AN INTERVIEW WITH DEAN D. GUTER: DIVERSITY IN LEGAL EDUCATION

In this conversation between Donald J. Guter, president and dean of South Texas College of Law Houston, and Amanda Green, STCL Houston manager of communications, they explore the meaning of diversity, ways to advance it, and how it relates to legal practice, education, and justice.

GREEN: Part of the STCL Houston mission is to educate "a diverse body of students." How do you define diversity?

GUTER: My definition of diversity is very broad. It far exceeds just those protected classes—race, religion, color, nationality, age, sexual preference, and mental and physical ability. When I think of a diverse body of students, I think they represent the spectrum in all of those categories, plus a diversity of economic backgrounds, social backgrounds, work and life experience, and even first-generation law students versus those with a family line of lawyers. Every variant creates richer conversations. Like the universe, it's infinite.

GREEN: Absolutely! So now that we've defined diversity, let's talk about what it looks like in practice. What are the hallmarks of an organization that is committed to an inclusive environment?

GUTER: Well, of course, you can look at the distribution of different categories to get a basic picture of diversity. But *inclusion* is more intangible. The only way I know to measure inclusion is by the number of students who have expressed to me that they feel welcome and accepted here. When you don't feel represented or understood, it's hard to feel welcome.

A commitment to inclusion means taking direct, deliberate action to expand the experiences and viewpoints that are present at the table. And oftentimes, that means the recruitment and hiring process takes more patience because you have to expand the pool. You have to search for people outside your usual circles. And, you have to do the work to create pipelines.

Sometimes it's a matter of finding new people and saying, "You have the skills we need. I want you at this table. Are you interested?" That explicit invitation is important. Eventually, if you are doing it right, you will no longer have to go to great lengths to do it. The circle expands organically.

GREEN: In what ways do you think the law school has met that commitment to diversity and where do we have opportunity to grow in this area?

GUTER: I think we've made tremendous strides over the last 10 to 15 years to make our student body more reflective of the Houston community. And, I think we go beyond that to inclusion—building a culture that embraces diversity and doesn't see anybody as "the other."

We do have some work to do in other areas, particularly with leadership and faculty. For one thing, the people who have held my position since the law school's inception have been pretty homogenous. They are all incredible and respected leaders; I don't discount that at all. But I would like to see wider representation in the future.

Promoting diversity is more than the absence of discrimination. That's

an important distinction. You have to raise consciousness. You have to recognize who is absent, figure out what obstacles you may have unknowingly created to their access, remove those barriers, and be deliberate about inviting everyone to the STCL Houston family.

Simply put, you have to treat people as individuals and not just data points. For example, when we assess prospective students, grades and scores are only one part of the equation. We get to know their stories, to understand what they've accomplished and what they are capable of. The value they bring cannot be captured fully on paper. Part of diversifying, which might seem counterintuitive, is focusing more on individuals and less on groups or categories.

GREEN: Do you think diversity is particularly important to the study and practice of law? How are diversity and inclusiveness related to justice?

GUTER: I absolutely do. The practice of law demands that one develop an understanding of both sides of an argument. That requires a certain level of empathy that I don't think you can develop without being exposed to varying ideologies and viewpoints.

Diversity and inclusion are critical to justice. So much of law is about establishing norms. For the majority of our country's history, the body of people who decide what is normative has been comprised of one primary demographic—white, heterosexual males. But they—or *we*—do not reflect the majority. In order for people to feel they've received justice, the outcomes and the norms have to be representative of their own experiences**.** So, if you don't have diversity in the system, there will always be people who

are left on the margins. When you don't feel like the rules, the judiciary, and the people representing you reflect your experience, it's hard to feel a sense of justice. It creates divisiveness in a system that is supposed to represent and foster the common good.

GREEN: That concept of representation has been a major topic of recent discourse. Our current social climate often can feel divisive, especially as it relates to law and policy. How can law schools and other educational institutions foster a supportive environment that values and respects differing perspectives?

GUTER: Naturally, diversity in people comes with a diversity in perspectives. And those perspectives are going to challenge, contradict, and sometimes outright clash with one another. Dissonance is healthy and necessary; what we need to avoid is letting it destroy our respect for one another. And the key to that is tolerance.

In an educational institution, it has to come from the leadership. We have a responsibility to set the tone. We have had some controversial speakers on campus in the past, and we made sure to have conversations with students in advance to acknowledge their concerns about the issues but also to set the expectations we have for conduct on our campus. You have every right to disagree with someone, but everyone should be treated fairly and with respect. Sometimes that means allowing someone's right to free speech to supersede your desire to speak over them.

GREEN: That leads into our next question. What is most challenging about working or learning in a diverse environment? How can one effectively overcome those challenges?

GUTER: In a diverse environment, it can take more effort to build consensus because people are coming in with different points of view and baggage. Overcoming that challenge requires individuals to confront their own preconceived notions, stereotypes, biases, and privileges. You have to get comfortable with being uncomfortable. You have to recognize that you don't know what you don't know.

Prejudice is not always a matter of good versus evil. Good people can be misguided, too. A lot of times, issues become so polarizing because the matter at hand, whatever it is—healthcare, religion, immigration—is not personal enough. And the way you get past that is by getting to know as many different kinds of people as possible. So that when something arises that affects a certain group—whether that's a political issue, religious persecution, whatever it is—you have a personal stake. Sometimes familiarity breeds contempt, but a lot of times familiarity creates a personal stake in an issue. And that turns into empathy.

GREEN: Can you think of a time when you had to confront your own bias?

GUTER: A turning point for me was not necessarily the confrontation of a bias, but an awakening or a realization of privilege. I was the first in my family to attend college, then I went on to join the Navy as an officer. And the differentiating factor between officers and enlisted sailors is most often formal education level.

I realized that, while I had worked really hard, it was a healthy amount of privilege that got me a commission. My life easily could have turned out

much differently, except for some critical turning points—the biggest one being when my mom married my stepfather. He was highly educated, and really instilled in me the importance and value of education. He had higher expectations of me, so I had higher expectations of myself. Had he not entered my life when he did, things could have turned out very differently for me.

GREEN: Right, it is so important to identify and be forthcoming about the people and things that help us along. Speaking of the Navy, you were a Judge Advocate General and retired as a rear admiral. How have your previous work and life experiences prepared you to advance the law school's commitment to diversity?

GUTER: The Navy, and the military at large, is an organization that historically—while maybe only out of necessity in the beginning— has taken the lead in terms of diversity. And it's an environment that demands tolerance. Now, part of that is because you are dealing with matters of life and death. In the line of duty, in fact, intolerance is not safe; you are counting on one another to stay alive.

But the other integral piece to that is being united around a common goal; all members of the military take the same oath to protect the country and uphold the constitution. I try to apply the same concept to my leadership at the law school—clearly define the goals, get buy-in on them, and hold each other accountable for staying focused on the mission. When everyone is clear about the mission and committed to it, differences are much less likely to get in the way.

GREEN: What have you learned personally from working

with diverse populations?

GUTER: We are more alike than we are different. At a base level, we all have the same wants, same needs, same desires, goals, and ambitions.

But the things that make us different truly are enriching. I'd rather live in a more diverse world than not. It's like the difference between black-and-white TV and Technicolor. Lack of diversity is boring and it's confining. I don't think you can be all you can be unless your world is diverse.

This interview has been condensed and edited for length and clarity.