



Anti-Racist Mentorship

Turning Good Intentions into Meaningful Change

BY J. RYANN PEYTON

The legal profession has struggled for a lifetime to create equity within the profession. In recent years, numerous scholarly and opinion articles have recognized cross-race legal mentorship as a necessary component of achieving this goal.¹ But while these authors, researchers, and academics are correct in their assessment of the necessity and benefit of cross-race mentoring relationships in the legal profession, it is imperative to understand that such relationships are a result of centuries of social stratification within the profession.

The relationship between a white mentor and a mentee of color is predicated on years

of historical practices, political decisions, and attitudes that have unequally distributed economic and intellectual resources within the legal profession.² Successfully navigating legal institutions (law firms, bar associations, etc.) is based on colonialist notions of social hierarchy, assimilation, and credentialing, about which the white mentor is supposed to have some insight to provide a lawyer of color.³ Yet we know that success in the legal profession is not merely a navigational issue and is predicated instead on matters of access and opportunity.

This article contains lessons I have learned as a well-intentioned white mentor seeking to move beyond merely helping lawyers of color

survive the profession to actually eliminating the social, political, and economic arrangements and practices that necessitate these survival tactics in the first place.⁴ I specifically call on my white colleagues to learn from and teach one another. We are responsible for creating and maintaining the privilege we hold in this profession, and as such, we bear responsibility for ending it. We cannot be anti-racist lawyers and mentors in a vacuum. It will take many of us to step into the role of an anti-racist mentor to change the structures within the profession that continue to perpetuate the ongoing disparities for lawyers of color. If enough of us are willing to engage in this journey of anti-racism, we can rapidly transform our awareness into meaningful action.

What is Anti-Racism?

The current national conversation on race, justice, and policing has focused attention on the role of the legal profession in perpetuating white supremacy and racism in America.⁵ People often think of white supremacy and racism in terms of individual actions. These words may conjure up images of people in white cloaks or neo-Nazis with shaved heads. But racial discrimination is not always so overt. Structural and systemic racism is all around us. We are born into it. It is deeply embedded in our culture and our communities, including the legal profession. It is so pervasive that lawyers often don't even notice how policies, institutions, and systems disproportionately favor some while disadvantaging others.

"White supremacy" is the existence of racial power that denotes a system of structural or societal racism that privileges white people over others, regardless of the presence or absence of racial hatred.⁶ White racial advantages occur at both a collective and an individual level, and white supremacy denotes that white people and white ways of being—of beauty, of working, of thinking, and so on—are treated as the baseline, the norm, and all other ways are treated as deviations on that norm.⁷

People often mistakenly believe that simply being "not racist" is enough to eliminate racial discrimination and white supremacy. The problem with this perspective is that many

people are not only unaware of their own unconscious biases about race, but also don't fully understand the institutional and structural issues that uphold white supremacy and contribute to racist behaviors, attitudes, and policies.⁸

The concept of anti-racism has its roots in abolition and has been around throughout the 20th-century civil rights movements. More recently, thanks to the work of Ibram X. Kendi and other scholars, activists have used the term "anti-racist" specifically to make the point that it is not sufficient to merely be non-racist. As Kendi explains in his 2019 book *How to Be an Antiracist*:

The opposite of racist isn't "not racist." It is "anti-racist." What's the difference? One endorses either the idea of a racial hierarchy as a racist, or racial equality as an anti-racist. One either believes problems are rooted in groups of people, as a racist, or locates the roots of problems in power and policies, as an anti-racist. One either allows racial inequities to persevere, as a racist, or confronts racial inequities, as an anti-racist. There is no in-between safe space of "not racist."⁹

To be an anti-racist, Kendi and others say, requires an understanding of history—an understanding that racial disparities in America have their roots, not in some failing by people of color, but in policies that serve to prop up white supremacy.

The legal profession and its institutions are not exempt from the influence of white supremacy and the racist systems, structures, and false meritocracies that perpetuate such supremacy. As a result, legal mentors are also influenced by these factors and as leaders within the profession have an obligation to confront the racial inequities of our profession as an anti-racist.

Educate Yourself and Do Your Own Work

It might be uncomfortable to acknowledge white supremacy within ourselves and our profession's institutions. Such acknowledgement may cause feelings of guilt, shame, and defensiveness. This fragility, however, does little to create a more diverse, equitable, and inclusive legal profession.

Part of becoming an anti-racist mentor is acknowledging our own positions of power in a white supremacist system. I acknowledge that I am a white person, and as such, I cannot talk about what it feels like to experience racism or to fight against it as a person of color. But it's also not the responsibility of the lawyers of color in our profession to fix racism or explain to white lawyers how not to be racist. As such, self-reflection must coincide with the external work of dismantling structural white supremacy within the profession.¹⁰

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Anti-racism requires looking at your own beliefs and actions critically. Research has shown that even people who support racial equality often unknowingly hold racist attitudes.¹¹ This discrepancy is often explained by the existence of implicit biases, or attitudes that are largely unconscious but nevertheless influence behavior. For example:

- While people may consciously support racial justice, they can still hold subtle

beliefs about different races, often based on internalized stereotypes.

