagement inspired other students, previously marginalized, to engage. Professor Haynes identified that these multiplied engagements created a participation cascade that opened up the classroom to more voices.[34] The takeaway from this essay is that the pandemic and the concerns brought on by the Covid Care Crisis provide opportunities to study the connection between remote legal education and an increase in matriculating students who identify with being othered in the traditional, in person law school classroom.

Tina Cheuk and Maya Valree shine a spotlight on the need to expand educational equity to include parenting students, recognizing that this sub-population is often comprised of people having intersectional identities.[35] The authors surface the reality that parenting students are disproportionately impacted by the pandemic, experiencing vulnerabilities in the access to basic needs such as childcare, housing, and financial resources which make progress through higher education precarious.[36] The authors convey that four-year higher education institutions were not intentionally designed with parenting students in mind and, therefore, surface efforts during the pandemic to respond equitably to their needs had the effect, at times, to result in care-evasiveness instead of centering care responses from the lens of parenting students. As conveyed by the authors, care-evasiveness encompasses actions by higher education institutions to remain willfully ignorant about the needs of parenting students because these students are not prioritized within the student population. The authors "posit that being a student parent is considered less desirable . . . due to micro and macro interactions that include normative beliefs, cultural hierarchies, and economic costs related to enrolling and supporting student parents—effects that are biased more toward mothers who bear the brunt of caretaking responsibilities."[37]

The authors argue that the lack of systemic response to the needs of parenting students by institutions of higher education make the former both invisible and hyper-visible through lack of investment in equity-based supports and services on the one hand and the public nature of faltering

33. *See id*.

34. *See id*.

35. Tina Cheuk and Maya Valree, *Impact of the COVID-19 Care Crisis for Student Parents in Higher Education*, 53 SW. L. REV. 76, 79 (2024).

36. *See id*. at 82.

37. *See id*. at 81.

performance by parenting students on the other.[38] The two extremes are the result of exposure to an education system not designed for the needs of parenting students, while simultaneously requiring parenting students to bend to the status quo hierarchical design of these educational institutions.[39] The authors observed that parenting students mined from the pandemic opportunities and innovations in remote education that lowered the barriers for participation in higher education institutions that pre-pandemic were not as flexible and adaptive meet their schedules, needs, and support structures. The authors have taken those innovations and mapped them to a Pregnant and Parenting Students Belonging and Thriving Framework that centers the parenting student as opposed to the pre-pandemic posture of having these students bend to the traditional higher education structure.[40]

Professor Tiffany Jeffers addresses the origin story of formal legal education and the intentional design to promote the DWSICP in law schools and in the profession, while excluding Black people, women, immigrants, and similarly othered people from these institutions.[41] She too identifies that the teaching methods in formal legal education further embed the DWSICP as norming ideology, ensuring the scaffolding of processes and policies to perpetuate exclusion.[42] She extends the impact of the hierarchy in legal education to theorize about weaponized gratitude and toxic productivity resulting from systemic inequities and oppression. Specifically, she centers the experiences of contract faculty to focus on the uncertainties and insecurities they experience in the pandemic and during the Covid Care Crisis.

Professor Jeffries acknowledges that law schools momentarily shifted priorities in the pandemic from scholarship to pedagogy, recognizing the expertise of skills professors in meeting the needs of students to have more effective pedagogy and curricular development to match the remote instruction model. But she relates that administrators did not calibrate the extent to which skills professors would also be disproportionate bearers of academic caretaking duties. Moreover, Professor Jeffries posits that while beleaguered by these additional duties, contract faculty experienced "polite—and sometimes not so polite" pushback from faculty with more secure status that the former should be grateful for their positions, regardless of lower status, in the legal academy. She coins the theory "weaponized

38. *See id*. at 79-80.

39. *See id*. at 88.

40. *See id*. at 89-90.

41. Tiffany Jeffers, "*Brokenness: Navigating Precarity in the Legal Academy During the Covid Care Crisis*," (on file with author).

42. *See id*.

gratitude" to explain the phenomenon. Furthermore, Professor Jeffries coins the term "toxic productivity" to address skills professors' continued performance to meet the additional demands of more and improved pedagogy to support students, while shouldering the uncertainties and insecurities of lower status in the hierarchical legal academy. In her own words, she says "[i]nstitutions of higher education became hyper focused on the protection for and care of their students, rightly so, however, the most vulnerable faculty were left out of the self-care conversations that sprung forth as we navigated the new virtual normal," while being called to duty to take on more academic caretaking.[43] This disproportionate load echoes throughout the essays in this special issue, especially because women of color and white women are disproportionally represented in contract faculty positions.

Chad Christensen and Jacquelyn Petzold use the data from the annual Law School Survey of Student Engagement (LSSSE) to "provide some context about how caregiving during the pandemic affected law students' stress levels, the perception of the support provided by their law schools, and their overall satisfaction with the law school experience."[44] The authors added more context by explaining that even pre-pandemic some segment of the law student population "have long been caring for children, spouses, parents, and others."[45] Moreover, the authors convey that "certain groups of law students are more likely than others to have ongoing responsibilities to provide care for others, and the intensity of the care giving load also varies among students."[46] For example, the authors found that the impact of high caregiving duties is borne comparatively more by students from historically marginalized groups.[47] Even with these findings of disproportionate caregiving loads, the authors found that all students experienced declines in mental health during the pandemic.[48] The response by law schools to the challenges facing students, particularly in the academic space, was positive and impactful. Specifically, the authors found that law schools stepped up to support students in the academic realm more so than in the non-academic realm."[49] The takeaway from the authors' analyses is that law schools made pedagogical shifts and changes in the pandemic, and now it is time to institutionalize these shifts and changes.[50]

As mentioned previously, Professor Shruti Rana, was among the group of scholars writing about the pandemic who coined the Covid Care Crisis

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43. *See id*.

