

## INTRODUCTION

### *Law School, Panethnicity, and Confessions of an Imposter*

As much as the dominant white group might say that [race] doesn't matter to them, they notice it too, but they don't say anything. But when you're in their presence, they know "there's a Latina here." They identify you that way. . . . [T]hey are categorizing you in that way. And it's from experience. . . . As much as you want to think that the problem isn't there in terms of discrimination or social isolation, it is there. I feel like you always have a choice to be like, "I don't care. It doesn't matter. I'm going to be who I am," which is really great. But at the same time, you really can't ignore the fact that you're still—you're not white. (Noemi Castillo)<sup>1</sup>

In some ways, it's almost like a double whammy. Like, I'm Asian American, so they expect me to be a model minority and to be polite and acquiescent and quiet. And be a hard worker who doesn't stir up trouble. I stir up trouble, and it freaks them out because it doesn't fit [with] what they think an Asian American is. But I'm not quite a black person, or Filipina, or I'm not Latina. And that incongruence freaks people out. (Bryn Singh)

**T**he legal profession is racially diversifying, but law students like Noemi and Bryn describe still feeling as if they do not belong. Both women talk about the assumptions that others make about them: Noemi speaks of white peers categorizing her as Latina and of not being able to hide or ignore her ethnicity, even when she does not want to think about it. Bryn

grapples with her peers' racialized and gendered stereotypes of Asian Americans as polite, acquiescent, and quiet hard workers—characteristics that do not describe Bryn. This book examines processes of racialization during law school specifically, but it provides broader insights regarding racial inequalities in society in general. I initially chose to focus on law schools given the growing number and prominence of both Asian American and Latino lawyers. But other factors make law schools compelling research sites, illustrative of dynamics in American society at large. Paradoxically, it is precisely because law schools constitute a particularly rarified realm to which only a few have access that I suggest they can offer unique insights into *how* racialized privilege—and its counterpart, inequality—are produced and maintained.

First, American lawyers need to be proficient, if not fluent, in the English language. Unlike medicine or science, technology, engineering, and mathematics fields, law is immersed in understanding, interpreting, and recreating language. Individuals who are interested in pursuing law must have adequate command of American English. This requires, at the very least, going to college and earning decent grades. The Department of Education reports that 46 percent of Americans held college degrees in 2015. While this is a 13 percent increase since 1995, it is prudent to note that the majority of Americans—54 percent—are not college graduates. Law students fit squarely into the minority of Americans who are college educated. Moreover, once they earn their law degrees, they will be among the 9 percent of Americans who hold a master's degree or higher (National Center for Education Statistics 2016) and part of the less than 0.5 percent of Americans who are attorneys.<sup>2</sup> This fact alone places law students into a socially and economically privileged status.

Further, requirements for practicing law vary by country and jurisdiction. In select countries, including most of the United States, the practice of law requires an advanced degree, such as a juris doctor (JD). The students interviewed and observed for this book were all JD candidates. Equivalent to an MD (doctor of medicine) or a Ph.D. (doctor of philosophy), a JD is the terminal degree required for law practice. As noted previously, earning a JD thus places law students in an elite category that does not reflect the educational attainment of most Americans.

Second, law is a prestigious profession in common law countries, such as the United States, precisely because its practice signifies advanced education and training. *Common law* refers to a legal system built on interpreting precedent so that principles applied to similar facts produce comparable outcomes. In this sense, common law systems practice a form of pseudoscientific inquiry ostensibly characterized by systematic, rather than arbitrary, findings. Attorneys require specialized training not only to become familiar

with the content and application of the law but even to understand legal language itself. Popular jokes about cheating or lying attorneys notwithstanding, the law is a respected and stable profession. To possess the title of lawyer connotes intellectual prowess and ability.

Third, the United States remains the economic center of the world, and lawyers are often intricately involved in international endeavors. Major corporations, banks, and government entities retain in-house legal counsel. Unlike the medical profession, which is also seen as prestigious, law is paramount on the international stage and affects the economic direction of this country. It is, therefore, a powerful profession.

And finally, the time necessary to acquire a JD is relatively short compared to training for an MD or a (humanities or social science) Ph.D., for example. In just three years, a law student transforms into a corporate attorney, a judicial clerk, or a business counsel, to name just a few possibilities. This relatively brief but extraordinarily intense training provides researchers with a unique opportunity to investigate how professional socialization happens in a short period, at a particular institution—an institution that, as law students themselves put it, first “scares you to death, then works you to death, then bores you to death.”<sup>3</sup>

Law schools are thus intricately tied to the social world yet are uniquely exclusive and house exclusionary spaces within themselves. Thus, they serve as vivid microcosms of how systemic inequalities are sustained and (re)produced. When Asian American and Latino law students enter these spaces, they receive an education in long-established culturally dominant norms and practices *and* in where they as nonwhites fit in relation to those norms and practices. How these students learn to become lawyers is an exercise in learning to be upwardly mobile, racialized Americans. It is essentially a lesson about assimilation into mainstream America—both its promise and its limits.

