THE ULU LEHUA PROGRAM
AT THE WILLIAM S. RICHARDSON SCHOOL OF LAW.

POLICY CONTEXT AND LIVED EXPERIENCE,
A PHENOMENOLOGICAL CASE STUDY

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Dedication

This paper is dedicated to the memory of Chief Justice William S. Richardson whose legacy lives on in me and every other “Richardson Lawyer.” This paper is also dedicated to the memory of Chris Iijima and Judy Weightman. They gave their hearts to the students in the Ulu Lehua program. Their care and dedication made a permanent and positive impact on all of their students and the William. S. Richardson School of Law.
Acknowledgments

“At times our own light goes out and is rekindled by another person. Each of us has cause to think with deep gratitude of those who have lighted the flame within us.” Schweitzer

Several times along this journey I decided to stop, especially after I left my position as Associate Dean of the William S. Richardson School of Law to become President and CEO of EPIC ‘Ohana. I very much appreciate the encouraging words from Dr. David Ericson. It got to the point that I wanted to avoid talking with Clif, Chuck and Eric, but each time I did, I felt their encouragement. My very first College of Education class was with Dr. Eileen Tamura. I signed up on a whim, and was hooked. Thank you, Dr. Joanne Cooper for your guidance in conceptualizing this paper, and grounding my work as an administrator. You introduced me to the writing of Parker Palmer, which influences not only this paper but also my current work in the nonprofit sector. Also, mahalo Dr. Stacey Roberts for stepping in when Joanne was on leave. Eric Yamamoto and Chuck Lawrence are both giants in this work, and I am humbled that they were willing to work with me. Karen Umemoto spent many hours with me in coffee shops and Sinclair library, putting my feet to the fire to write, and this made the ultimate difference between quitting and getting this done.

I am grateful for all of the students in the Ulu Lehua program, especially the ones who shared their thoughts with me in this journey. Through my conversations with them I came to understand the importance of the willingness to be open to a learning community in order to thrive. That openness means vulnerability, and from that vulnerability grows wisdom. I have deep affection and admiration for each of them. Thank you, Avi Soifer and Jane Dickson Iijima for sharing your thoughts with me as well. It is from my encounters with both of you that I have formulated my thoughts about the importance of care and love. Thank you also to Linda Krieger who now leads the Ulu Lehua program with that same care and passion.

Irene Vasey sends me emails every few weeks that say “Ahem. How is that paper going.” in addition to being my “triangulation” coder. Finally much thanks to my family, especially my daughters who found great joy in scolding me to get this done as a way to revenge my words when they were in school. Thank you Norman, Sarah, Thomas and Rachel.
Abstract

The Ulu Lehua Scholars Program at the William S. Richardson School of Law began in 1974 as an affirmative action program, addressing the need to have a more diverse bar in Hawai‘i. Dr. George Johnson designed the program as a PreAdmission Program, which was the name of the program until 2006. The legal context of affirmative action has dramatically changed since 1973. The project of the Ulu Lehua Program is diversity, and more particularly, inclusion. This paper examines how the lived experience of the program has shaped the professional identities of a group of students who began the program in 1999.

The project of remedying inequality in the bar is still an important goal, although the educational policy in the United States has shifted from remedying inequality to the importance of diversity. The theoretical frame of critical race theory is used to examine the student experiences. What emerges from the stories and thoughts of these students is confirmation of the importance of diversity, supported in an inclusive and caring learning community. The experience of this group was, by all measure, special. It was certainly special because of the extraordinary talent of Chris Iijima, their professor, but it was also special because the program created a safe space, it provided academic framework and feedback, and it grounded each student’s experience in their own unique sense of purpose.