44. Chad Christensen and Jacquelyn Petzold, *COVID-19 Pandemic and Law Student Caregiving*, 53 SW. L. REV. 46, 47 (2024).

45. *See id*.

46. *See id*. at 48.

47. *See id*. at 51.

48. *See id*. at 53.

49. *See id*. at 55-57.

50. *See id*. at 58-59.

along with a definition.[51] Professor Rana takes a courageous approach to addressing the disparities among vulnerable faculty colleagues by framing these issues in the context of shared governance. By linking these disparities to shared governance, Professor Rana invites faculty who occupy the most secure positions in the legal academy to step up to meet the responsibilities of interdependent duties associated with responding to the needs of law schools' most vulnerable stakeholders.[52]

Professor Rana discloses the triple and quadruple intersecting identities that result in severe setbacks for women, especially women of color in the legal academy. These binds include but are not limited to: diminished economic autonomy; excessive burdens of caregiving; unfair distribution of power; all of which is against a backdrop of systemic racism.[53] Specifically, the bind is that women of color, in particular, faced additional burdens of care giving at home and in communities, while being called to provide extra support and caregiving in the legal academy, knowing that this extra work is devalued in the legal academy and that this extra work impeded women of color doing the very work that is valued in the legal academy.[54] Professor Rana righty and compellingly addresses institutional failures, magnified by the pandemic and the Covid Care Crisis, that placed additional burdens on vulnerable faculty and staff to fund solutions, as individuals, to the structural problems existing pre-pandemic and exacerbated by the pandemic, resulting from a hierarchy in legal education that has long overstayed its welcome.[55]

Having read and considered the varied perspectives of the authors sharing their knowledge and lived experiences in this special issue or in related, unpublished works, I come away with important and valuable lessons about leadership during times of crisis in legal education, but more importantly, about leadership in transforming legal education to improve outcomes for a society that relies on lawyers to be effective, empathetic, responsive, and accountable to deliver on equality and justice for all, not for a few.

Leadership in legal education has changed dramatically even before the pandemic; yet, during the pandemic the weight of leadership, while palpable, often required split second decision making that could not immediately be understood as equitable in the moment. The speed at which decisions are made does not always lend itself to ensuring complete transparency. Accordingly, it is imperative to communicate to stakeholders that the dean

51. *See supra* note 1, at 110 n.34 and accompanying text.
52. *See id*. at 124-125.
53. *See id*. at 119-20, n.45-48 and accompanying text.
54. *See id*. at 120.
55. *See id*. at 122-23.

also has heightened caretaking roles in law schools, especially because the dean is specifically responsible for the health and wellbeing of the people within the institution. Deans should be intentional in conveying the weight and gravity of those caretaking responsibilities as much as practicable and engage colleagues about decision making processes that promote transparency as well as equity as time allows.

For example, deans must engage in strategic information sharing with stakeholders regarding institutional decisions such as increasing class sizes and stepping away from harmful elitist ranking systems when those decisions ultimately generate revenue to meet budget line items that include salaries, benefits, administrative support, and the availability of emergency funds. The importance of interdependence among staff, faculty, and administrators cannot be overstated when adjusting budgets through reallocation and reprogramming of funds is required to achieve equity.

As a form of after-action review, I have compiled a list of trust- and equity-building actions that deans and administrators can consider generally but also in anticipation of the next upheaval in legal education. Law schools will not experience steady states at the same time. When such balance is perceptible, dean must consider responding to glaring pay and workload inequities. As well, deans and administrators should engage staff and contract faculty in professional development geared to promoting their level of security within the institution. Moreover, deans and administrators must actively engage with vulnerable colleagues to imbue trust so that these colleagues can approach leadership with reasonable concerns and suggestions that will respond to systems perpetuating inequities.

In times of crisis, deans and administrators have significant duties in building and fortifying relationships of trust between and among colleagues. Leaders in administration and among the most secure faculty must act interdependently to address the health and wellness of vulnerable staff and faculty colleagues. For example, distributing resources in the higher education space during a crisis means addressing the needs of students and those closest to serving them—staff and contract faculty—as the foundational platform for responding equitably. In addition, meaningful equitable responses counsel suspending or recalibrating practices and processes that are exacerbating harm to the most vulnerable students, staff, faculty, and administrators. In times of crisis, leaders must be willing to problem-pose with vulnerable colleagues as opposed to immediately attempting solutions that come from perspectives typically normed according to the prevailing hierarchy. Plainly, this means leaders positioning themselves in a posture to actively engage with vulnerable colleagues and ideate based on questions and concerns framed by those colleagues.

In summary, deans and administrators must be in hyper communication mode with colleagues as a major function of the decanal caretaking role. That said, we must take away from our shared experience in the pandemic and the current Covid Care Crisis that students, staff, faculty, and administrators are

part of an interdependent whole. We need each other to respond to these crises but also to do the vital work of transforming legal education so that we can engage with one another in spaces promoting co-created knowledge. Together, we must move toward teaching and learning communities that disrupt and dismantle hierarchies and rebuilds legal education on platforms of systemic equity.