Asian American and Latino law students entering an elite profession evoke three separate yet interrelated types of assimilation: assimilation into mainstream America; assimilation into the legal profession; and assimilation into panethnicity. Let us begin with how law school both teaches and effects assimilation into mainstream America. The ability to become a professional signifies acceptance by mainstream society. And such acceptance, without (much) protest, generally represents a step toward full membership into the mainstream. The increase in Asian American and Latino law students and lawyers can read as a testament to this successful endeavor—the acceptance of Asian Americans and Latinos within American society.

Law students learn how to become lawyers, a process that requires assimilation into the legal profession. This entails learning to decipher cases, formulate arguments, and speak legalese. But it also involves subtler, less

obvious lessons—for example, assertiveness is an invaluable trait for success in law school and, indeed, the legal profession. Asian American and Latino law students assimilate to such cultural norms but simultaneously recognize that they do not represent the modal law student. Most of their peers are white and hail from families with strong roots in the United States. As mostly second-generation immigrants, Asian American and Latino law students represent a different profile. They are nonwhite, and they are continually made aware of their otherness. This happens directly, through their interactions with peers and professors who often make assumptions about Asian American and Latino law students' immigrant status, cultural knowledge, and admission into law school (merit versus affirmative action). But it also happens even through the omission of race in the color-blind classroom—a strategy that preserves whiteness's position of unspoken privilege, thus actually heightening race's significance. Through these processes, Asian American and Latino law students assimilate to law school both by learning about the law and by learning their position as nonwhite persons within the racialized spaces of law school and the legal profession.

This is not to say that race and ethnicity are completely absent from or invisible in the law school environment or experience per se; rather, they are acknowledged and framed in particular ways. Panethnicity thrives in law school in the form of panethnic student organizations, which provide academic, professional, and social support to their members. Such organizations rely on broad classifications that group a number of specific, often highly diverse, ethnic identities—hence, associations for Asian American students instead of Chinese American or Korean American students and for Latino students instead of Mexican American or Cuban American students. Law students study with panethnic organization members, eat meals with them, and attend networking events with them. Importantly, most of the Asian American and Latino law students in this book were not involved in panethnic associations before law school but chose to align with specific ethnic identities. But law school changed that, as the respondents not only joined panethnic student organizations but also came to align themselves increasingly with panethnic causes and identities. In this way, Asian American and Latino law students thus also learn to assimilate panethnically.

Social experiences in broader society, law school, and among copanethnics shape how Asian American and Latino law students understand their law school socialization. Their otherness—in this case, race—begins to significantly matter as they learn how to become lawyers. Panethnicity is both asserted by individuals and ascribed by their law school surroundings (Cornell and Hartmann 1998). The product is that these nonwhite, panethnic, mostly second-generation immigrants experience incidental racialization while undergoing professional socialization.

## Supreme Court Justice, Attorney General, and Legal Advisor: Asian Americans and Latinos in the Spotlight

In August 2009, Sonia Sotomayor, a Puerto Rican woman, was confirmed to the U.S. Supreme Court. Sotomayor's confirmation elicited excitement and pride within the Latino community, as she is the first Latina to sit on the high bench. Civil rights and immigration attorney Antonia Hernandez remarked that Sotomayor's "entry into the most private of clubs in this country" (Hughes 2009) provides hope for young Latinos throughout the United States. In 2005, President George W. Bush appointed Alberto Gonzales, who is ethnically Mexican, to the position of attorney general. Gonzales held this position until 2007, during which time he gained much attention (and generated controversy) for drafting memos regarding Al-Qaeda and Taliban detainees. Vietnamese American Viet Dinh served as assistant attorney general from 2001 to 2003 and was the chief architect of the Patriot Act. Ethnically Korean, Harold Koh was legal advisor to the Department of State from 2009 to 2013, nominated by President Barack Obama. He had previously served as the dean of Yale Law School, from 2004 to 2009.

Sotomayor, Gonzales, Dinh, and Koh are similar in many ways: they all have made headlines in major news outlets, they all have law degrees from elite law schools (Harvard and Yale), and their prominent positions and visibility in the mainstream are often pointed to as providing young Asian Americans and Latinos with positive role models. Twenty years ago, one would be hard-pressed to find Asian Americans and Latinos in such high-profile positions, but today, select members from these two racialized, pan-ethnic groups have indeed acquired visibility and continue to make strides in a profession that, at one time, did not welcome them.<sup>4</sup>

But does visibility in the mainstream translate to successful U.S. integration? On the surface, it may appear so. Trumpeting successes like these, some scholars suggest that Asian Americans and Latinos are making it through upward mobility (Alba and Nee 2003; Bean and Stevens 2003; Brown and Bean 2006). But such analyses fail to offer insight into the complexity of assimilation experiences and how Asian Americans and Latinos interrogate their (pan)ethnicity<sup>5</sup> while learning to become professionals.

