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# Society of American Law Teachers

**Professor Eileen Kaufman**

Touro Law School  
300 Nassau Road  
Huntington, NY 11743  
631-421-2244 x. 386  
Eileenk@tourolaw.edu

**Professor Tayyab Mahmud**

Seattle University School of Law  
901 12th Avenue Box 222000  
Seattle, WA 98122  
206-398-4148  
mahmud@seattleu.edu

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October 27, 2006

Dean Michael H. Schill  
Dean and Professor of Law  
UCLA School of Law  
PO Box 951476  
Los Angeles, California 90095-1476

Re: UCLA Moot Court 2006-2007 competition problem

Dear Dean Schill:

As you are aware, the Society of American Law Teachers promotes justice, diversity, and excellence in the legal academy and legal profession. With over 800 members from 165 law schools, SALT is the largest membership organization of law professors in the United States. We are writing to express our concerns over the UCLA School of Law Moot Court Board's 2006-2007 competition problem and your school's response to those concerns.

As you may know, one of the values that SALT seeks to promote is diversity in the student body, on faculties and in the administration of law schools. Over the years we have discussed and developed proposals that are designed to promote inclusiveness. We are writing, therefore, not simply to complain but also to offer suggestions on strategies that can be used to address situations like this one and to avoid insensitive and discriminatory conduct in the future.

The Moot Court Board's 2006-2007 competition problem posed a hypothetical that tapped into several virulent stereotypes surrounding Latinos and more specifically Mexicans and Mexican Americans. The selection of an undocumented immigrant from Mexico propagates the stereotype that all Latinos are foreigners who crossed the border unauthorized. Casting this undocumented immigrant as a child molester also mirrors the familiar conception of Mexicans and Latinos as criminally inclined and as sexually depraved. Further, the references to alcoholic beverages such as the "State of Patron" (tequila) evoke the perception of Latinos as awash in alcohol.

These stereotypical views of Latinos have been flagged and debunked soundly by legal scholars. See, e.g., Steven Bender, *Greasers and Gringos: Latinos, Law, and the American Imagination* (NYU Press 2003); Richard Delgado and Jean Stefancic, "Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?," 77 *Cornell L. Rev.* 1258 (1998). Moreover, they did not further any of the legitimate pedagogical aims of the Moot Court exercise. To the contrary, the use of stereotypes in any teaching document at a law school only alienates and disparages students of color and even promotes a culture of exclusion in the legal profession and our systems of justice. The unfortunate remarks of Justice Scalia during oral arguments in a deportation case, in which he quipped: "Nobody thinks your client is really, you know, abstaining from tequila down in Mexico because he is on supervised release in the United States," should make us, the educators of lawyers, consider how tolerating stereotypes in our profession affects clients and compromises the legitimacy of our legal institutions. Scalia's "Tequila" Remark Raises Eyebrows During Immigrants' Rights Argument <http://www.law.com/jsp/law/LawArticleFriendly.jsp?id=1159866330272>.

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This Moot Court problem also comes against a political and social backdrop marked by increasing attacks on Latinos, documented and undocumented. For some, it is fair game to portray and attack the “dirty Mexican.” UCLA too has a regrettable share of the blame for propagating these images in the past—among the incidents on campus are a UCLA fraternity whose manual for new members included a song about a submissive Mexican whore, and a screening by the UCLA film school that depicted a Mexican woman having sex with a donkey. See *Greasers and Gringos*, 68.

With this background, the Moot Court Board’s pursuit of “levity” rings particularly hollow. Letter from 2006-2007 Moot Court Executive Board to Fall Moot Court Competition Participants, Oct. 12, 2006. Although the Moot Court Board apologized to the competition participants, we are informed that the Board has not apologized formally to the UCLA law students of color who immediately raised an outcry as a group to the 2006-2007 Moot Court problem. Moreover, the Board has not apologized to the broader community for its inexcusable choice to mock Mexicans in this year’s problem. SALT joins the call for such a public apology.

We understand the UCLA law students of color have urged the development of a review system to ensure against a repeat of racially insensitive language in Moot Court problems. While joining this call, we suggest that UCLA’s School of Law act more broadly to consider ways to inform its students, staff, and faculty on principles of racial and cultural sensitivity in other aspects of legal education such as legal writing problems, examinations, and classroom hypotheticals. Justice Scalia’s recent remarks suggest the need for such education and review extends beyond the classroom to legal practice and the courtroom. We would be pleased to see the UCLA School of Law assume a much-needed leadership role in these areas.

As a law dean, there are several ways that you can lead in creating an environment receptive to racial and cultural diversity. Addressing this Moot Court incident, you could meet with representatives of the students of color and hold a town hall meeting for students at the law school. More broadly, this incident should spark a review of curricular offerings to ensure a forum for engagement of these racial issues, such as by offering a Latinos and the Law course, or sponsoring academic conferences and guest speakers. Although we understand the constraints of Proposition 209 on faculty hiring and student recruitment, we also believe that failing to create a welcoming cultural and academic environment for students of color will drive them away and run counter to principles of justice and equality unaffected by this Proposition.

Please consider SALT a partner in your efforts to develop these racially and culturally sensitive remedies.

Sincerely,



Eileen Kaufman & Tayyab Mahmud,  
Salt Co-Presidents