Legal education is not usually viewed as a safe space for learning, and diversity in legal education is still an elusive goal. The Ulu Lehua Program is an example of how legal education can be humane while making a lasting and powerful impact.
Preface

The Ulu Lehua Scholars Program was known as the PreAdmission Program of the William S. Richardson School of Law until 2006. Although the students in this case study called themselves “PreAds” I have chosen to refer to the program as the Ulu Lehua Program throughout this paper. It is my intent to both simplify the discussion and honor the importance of the lehua metaphor. Before the name change, the program name varied in spelling and hyphenation. Different names for the program include: “Pre-Admission to Law School Program,” “PreAdmission Program,” and “Pre-Admission Program.”

The William S. Richardson School of Law was named in honor of Chief Justice William S. Richardson in 1984. During the period from its beginnings in 1973 to the renaming of the school, the law school was simply known as the University of Hawai‘i School of Law. In this paper I refer to the law school as the William S. Richardson School of Law during all time periods, or as the Richardson Law School.

Narrative from the participants is noted in italic, and my own family story is also in italics.
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Introduction

“The Ulu Lehua Program is the fulfillment of a moral obligation of the William S. Richardson School of Law.” Okechukwu Amadi ‘05 Graduation Address

“In any specific society the practice of education is a moral enterprise. It has a content. It is one way that each generation expresses its moral intentions toward the next. In its practice of education, every society gives voice to its collective beliefs about what has worth” (Green T., 1997, p. xvii).

When the Ulu Lehua program, formerly known as the PreAdmission Program, began in 1974, it gave voice to a moral obligation to achieve a righteous, just or pono Hawai‘i by opening the doors of the Law School to include and welcome individuals who had been excluded, by a number of barriers, from the opportunity to obtain a legal education. The program gives voice to the value of diversity and educational opportunity. Achieving diversity and broad access to a legal education are difficult to impact through the gateway of a professional, graduate level institution. Inequality of educational opportunity, the persistent racial and socioeconomic gap in standardized test scores, the lack of diversity in undergraduate education, along with state legislative constraints and judicial mandates at the federal level, all contribute to the reality that diversity in legal education is an unmet goal. The Ulu Lehua Program strives to achieve diversity and overcome these challenging hurdles.

It is fitting that the program is now known as the Ulu Lehua Scholars Program. The name Ulu Lehua refers to the metaphor of the ‘ohia lehua blossom, a blossom that is the first to emerge after the devastation of a volcanic lava flow. The metaphor refers to the resilience of the students. This study will examine the Ulu Lehua Program in the context of the University of Hawai‘i William S. Richardson School of Law, the multi-cultural setting of the state of Hawai‘i, and Hawai‘i’s legal profession. The Ulu Lehua Program was conceived as an affirmative action program. It is designed to provide an opportunity for a legal education to students who have extraordinary promise but might not otherwise be admitted to law school. Since 1974, affirmative action policy in education has declined, and is, perhaps near its end, but the program has remained a vital and important part of the Richardson School of Law.
Statement of the problem

The Ulu Lehua Program was described by Lehua graduate Okechukwu Amadi (‘05) during his graduation speech in 2005 as the “fulfillment of the moral obligation of the William S. Richardson School of Law.” The Ulu Lehua program, designed to meet the goal of diversity in the bar of the State of Hawai‘i forty years ago, continues to thrive, even though affirmative action programs have been increasingly vulnerable. Over the years its method and context have shifted from ‘affirmative action” to “diversity.” This paper explores the use of an inclusive learning community as a method of achieving diversity, and as the consistent goal of the program, even as policy direction has dramatically shifted. In today’s legal environment, the call of “affirmative action” has been replaced with the value of diversity. And, with the most recent U.S. Supreme Court cases, the value of diversity as a compelling state interest is vulnerable as well.

Thus, it is perhaps even more important to study the Ulu Lehua Program today. The pervasive problems of systemic discrimination, and the promise and importance of diversity require a serious quest for solutions that work. The Ulu Lehua program is a program of promise, but its context and meaning is complex and therefore difficult to describe. Indeed, the program means different things to different people, and presents itself as having multiple roles and purposes.