Extensive research on race spotlights how phenotype affects everyday experiences. Professionals of color—black, Asian American, Latino—are harassed, discriminated against, or assumed to be foreigners in daily interactions with strangers.<sup>6</sup> Panethnicity or race marks individuals in conspicuous ways, without regard to educational attainment, profession, or wealth. This, then, leads to the question: How does panethnicity matter for neophyte professionals? In this case, for law students?

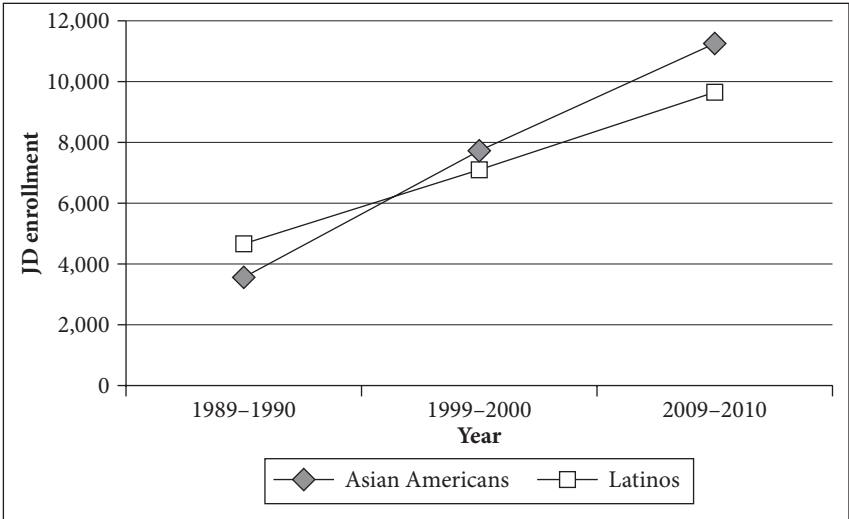
To answer this question, I first examine research that speaks directly to the experiences of Asian American and Latino professionals, as racialized

individuals and as immigrants. Though there is some literature on this subject, none of it is within the broader profession's literature.<sup>7</sup> Of the available works on Asian American and Latino professionals, few directly examine the intersecting processes of racialization and professional socialization. This lacuna fuels my desire to interrogate mainstream integration and racialization. But before we explore the issues, we need some context on how, in general, professional socialization happens.

### When Professional Socialization Happens to Good People

Since the mid-1960s, social scientists have taken an interest in the socialization of future doctors, lawyers, surgeons, and social workers, among other professionals.<sup>8</sup> Prior research demonstrates that while these aspiring professionals begin their professional education with individual sets of ideals, each profession has its own dominant culture to which the new initiates must learn to adapt. New medical and law students, for example, begin their schooling imagining the types of doctors or lawyers they expect to become. The rigorous socialization they experience, however, creates anxiety as they learn the new culture and vocabularies of their chosen profession. Most research on this socialization examines how students in general adapt to the dominant standards of their respective disciplines. What is commonly missing from such research is how those who are *not* part of the modal population experience their socialization. In other words, how does this adaptation process affect racial and ethnic minorities as they prepare to join a predominantly white profession, in this case, law school?

What is so special about law schools and lawyers? Why focus on this particular elite profession and not medicine or finance? An additional consideration alongside those I described earlier is the numbers of enrollees. While there has been an increase in Asian American and Latino professionals generally, the surge of Asian American and Latino lawyers and law students has been particularly staggering. Data from the American Bar Association reveal that nonwhite law student enrollment in general has increased approximately 107 percent over the past two decades—from 15,720 in 1989–1990 to 32,505 in 2009–2010 (American Bar Association 2011). In a study of Chicago-area law firms, the number of practicing minority lawyers increased from 2.2 percent in 1975 to approximately 7.3 percent in 1995 (Heinz et al. 2005). With regard to Asian American and Latino law students in particular, the American Bar Association (2011) reports 200.8 and 100.6 percent upticks, respectively, over the course of two decades (see Figure I.1). The legal profession has clearly opened its doors to Asian Americans and Latinos, as demonstrated by these numbers. But beyond this increased numerical presence, we know little about the experiences of these students inside the walls of law schools.