- Data from the Implicit Association Test (IAT) has found that while nearly 70% of white respondents claim to have no preference between Black and white, almost the same percentage of respondents showed some type of preference toward whites on the test.¹²

While it is impossible to rid yourself of your cognitive biases entirely, it is possible to develop critical thinking skills that allow you to challenge your assumptions. Doing the work to understand your implicit biases will assist you in building the skill to challenge the schemas, stereotypes, and assumptions that underlie those biases. If you are interested in learning more about your own implicit biases, you can take the IAT for free through Project Implicit.¹³

In addition to understanding your own beliefs and biases, take time to educate yourself about the history and effects of racism on the systems, structures, and institutions of our country. Learn how racism continues to shape our social, economic, legal, and political institutions. Seek to understand how racism influenced the construction of the legal profession, including its institutions, hierarchies, and disparities to access. There are many ways to learn more about the history and societal effects of racism. Some recommended¹⁴ books and online resources include:

- *How to Be an Antiracist*, by Ibram X. Kendi¹⁵
- *So You Want to Talk About Race*, by Ijeoma Oluo¹⁶
- *An Antiracist Reading List*, compiled by Ibram X. Kendi for *The New York Times*¹⁷
- Code Switch, a podcast series from NPR¹⁸
- Racial Equity Tools.¹⁹

Finally, it is critical to listen to what BIPOC (Black, indigenous and people of color) lawyers have to say about racist behaviors, policies, and systems within the profession. Remember that just because you have never experienced or witnessed these things doesn't mean they don't happen. Reflect on the systems and structures within the profession that may have benefited you in your career but may be rooted in racism or create disparities for lawyers of color.

Also recognize that race intersects with many other aspects of a person's identity, including sexual orientation, gender identity, nationality, and disability. Not all people are impacted by race in the same way. Black women, for example, are affected by both racial discrimination and sexism.²⁰ Listening to these experiences and contemplating how systems, policies, and structures may affect people differently can help legal mentors adopt an anti-racist approach to mentoring lawyers of color.

Have Courageous Conversations

The historical hierarchies and power imbalances of the legal profession make it difficult for lawyers of color, as well as allied lawyers without influence, to call out racist behavior and structures when they encounter it. In your journey to become an anti-racist mentor, you must be willing to replace polite conversations about unconscious bias with courageous conversations about race and racism. A courageous conversation is necessary but often difficult to have, yet when done effectively, it can have a dramatic impact on racial equity within the legal profession and its institutions.²¹

Courageous conversations require us to step out of our comfort zones to discuss a topic that might well cause an emotional response. Lawyers tend to avoid courageous conversations, but they can be instrumental to anti-racist mentoring. To work, they require an atmosphere of trust and respect. Participants must feel free to share their views openly and truthfully. All participants must come with an openness to learn and a desire to understand others' perspectives.

A courageous conversation can happen in both informal and formal settings. Informally, it can happen when you speak to a colleague to discuss a discriminatory behavior or comment. It can also happen in more formal, organized settings, such as when you are engaging in a strategic planning meeting, evaluating hiring, compensation, and promotion systems and policies in your workplace, or identifying systemic issues that create barriers to inclusion for lawyers of color within the profession and developing solutions to mitigate or eliminate those hidden barriers.

Those who engage in courageous conversations about race must admit that they may not know all they have claimed to know or honestly believed they knew. Because we are—individually and collectively—constantly being socialized into racialized points of view, it is likely that we will discover places of intense disagreement and experience new levels of cognitive dissonance as we unpack the various perspectives we have absorbed.

We must not retreat from the conversation when our opinions do not align with opinions of others or opinions we previously held as individuals. Through normalizing the presence of multiple perspectives, we can avoid a situation in which one dominant way of understanding race invalidates all other experiences and different points of view.

Finally, when having courageous conversations with other members of the profession, we should expect and accept a lack of closure. As much as lawyers appreciate definitive answers, conversations about race usually provide no resolution. There is no such thing as perfection in anti-racism work. There is only progress. Racism is not a topic that has achieved closure in the broader world. As such, we should accept that our courageous conversations will be ongoing within the profession as well.

