

ONE VIEW TO ADD TO THE MANY

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LOOKING at any scene with first one eye and then the other gives a relatively accurate yet incomplete view of the subject. Viewing the same scene with both eyes open adds depth and perspective. Having several different people from varying backgrounds and experiences view the same subject from different vantage points and even during varying periods of time, renders an even more complete account.

In this brief space I would like to add my observations of some aspects of legal education to the group. So that you can understand my vantage point, I offer the following. I am in my 52nd year of life, my 33rd year of marriage, my 27th year as a father and as an attorney, and my 5th year as dean of St. Mary's University School of Law. From the time of my birth I have been a citizen of the United States of America, because I was born in this country. Soon after my birth, I became a Catholic. I am Hispanic.

As far as we all know, we have no voice in determining the location of our birth. However, I thank God daily that my birth occurred in this country. The matters which I now hold dear, including the success of my family and career, and the right to practice and espouse my religion would be less secure but for this fact. I have become even more grateful recently for the liberties and opportunities available to us in this country, and am reminded that they were not acquired and preserved by great thoughts alone. Many men, women, and children struggled, fought, and even gave their lives in this process. The Constitution and our laws are sacred indeed. As legal educators, we owe a great deal to those who have preserved the legal system we now introduce to our students.

I didn't come to these conclusions about our country and its system of justice exclusively through my own education and observations. Ultimately and perhaps somewhat ironically, it has been my involvement with immigration law that has helped me see our country, its system of justice, and our obligations as legal educators from a broader perspective.

Probably more people enter this country legally and illegally than any other country in the world. This has been true for many years. It is not because the newly-arrived like our weather (although the winters in South Texas are magnificent). Rather, it is because they recognize that the economic and political system of this country offers them opportunities lacking elsewhere.

Over the years I have had the experience of teaching and supervising students who were involved in assisting immigrants and their families. One of the most rewarding aspects has been to witness the appreciation new citizens demonstrate for their new homeland. You cannot attend a naturalization ceremony without seeing the pride and hope demonstrated by these folks for our (their) country. I have heard the same expressions from people who ultimately don't qualify to remain. In one

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immigration hearing in West Texas, a hopeful immigrant described his commitment to the United States: "I love this country I'll do whatever I can to help it. Tell me what I can do. Give me a gun—I'll fight for it!"

The commitment of this young man and others like him, coupled with the horrible events of September 11, 2001, where our immigration control system broke down, led me to re-examine my role as an attorney and as an educator. I re-read the oaths I took upon admission to practice law in each of the three states where I hold a license. There it is, in black and white. I have sworn to uphold the Constitution and laws of the United States and of the states in which I am licensed. My New Mexico Attorney's Oath concludes, "So help me God." Serious words and commitment indeed.

As law professors and deans, we are attorneys. Our role as attorneys is to educate the next generation of attorneys. Our compliance with our attorneys' oaths requires that we teach our students an appreciation for our laws and our system of justice, so that they too will be able, intelligently and effectively, to uphold the oaths they will take.

There is another important component to our obligation as legal educators. That component is the obligation of service. It is alluded to in the New Mexico Attorney's Oath: "I will never reject from any consideration personal to myself the cause of the defenseless or oppressed, or delay any man's cause for lucre or malice." It is embodied in the commitment to pro-bono service which is at least encouraged in each state. It is inherent in the privilege of receiving the education and acquiring the professional roles that we have obtained. And, from the perspective of my religious background, it is included in the observation, "What you do to the least of my brethren, you do unto me."

Teaching these obligations of justice and service is certainly complex, and developing effective methods challenges all of us in the academy. Lively debates should and must occur regarding the appropriate interpretation or enactment of laws. Healthy disagreements will take place regarding which courses to require or even teach. Not all will or must share the same view regarding what individual or institutional commitments to justice and service mean. There isn't even absolute agreement as to the criteria for admission to our law schools or to the practice of law. I certainly wouldn't presume, in this very short space, to adequately address how these obligations can be met. Instead, I offer some admittedly overbroad conclusions I have reached thus far in my career.

- ▶ This nation, and its legal and political system, offers the world's best hope for justice, freedom, and economic development.
- ▶ As legal educators, we must train new attorneys to protect and improve our legal system, and to help provide the benefits of that system to those who otherwise could not afford them.
- ▶ As we select potential new attorneys, we must keep in mind that the ability to study, practice, or teach law effectively does not inherently reside in any one group to the exclusion of others.

This last point seems self-evident. Nonetheless, perhaps a few more words on this topic might be appropriate. Again, this is only one view, and it is certainly not the last word on race relations in legal education.

We have made dramatic improvements in diversifying our law schools in the last decades, but obviously, there is still much room for improvement. When I was a law student in the early 1970s, Hispanic enrollment in American law schools was minimal. That is improving. When I began teaching law in the mid-1970s, there were perhaps only two-dozen Latino law professors nationwide. Soon we will be at ten times that number. Currently, I am one of only three Hispanic deans of A.B.A.-accredited law schools in the United States, excluding Puerto Rico. Hopefully, that too will improve. Until I arrived at St. Mary's, I was always the first or only Hispanic faculty member, and I was sometimes the first minority faculty member ever hired or tenured at the schools in which I taught. The rising number of highly-qualified Latino law students will continue to increase the pool of Latino law faculty and, eventually, deans.

In the meantime, as we pursue a goal of inclusion, how do we treat the new arrivals? First generation college students and law students (I was both) sometimes face a longer adjustment period. Lack of earlier opportunities and role models make their tasks somewhat more difficult but not unachievable. Their adjustment is due to their life experiences, not their race or national origin. They and their first-generation White counterparts must be encouraged and supported. Feelings of self-esteem and self-worth, however, are much better enhanced by successful achievement of difficult goals than by receiving condescending gestures which leave the recipient with the suspicion that the grantor does not really believe the minority student is capable of achievement in his or her own right.

In this regard, I am reminded of a conversation I had several years ago in the Midwest. A very well-meaning person, upon learning that I was from Santa Fe, asked me if I had ever known any Native Americans in New Mexico. When I responded affirmatively, she asked, "What were they like?" I thought of all the Native Americans I had grown up with. I thought of kids I had played with, kids I had fought with, girls I had dated, and some kids I just really hadn't gotten to know very well because they were busy with activities in which I wasn't involved. Some of these kids did well in school, others goofed around. Some were athletic, some weren't. Some spoke Spanish and others didn't. I did recall that the feasts at the pueblos were great. But, what were my friends "like?" I was left with telling her, "They're like you and me." She seemed disappointed with my answer.

So I hope this doesn't disappoint you as well, but what are Hispanic law students, professors, and deans like? They're like you and me. How should they be treated? In general, as we should treat everyone—fairly and compassionately, holding them and ourselves to the same high standards that should apply to everyone.

This is only a rough outline of one perspective on legal education. Next year, God willing, I'll be in my 53rd year of life, my 34th year of marriage, my 28th year as a father and as an attorney, and my 6th year as a dean. I can hardly wait.