**Figure I.1** Increase in law school enrollment from 1989 to 2010  
Source: Data derived from American Bar Association 2011

Law School Socialization and Culture

Scott Turow’s memoir *One L* (1977) invites readers into the life of a first-year Harvard law student. The reader shares Turow’s agonies over the prospect of being called on in class, learning the ropes of the law, and adjusting his life to fit the personal and academic demands of being a law student. The demands and competition of law school render it unique. Unlike other disciplines, while learning the law, one also learns to live by it. As explained by Turow, “Law school begins to become more than just learning a language. You also have to start learning rules, and you’ll find pretty quickly that there’s quite a premium placed on mastering the rules and knowing how to apply them. . . . The law in almost all its phases is a reflection of competing value systems” (1977, 83). For many law students, learning such rules also compels them to take on the associated values, thus forever changing their moral outlook. The intense and stressful process of learning to love the law and learning to think like a lawyer is a common story told by law students, making legal education seem a race-, gender-, and class-neutral experience. Yet a growing number of social scientists and legal scholars have explored how law schools alienate women, students of color, and students from lower socioeconomic backgrounds (Epstein 1992; Granfield 1992; Mertz 2007; and Moore 2008). This characteristic of the law suggests that law students’ race, gender, and socioeconomic backgrounds affect how they think about the law and their future careers as lawyers.



It is relatively easy to identify gender segmentation in classrooms. Compared to their male counterparts, female law students appear more passive and are less likely to contribute to classroom discussions (Banks 1988; Epstein 1993; Guinier, Fine, and Balin 1997; Mertz 2007). While observing classrooms in eight law schools, Elizabeth Mertz (2007) noticed professors calling on men more often than women. She also saw more men voluntarily participating in classrooms compared with their female peers. What are the repercussions of passive classroom engagement? Mertz speculates that men's overall ease with speaking in class reflects confidence and is a testament to their general positive performance in law school. Further, active classroom contribution exemplifies these men's sense of inclusion in the wider legal community. Women students who do speak up often provide a different perspective, offering legal analysis through a feminist lens. Thus, Mertz found that women students' comments might be dismissed or ridiculed by both professors and peers, especially men. That women students' contributions are not as welcome illuminates Robert Granfield's description of law schools as "provid[ing] a context through which gender identity and experience is 'constructed' in relation to a student's biography and interactions within school" (1992, 100). Women quickly learn either to cease offering comments in the classroom or to adopt their male peers' sense of confidence.

Similarly, law students from working-class backgrounds relate that they make it through law school by faking it, concealing any discomfort they may experience in the law school environment from peers who hail from upper-middle-class backgrounds. While students from working-class families may initially feel happy and proud of their achievements in law school, their confidence often wanes as they recognize that their speech, attire, values, and experiences in the working class are not those of the majority of their peers and their backgrounds are devalued. Working-class students also tend to shy away from class participation and avoid socioeconomic-class stigma by disengaging from more conventional law school activities, such as joining clubs or law journals (Costello 2006; Granfield 1992). Because membership in clubs and journals leads to tangible and symbolic rewards, these students leave law school having accrued less social capital than their middle-class peers.<sup>9</sup> Thus, although most conversation and research about law school portray it as a class- or gender-neutral experience, women and those from lower socioeconomic backgrounds experience alienation and may actually receive less benefit from it. While these topics appear sporadically in works on the legal profession, it is rare for scholars to fully engage with the experience or to interrogate how the experiences matter. As more native-born, second-generation immigrant,<sup>10</sup> nonwhite students enter professions such as law, it is vital to examine how professional school socialization dictates these students' career outcomes and understand the significance of "mainstreaming outsiders" (Blackwell 1987), or the professional socialization of nonwhite



professionals. If we, as a diverse and changing society are to prosper, it is crucial for the academic community, as well as legal, political, and mainstream culture, to understand the diverse realities of pedagogical and professional experiences and institutions that only *appear* unmarked by gender, race, or class.

Punctuated moments ripe for critical race investigation abound in legal education. Unfortunately, these moments are often filled with silence, due to a lack of data or participants' unwillingness to engage in discussion around these topics. Students may want to talk about racism or sexism but fear that would redirect classroom conversation and upset peers who want to learn only black-letter law. They might fear, too, that simply engaging with such topics will result in the discussants themselves being perceived as overly left leaning or radical and tied to their personal backgrounds and experiences. It is not surprising, then, that Asian American and Latino respondents, many of whom are second-generation immigrants, understand their schooling differently from their native-born white peers. Akin to the women law students who are often accused of being overly feminist and are therefore dismissed, Asian American and Latino respondents tell me that sometimes their class contributions are similarly marginalized and devalued. Through this understanding, Asian American and Latino law students learn that part of the process of becoming a lawyer involves simultaneously silencing their (pan)ethnic and immigrant identities and experiences.