Work Toward Systemic Change

The effects of bias and racism are especially damaging when they are woven into the law, legal profession, and justice system, where they can weaken the ability of these systems to safeguard equity and justice under the rule of law. As lawyers, we have an obligation to ensure that all members of society have meaningful access to the law, justice systems, and the legal profession. More specifically, legal mentors, with their access to the profession and technical expertise within it, must lend their skills and access toward proactively supporting anti-racist policies, practices, and movements within the profession. For those seeking to use their privilege in the profession to work toward systemic change, consider the following opportunities for engagement:

1. Assess and address the structures, systems, and policies where you work and lead.

There is a well-documented lack of diversity in the legal profession, at all levels of the bench and bar. Whenever and however you are involved in the profession, seek to strengthen equity, diversity, and inclusion by addressing the structural roots of this disparity within organizational policies, hierarchies, systems, and processes.

2. Elevate, but don't exploit, the voices of people of color within the profession. Consider the people you most trust and respect within the profession. What is their race, gender, class, ability, religion, and so on? Not surprisingly, the people on this list are likely very similar to you and reveal how homogeneous your most trusted professional connections are. In a profession still overwhelmingly dominated by lawyers who are white and male, it is not absurd to assume that those most "trusted" within the profession are also white and male. As an anti-racist mentor, think critically about how you can both break down barriers for and elevate the voices of BIPOC lawyers within the profession. At the same time, balance the elevation of BIPOC voices with the tendency to place the burden of reform on them. Remember it is not the sole job of BIPOC lawyers within our profession to educate us on the impact and disparities of structural racism. You can still request feedback and create an opportunity to engage or collaborate with BIPOC individuals in elevating lawyers of color, but do not expect them to take on the extra emotional and time-consuming burden of systemic change.
3. Identify possible partners who are committed to helping BIPOC and other underrepresented lawyers find success in the legal profession and begin to build relationships with those people and entities. In building relationships with other anti-racist lawyers and organizations within the profession, you can further your own learning and more intentionally make connections and introductions in safe and inclusive spaces for BIPOC mentees seeking to grow their networks and influence within the legal community.

4. Individualize your engagement with mentees of color. If you're not focused on racial justice, mentoring essentially amounts to bringing lawyers of color into a profession that you know is precarious for them and including them in a culture where the only way they can survive is assimilation. When providing mentoring guidance to BIPOC mentees, consider your advice through an anti-racist lens. For instance, when it comes to overcoming professional setbacks, resilience is a multilayered and complex concept, particularly for BIPOC lawyers. As Justice Sonia Sotomayor has so eloquently stated, "not everyone can pull themselves up by their bootstraps . . . sometimes no matter how tall the heel on your boot is, the barrier is so high, you need a small lift."²² Your advice and guidance to mentees should consider what that "small lift" might be to ensure that you are not simply instructing a mentee of color to achieve their goals by assimilating to the predominantly white culture of the legal profession.
5. Acknowledge the ongoing racial justice reckoning in America. As an anti-racist mentor, you must acknowledge America's racial justice reckoning and the ways in which the current events directly impact BIPOC members of our legal community. Recognize that the experiences they're having might be painful, isolating, and frustrating in ways that you could never imagine. Acknowledge the trauma and grief at play and take the opportunity to continue to educate yourself and do the work to be an effective ally and accomplice to your BIPOC colleagues.

Conclusion

As we think about how to transform our profession and organizations to be inclusive, just, and equitable, we need to understand that this is a collective effort. Making privilege visible and interrupting racism requires partnership with lawyers of color. Otherwise, we may do more harm than good. If we charge ahead, eager to impose our solutions and interventions, we replicate old patterns and run the risk of

jeopardizing the progress our colleagues of color have been working toward long before we sought to become involved.²³

The responsibilities of being an anti-racist mentor and ally include being willing to take risks, speak up, and increase our own and others' awareness to show the impact of racism, white supremacy, and privilege on the structural, practical, and individual levels of our profession. Our work as allies must always and everywhere be grounded in humility, collaboration, and accountability.

If you resonate with the notion of being a well-intentioned white lawyer seeking to do more to break down the systemic and structural

inequities of our profession, I invite you to join me on this journey and engage in a collective effort to improve mentorship through anti-racism work. 



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NOTES

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2. "'Trading Action for Access': The Myth of Meritocracy and the Failure to Remedy Structural Discrimination," *Harvard L. Rev.*, vol. 121, no. 8, 2156 (2008), www.jstor.org/stable/40042735.
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7. "Awake to Woke to Work: Building a Race Equity Culture," *Equity in the Center* (2020), https://equityinthecenter.org/wp-content/uploads/2020/09/eic_aws-pub_wip_final.pdf.
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10. *Id.*
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- in the domains of racism and sexism," 146 *Personality and Individual Differences* 111 (2019).
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13. Harvard Implicit Association Test, <https://implicit.harvard.edu/implicit/takeatest.html>.
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15. Kendi, *supra* note 9.
16. Oluo, *So You Want to Talk About Race* (Seal Press 2018).
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