The project of equality and opportunity is best represented as a struggle. A policy question is “a request for a fairly stable, but modifiable, line of action aimed at securing an optimal adjustment of the conflict between different goods, all of which must be pursued, but which, taken together, cannot all be maximized” (Green, 1994, p. 1). Yet, in this struggle is the purpose and importance of this study. “We can discern more clearly where the practices of evaluation and policy research fit, what may be their relevance to the creation, promulgation and implementation of public policy, and what virtues are required for the actors in this drama” (Green, 1994, p. 11).

Research questions

What values and policies form the Ulu Lehua Program?

What meaning do the graduates make of their experience in the program? How did being an Ulu Lehua Scholar shape the professional identity of the graduates?
How do graduates of the program negotiate their ethnic or socio-economic backgrounds and their professional identity?

Background

ʻOhiʻa Lehua, you speak of a love so very rare.
ʻOhiʻa Lehua, you call the birds down from the air.
And you sing to me, a melody, beyond compare.
ʻOhiʻa Lehua.
ʻOhiʻa Lehua.

ʻOhiʻa Lehua, blooms in the place where nothing grows.
ʻOhiʻa Lehua, how you survive nobody knows.
But one thing’s true, I believe in you.
ʻOhiʻa Lehua.
ʻOhiʻa Lehua.

Whenever life comes tumbling down on me,
and tomorrow I can never see.
That’s when I think of you and everything you do.
And every dream I dream, comes true.
Comes true.

ʻOhiʻa Lehua, speaks of a love so very rare.
ʻOhiʻa Lehua, you call the birds down from the air.
And you sing to me, a melody, beyond compare.
ʻOhiʻa Lehua.
ʻOhiʻa Lehua  (Iijima & Quan, 2003)

The William S. Richardson School of Law was founded in 1973. It was the vision of Governor John A. Burns, and many others, including Chief Justice William S. Richardson, to provide an opportunity for professional education in Hawaiʻi. Prior to 1973, students had to travel to the continental United States to become doctors and lawyers. The opportunity, therefore, belonged to the more privileged members of Hawaiʻi. Among the first leaders of the law school was George Johnson. Johnson had moved to Hawaiʻi to retire after serving as Dean of Howard University. An African-American, Johnson had endured significant obstacles to obtaining a legal education. He was a visionary and a scholar. Johnson developed and implemented the Ulu Lehua Program.

The program has changed over its forty year history and was impacted by the vision of George Johnson, the work of many professors and directors in the beginning of the program, and
the students. The program was significantly shaped and defined by two directors: Judy Weightman and Chris Iijima. Both of these directors were dearly loved by their students, and both passed away while serving as director. Judy Weightman passed away on March 4, 1997, and Chris Iijima passed away on December 31, 2005.

Each year twelve students are selected to participate in the Ulu Lehua program. (Some years the class is slightly smaller). After some initial modifications, the program was a one-year conditional admission program. Students who would not have otherwise been admitted were admitted as unclassified graduate students. During the program year, the students took two courses along with all of the other Juris Doctor students: Contracts and Civil Procedure. In addition, the students participated in a PreAdmission Seminar, an integrated seminar that brought together the materials in the other classes and focused on building community and analytical skills. If students performed adequately during the Ulu Lehua year, they matriculated into the regular program.

The admissions process has changed since the students in this case study were admitted. At that time, students were selected for the program after the regular class was selected. There was no separate application process. As the regular class was being selected, applications of students who may qualify for the Ulu Lehua program were set aside. Qualified applicants were Hawai‘i residents, or residents of the Pacific who were either from underrepresented groups, or had already served under-represented groups. “Under-represented group” was defined broadly to include Native Hawaiians, Filipino, Polynesian, Micronesian, immigrants, disabled students and others. Also included were students who have overcome significant adversity, such as someone who was a single parent and who survived domestic violence. Except for perhaps the very first years of the program, membership was not based upon race. This reflects the legal context of affirmative action programs over the forty years of the Ulu Lehua program:

The Ulu Lehua program, formerly known as the PreAdmission Program….was established soon after the founding of the Law School to address the issues of disadvantaged applicants and to serve legally underserved communities. The Program provides selected students who have already overcome adversity with the opportunity to demonstrate their ability to perform in Law School. There is no separate application process for the program.
The Ulu Lehua Program continues to fulfill the original mission of its founders in 1974 of helping to correct the problem of under-representation of disadvantaged groups in the Law School population and the Bar…. It seeks candidates who contribute to fulfilling the goals of the Program:

(1) To serve communities underserved by the legal profession in Hawai‘i;
(2) To represent those who are from communities under-represented in the law school and the local bar;
(3) To be role models for those who are from communities under-represented in the law school and the local bar; and
(4) To be role models for those who have suffered social, physical and/or economic disadvantage (University of Hawai‘i, William S. Richardson School of Law, 2007).

The process of selection for the program was highly competitive. Each year, from an original pool of more than 1100 applications, 40 to 80 applications were reviewed for the twelve seats. Successful applicants often had significant histories of public service and evidence of a passion for justice. Members of the Ulu Lehua class tended to have lower “numbers” than the regular class. Usually this was a lower Law School Admissions Test (LSAT) score, but it also may have been a lower undergraduate grade point average.

In 2006, the name of the program was changed to the Ulu Lehua program. Since the Fall of 2006, students are no longer conditional students, and are considered fully matriculated. Students now take four more credits of the regular program in the fall, for a total of ten credits (versus 14 credits taken by members of the regular class), and in the spring, may take the entire first year, second semester curriculum. The current director, Linda Krieger, was hired to run the program beginning August 2007. Krieger came to the law school with significant scholarly accomplishments, including a passion for social justice.

**Importance of the project**

This paper comes on the heels of *Schuette v. Coalition to Defend Affirmative Action*, in which the Supreme Court of the United States ruled that the Sixth Circuit Court did not have the authority to set aside a 2006 Michigan referendum that bars publicly funded colleges from granting “preferential treatment to any individual or group on the basis of race, sex, color, ethnic
or national origin.” In a dissent in that case, Justice Sonia Sotomayor stated: “For members of historically marginalized groups, which rely on the federal courts to protect their constitutional rights, the decision can hardly bolster hope for a vision of democracy that preserves for all the right to participate meaningfully and equally in self-government” (Schuette, 2014). We cannot take for granted the continuation of the Ulu Lehua program, and an examination of the goals and values of the program as they were lived and experienced by the students is important.

In addition this paper is completed in 2015, a year that marks two important milestones: the 40th anniversary of the program, and nearly ten years since Iijima, the professor who led the Ulu Lehua Program until 2005 passed away. The students studied in this paper were Chris’ students. The impact of the program, and the impact of Iijima’s mentorship are indelibly marked in the professional lives of these students. Much can be learned from that imprint.

Methodology

This paper has three foundational methods: case study, phenomenology, and policy analysis. This is important because the Ulu Lehua program experience for the students is complex and dynamic, having different meanings at different times. The policy context of the program is also dynamic, with the policy of diversity evolving significantly over a 40-year period. By looking at a case, a group of students, and examining their lived experience through a phenomenological lens, the study hopes to capture that complexity.

The policy analysis examines artifacts of the program over time. The case study looks at a single cohort with the unifying characteristic of mentorship with Iijima. The study asks these individuals to reflect on their experience in Law School and after Law School to provide a rich picture of their professional identity and the ways they have been shaped by the Ulu Lehua Program.