This book pushes for understanding (pan)ethnicity as lived experiences within an institutional context. I situate panethnicity as the frame of analysis when discussing professional socialization. Doing so underscores the processual nature of race and racialization and elevates the impact of human interactions and social structures on how identities are shaped and reshaped, especially in the context of professional socialization.<sup>11</sup>

### “New” Immigrants: Successful Integration and Racialization

What is significant about being an immigrant? Why does this matter for the story of Asian American and Latino legal socialization? Immigrant background anchors racialization and professional socialization. Recall the four prominent Asian Americans and Latinos featured at the beginning of this Introduction. They are all second-generation immigrants, and their ascension to prominence characterizes the quintessential American dream.

Post-1965 immigration changed the American landscape. Unlike previous waves of immigration, post-1965 entrants—mostly Asians and Latinos—benefited from changes in immigration policy that favored family reunification and educational or technological skills (Alba and Nee 2003; Bean and Stevens 2003; Portes and Rumbaut 2006). The demographics of these “new” immigrants, especially Asians and Latinos, spawned numerous

studies that focus on whether the incorporation processes of the two groups would mirror that of their European predecessors. Classic theories support a straight-line definition, whereby European ethnics assimilated into the mainstream according to Milton Gordon's (1964) seven-step process: acculturation (immigrants adapt to the host culture through absorbing and adopting language, norms, clothing, etc.); structural assimilation (immigrants enter mainstream clubs and organizations in large numbers); marital assimilation (widespread intermarriage between immigrants and members of the host society); identificational assimilation (immigrants feel bound to the host society and start identifying as members of it); attitude reception (the host society demonstrates an absence of prejudice toward the immigrant group); behavior reception (the host society demonstrates an absence of discrimination against the immigrant group); and civic assimilation (lack of contestation over values and power).

Since then, new theories of assimilation have emerged, challenging and supporting the classic ones based on European ethnics' assimilation.<sup>12</sup> And while some immigrant groups' experiences may superficially resonate with the European assimilation model, their integration outcomes are largely contingent on their socioeconomic status before and after migration, their career trajectories, and their countries of national origin. The two panethnic communities in question in this book have been characterized differently in the American imaginary. Asian Americans—at least, since the second half of the twentieth century—are generally seen as “good” immigrants who bring innovative technology and talents to the United States. Comparatively, Latinos are seen as “bad” immigrants and are stereotyped to be undocumented immigrants who sap government resources. Of course, such broad generalizations do not capture brilliant Latinos or undocumented, low-skilled Asian Americans. But more importantly, such stark comparisons obscure that, as more recent immigrant groups, Asian Americans and Latinos share remarkable similarities in their quest to become a part of the United States of America.

Asian Americans, for example, are often characterized as a model minority, given their relatively high levels of educational and professional entry into the American middle class or higher. Latinos exhibit a slightly different pattern—specifically, a bifurcated population, whereby some take longer to assimilate into the American mainstream while others ascend the socioeconomic ladder rather quickly. The pace of integration, of course, depends on the circumstances under which many of these immigrants enter the United States (Brown and Bean 2006; Hirschman and Wong 1986; Lobo and Salvo 1998; Tang 1993). But whether as a model minority or in a bifurcated assimilation, Asian Americans and Latinos structurally and culturally integrate into the mainstream at a faster rate than other racialized groups, such as black Americans, who are overrepresented in impoverished neighborhoods,

or Native Americans, many of whom reside on reservation lands. On the whole, Asian American and Latino residential proximity with white Americans and higher intermarriage rates with them are measures of their more successful integration into the American mainstream when compared with their black American counterparts. But what do these patterns mean?

The shrinking social, economic, and geographic gap between these two racialized groups—Asian Americans and Latino Americans—and white Americans has led some scholars to infer that race is no longer a problem for these populations. In other words, white Americans do not necessarily consider Asian Americans and Latinos to be racial outsiders in the same way that they do black Americans. Some scholars even argue that the integration of Asian Americans and Latinos creates a new black-nonblack racial divide (Lee and Bean 2007, 2012). Using the experiences of European immigrants, some argue that it is just a matter of time before Asian Americans and Latinos also become “white,” in the same way as the Italians, Irish, and Jews did.

Native-born, white Anglo-Saxon Protestant Americans discriminated against other ethnically unfamiliar whites initially, making it difficult for white ethnics, such as Italians, Irish, and Jews to be accepted into numerous mainstream institutions, including medicine, law, and education. Over time, the “white” category expanded and the mostly Eastern European ethnics became “white” in large part because of residential proximity, friendships, and intermarriage with members of the Anglo-Saxon Protestant population (Alba 1992; Alba and Nee 2003). Today, European ethnics are mostly subsumed under the “white” racial category, and while some may align themselves ethnically, their identities are overwhelmingly symbolic;<sup>13</sup> phenotypically, European ethnics are seen as resembling the dominant group of white Anglo-Saxon Protestants. By shedding their ethnic identities in favor of a racialized, panethnic white Anglo one, these ethnic groups have assimilated more readily into mainstream America.

In the twentieth century, the panethnic umbrella “white” widened to include non-Protestant Eastern Europeans. Twenty-first-century America consists of numerous racial umbrellas for heterogeneous racialized panethnic groups. For example, Chinese, Filipinos, and South Asians fall under the panethnic umbrella “Asian” or “Asian American,” while Mexicans, Salvadorans, and Peruvians fall under the panethnic umbrella “Latino” or “Hispanic.” These panethnic umbrellas provide an alternative form of mainstream adaptation that does not mirror the experiences of white ethnics. Whereas for white ethnics, belonging to an umbrella category affords race-based privileges, for nonwhite groups an umbrella category actually results in the opposite. These individuals continue to experience negative implications of race as they undergo racialization (Waters 1999). These processes were in large part modeled within a white sociohistorical framework that is continually sustained and perpetuated.

Panethnic or racial categories persist and remain significant even among middle-class individuals of color. For example, Joe Feagin (1991) finds that middle-class black Americans experience discrimination in public places, despite their structural incorporation into mainstream America as doctors, lawyers, or professors. Middle-class black Americans often receive poor or no service in establishments, hear racial epithets directed at them, or are harassed in other ways. Feagin adds that while middle-class status alone provides some protection from racial discrimination as members of the black middle-class interact with coworkers and colleagues who are less likely to be openly hostile toward them, this armor does not extend into public arenas.

Feagin's analysis reveals how social mobility does not necessarily protect against skin-color-based discrimination. More recently, Feagin and colleagues challenged common perceptions about race and racism by unveiling discrimination directed at Asian Americans and Latinos (Chou and Feagin 2008; Feagin and Cobas 2014). The authors argue that the lack of attention to racism directed at Asian Americans and Latinos results from the narrow conceptualization of racism in the average American's imagination. With regard to Asian Americans, the authors explain, "for many people, *racism* conjures images of extremists associated with the Ku Klux Klan or neo-Nazi skinheads engaging in racial violence. While extreme forms of overt racism have not ceased, they now occur less frequently. Associating these extremely violent images with the idea of racism can mislead a person into thinking that racism is a thing of the past" or that Asian Americans are exempt from it (Chou and Feagin 2008, 29).

Despite race-based prejudice, Asian Americans and Latinos continue to integrate into mainstream America through professions. Pawan Dhingra's (2007) research on Asian American professionals finds their identities to be performative—they must perform their racial identities. Asian American professionals incorporate aspects of their private lives into their work and also intertwine their work and private lives. Although Asian American professionals may not necessarily be concerned with overt racism directed at them in the workplace, they are cognizant of racialization in their professions. At work, these professionals may even deliberately evoke ethnic identities by performing to satisfy their white colleagues' expectations. Dhingra writes, "Race does not necessarily restrict the short-term mobility of Asian Americans at work but may in fact facilitate it, for their use of the model-minority stereotype could help them get certain jobs and connect to the state" (2007, 238). He gives, for example, the strategy of one respondent who wore nonprescription eyeglasses at work to better fit the image of the smart model minority. As these scholars demonstrate, racialization persists among Asian American middle-class professionals who elevate their ethnic identities and bolster racialized stereotypes.

Unlike Asian Americans, who are perceived to be middle class and well educated—in short, model minorities—Latinos are stereotyped as low-wage workers and are often believed to have migrated to the United States without legal documentation. Linda Chavez points out, however, that Latinos, particularly those born in the United States, “are very much like other Americans: they work hard, support their own families without outside assistance, have more education and higher earnings than their parents, and own their own homes. In short, they are pursuing the American dream—with increasing success” (1991, 107). Many second- and later-generation Latinos are quickly ascending the mobility ladder by becoming professionals. Patricia Gándara (1995) finds that Latino doctors, lawyers, and professors value the promise of hard work early in life and share stories of overcoming class, race, and linguistic discrimination to achieve their current careers. Yet continued immigration from Latin America sustains stereotypes of poor and undereducated Latinos, because recent arrivals speak limited English and are often concentrated in urban and rural barrios. For this reason, Latinos’ advances into the mainstream seem to be overshadowed by hardened images, and there is a dearth of research specifically examining the experiences of middle-class and professional Latinos.<sup>14</sup> While previous research demonstrates that race still matters for Asian American and Latino professionals and that racism does not cease when one is a part of the middle class (or above), little remains known about racialization in the professions.

The following pages direct attention to the presence and significance of nonwhite panethnicity for individuals undergoing professional socialization. A recurrent argument throughout the book challenges the notion that Asian Americans and Latinos are “whitening.” At best, they may be nearing economic parity, but this achievement is superficial in many ways. Delving into law students’ stories reveals the recalcitrant nature of racialization and its ability to undermine the capacity of even the most prestigious professions to serve as paths to genuine equality for nonwhite groups.

## Multiple Layers of Law Student Socialization: Guide to Chapters

Between 2009 and 2011, I spent most weekdays at either Western Elite or Private Metropolitan.<sup>15</sup> Separated by fourteen miles, these two law schools boast divergent characteristics. While Western Elite is a tier-one law school, meaning it is highly competitive and ranks in the top thirty of all U.S. law schools, Private Metropolitan is in the fourth tier, which means it is ranked in the lower one-fourth of all U.S. law schools and is less competitive for admissions.<sup>16</sup> Through interviews with 106 law students,<sup>17</sup> nonparticipant observation of panethnic student groups, and analysis of their e-mail list correspondence, I find law students’ experiences to be rather complex. Asian

American and Latino students experience racialization in and out of the classroom and negotiate stereotype threat surrounding their achievements. At the same time, panethnicity and immigrant background anchor their friendship circles, career trajectories, and cultivation of simultaneous professional and personal identities.

Instead of touting Asian American and Latino acceptance into the mainstream as successful integration, I add meat to the bare-bones metrics of economic and social parity with white Americans. Anyone must contend with layers of socialization when adapting to a new profession. But Asian American and Latino law students must also negotiate “othering” as racial or ethnic deviants in their profession, otherwise known as “outsiders” (Blackwell 1987). I characterize Asian American and Latino law students as both agents of and reactors to their socialization processes. Their racial or ethnic identities may be asserted by them or ascribed by others, and these identities may be used in different circumstances and for different reasons. For instance, law students join panethnic organizations to cultivate, negotiate, and manage their racial or ethnic identities. They also join these organizations to reap academic and professional benefits.

This book examines how racialization and professional socialization happen simultaneously for Asian American and Latino law students. I focus on these two panethnic groups because of their similar historical, political, and cultural experiences with race and racism. I am well aware that each panethnic group is heterogeneous, representing linguistic, ethnic, and religious diversity. But descriptively disaggregating each group would not adequately permit an in-depth analysis of the processes by which members of these groups are racialized in law school. As an entity, Asian Americans and Latinos demonstrate their liminality between black and white and the continued production and reproduction of that status. Knowing this, furthers the need to conceptualize race and racialization beyond our current understandings.

This book also features comparisons among students, across institutions, and between genders. Chapter 1 describes why students choose to pursue law. Some students view law as a path for upward mobility, while others focus on the public interest contributions made possible by those with law degrees. These general reasons do not vary across race or ethnicity but rather evoke immigrant experience with the law. Chapter 2 highlights an ignored (and often unknown) history of discrimination toward these two groups in a nation focused on the black-white racial binary.

Chapters 3–7 delve into the law school experience and document how race becomes salient in Asian American and Latino law students’ lives. Chapter 3 features white students speaking about their simultaneous appreciation of and frustration with diversity. It complements Chapter 4, which characterizes law school as an institutional white space, drawing on Wendy

Leo Moore's work (2008), that heightens nonwhite students' sense of racial identity and awareness. Racialized experiences in the classroom, through interactions with professors and peers, and culture shock on arriving at law school propel nonwhite law students to adopt, even if only peripherally, panethnic identities. Chapter 5 examines in depth the role of panethnic student organizations in this racialization endeavor. How organizations operate and welcome new members creates allegiance to not only the organizations themselves but also the wider panethnic communities in question.

Chapters 6 and 7 demonstrate the dramaturgical nature, per Erving Goffman (1959), of legal socialization by focusing on distinct subsamples of respondents. Chapter 6 features the stories of Asian American and Latino law students on a corporate career trajectory and how they use a repertoire of strategies to manage their professional (front stage) and panethnic (back-stage) identities. The strategies—marginal panethnicity, tempered altruism, and instrumental ethnicity—are evoked on the basis of Asian American and Latino law students' panethnic affinity. Chapter 7 intersects (pan)ethnicity, immigrant history, and gender to underscore how Asian American and Latina women law students are typecast into particular professional and gendered roles. This chapter places women of color at the center of the discussion and explores the multiple roles expected from them.

Rounding out the book, the Conclusion's "Epilogue" provides a glimpse into a subsample of respondents who have been working for the past two to three years. Their professional, panethnic, gender, and immigrant experiences foreshadow how they continue to negotiate their multiple identities. The most striking feature is the importance and value they attribute to panethnic bar associations, which hints at the place of race beyond law school.

### Confessions of an Imposter Law Student: A Personal Note

I am not a law student; I never was and never will be. Although I began my undergraduate degree in political science with intentions of eventually going to law school, I realized that law school appealed to me more as an *object* of study. The students featured in this book, however, thought that I was one of them—at least when we first met. They were intrigued when I came clean and unveiled my actual identity as a doctoral student at the time. This affiliation engendered a sense of familiarity, as they and I were all aspiring to advanced degrees, and this probably helped me to be accepted into their world. I admit that I certainly felt an affinity with them, perhaps even more than they did with me. My husband was a newly minted attorney when I began my fieldwork, so I felt a connection to the law students I met, many of whom are featured in this book. Most of the respondents were second-generation immigrants and many were first-generation college students, and as such, their paths to graduate education paralleled mine in many ways.



When I returned to the West Coast of the United States to conduct follow-up interviews in 2013, I was excited to see my friends. That excitement was short-lived as I realized that this “friendship” has been, and always will be, one sided. I was an imposter.

This book primarily focuses on the stories of Asian American and Latino law students. Interspersed throughout are voices from a number of white and otherwise-racialized students—what the scientific community refers to as a control group. All respondents knew my intentions and permitted me to speak with and observe them. The Asian American and Latino respondents were frequently motivated by the dearth of literature about them, their lives, their families, and their copanethnics. They shared their experiences with me as a way to improve and contribute to inclusion efforts in the legal profession. Many of the white students wanted the same, as they too are members of a changing profession. Thus, all respondents may reflect a slight selectivity bias. But who does not, at least outwardly, support diversity in the twenty-first century?

Why study Asian Americans and Latinos? I am often asked this question. A partial answer begins with my childhood in the United States. I was born in Taiwan, moved to the United States at age seven, and grew up in Corvallis, Oregon—a predominantly white town and state. My parents are high school graduates and owned a small restaurant, which is a different profile from the majority of the Chinese people who lived there, who were college-educated, graduate students or professors (or family to graduate students or professors) at Oregon State University or worked at the local Hewlett-Packard campus as engineers. The socioeconomic gap and identity politics among the Mainland Chinese, the Taiwanese, and the Chinese from Taiwan created enormous divisions, such that my family was marginalized by the overall Chinese community. In other words, we did not have many Chinese friends.

As a result, the majority of my friends were white. I must note that I never felt white, and I experienced covert discrimination even in a “blue” college town where over half the residents are college graduates.<sup>18</sup> I treasure my childhood friendships, but my mostly white friends could not sympathize with the pull between cultures and my marginalization as a racial other. After all, my white friends never experienced being yelled at by white store clerks who assumed I did not understand English; they never had white teenagers ridicule their mother’s English (an act that silenced her for twelve years, with me acting as her interpreter until I went to college); they did not watch white families get served at restaurants while we patiently waited our turn, even when we arrived before them.

But there is one particular friendship that occupies a special place in my memory. This friend and I were similar in many ways. We both have much younger sisters whom we often had to babysit. Both our parents owned

restaurants, which meant we were obligated to work in the evenings and on weekends when our friends were at football games, movies, or sleepovers. We both had culturally conservative parents, especially when it came to dating. We both immigrated to the United States as young children. As required by our parents, we both spoke different languages at home but English when we were in public. Unbeknownst to our other friends, we often went to a local diner after work for marionberry pie and conversations that made sense in our bicultural world. My friend Heidy is Mexican American, and our friendship has forever shaped the way I think about race relations in the United States.

Similarities between Asian Americans and Latinos extend beyond childhood friendships and into legal history, conceptualizations of citizenship, and belonging. As I advanced in my education, specializing in race and ethnicity, I became ever more annoyed by the (mis)interpretations of these two groups by scholars basing their arguments almost solely on demographic figures. While numbers are important, they do not capture the discrimination I experienced or witnessed as a child. They further underestimate the role of socialization as it intersects with immigrant history and racialization. Asian Americans and Latinos are the fastest-growing panethnic groups in the United States and are expected to contribute directly to the nation becoming minority majority by 2050 (Passel and Cohn 2008). As Eileen O'Brien writes, "Taken together, Latinos and Asian Americans will soon constitute about 35 percent of the U.S. population while African Americans would only be at 13 percent" (2008, 2). Introducing this figure is in no way meant to denigrate the importance of black history or current social conditions but is meant to illustrate the special place occupied by Asian Americans and Latinos in U.S. history, policies, and society. Moreover, members of these two groups experience a different process of racialization that is often omitted from popular discourse on race relations. Their existence between black and white situates them in a liminal space. I use law students as a case to further unpack that space. I invite you to accompany me, in this book, to better understand these experiences.