Theoretical framework

Critical race theory is the theoretical lens through which this paper will examine the lived experience of the Ulu Lehua students and the development of their professional identities. As a theoretical lens, it shapes the project’s methodology, method and interpretation of participant responses. “Critical race theory….embraces an experientially grounded, oppositionally expressed, and transformatively aspirational concern with race and other socially constructed hierarchies” (Bell, 1995, p. 46). Critical race theory uses an inter-disciplinary perspective drawing from ethnic studies, women’s studies, sociology, history, law and other fields. Critical
race theory will help to examine the ways that the institutional context of the Ulu Lehua Program support or subordinate the program and the students. Critical race theory can help examine the meanings and values of the law school and the program on a macro level, as well as the voices of the participants on a micro level.

**Limitations**

This is not a paper about admissions policy and the law. It is a paper about the lived experience of students and their identity as attorneys. After the two most recent U.S. Supreme Court decisions on affirmative action, *Fisher* and *Schuette*, there will be a great deal of study and scholarship about affirmative action, diversity and legal education. This is not one of those studies. Although I will describe the program, and I will describe briefly the admissions policy, I will not analyze the program’s legal position. In addition, this is also not an evaluation of the program. My intent is not to critique or re-design the program.

In a phenomenological study it is important to define the place and perspective of the researcher as she approaches the analysis. I am approaching this study with deep affection for the Ulu Lehua Program, and admiration for Chris Iijima. While the students in this study were in school, I was Assistant (later Associate) Dean for Student Services. In that capacity I was responsible for the admissions process. Finding the extraordinary students for the Ulu Lehua Program was the highlight of that process each year.

I am also a proud graduate of the William S. Richardson School of Law. I am a public school graduate, the daughter of a single parent, and the first in my family to go to college and graduate school. Although I was not an Ulu Lehua Scholar, I struggled with inclusion in law school and as an attorney. I approached this question about professional identity as a personal self-reflection as well.

I began this work while I was at the Law School. Three years ago I retired from the University to be President and CEO of a non-profit organization called EPIC ‘Ohana. I helped to found EPIC ‘Ohana in the mid 1990’s while an Assistant Professor at the Law School, and have been a part of the organization ever since. In this new role I think a lot about disparity and injustice. We work with young people in foster care and in the juvenile justice system.

We have a youth leadership board called HI HOPES that advocates for the needs of foster youth. One young man, president of the board, wants to be a family court judge. He is the kind of person who would thrive in a program like the Ulu Lehua Program. I hope that this paper can
in some way help nurture inclusivity in legal education and preserve opportunity for students like this emerging leader.

Summary

Hawaiian quilts are a beautiful blending of western and Hawaiian culture. Each quilt is a personal expression, an exercise of discipline, a fulfillment of dreams, and an achievement of goals. Each quilt is an embodiment of connections: connections within families, within communities and among cultures (Brandon, 1989). Denzin and Lincoln used the quilt maker as a metaphor for qualitative research. This metaphor resonates for me.

The qualitative researcher….is like a quilt maker….The quilter stitches, edits, and puts slices of reality together. This process creates and brings psychological and emotional unity to an interpretive experience (Denzin & Lincoln, 2003, p. 4).

This metaphor captured my imagination because I am a quilter. The woman who taught me to quilt was one of those really tough on the outside, sweetheart on the inside Hawaiian ladies. She taught mostly by scolding, but with lots of love that you could feel through the growling. She said that you say a prayer of love with each stitch for the person who will receive the quilt. That way the whole quilt, stitch by stitch, is an embodiment of love. I approach this research with this metaphor in mind.

Each student’s design is unique and beautiful. Each student’s design is an expression of his or her own heritage, values and personality. Law school is the background fabric, created by the woven fibers of the law; the basic material of society. As the student’s unique design becomes entwined with the law through a painstaking stitch-by-stitch process, the end result is a successful fulfillment of our hopes and dreams for the future of our society. Each “quilt” is therefore a blending of individual diversity and uniqueness and the legal profession. Quilts are stitched lovingly. Ultimately, it is love that makes the quilt, and, I believe that ultimately, it is love that becomes the strongest engine of social justice in the Ulu Lehua Program. My approach in this paper is one of a student learning to become a scholar-practitioner:

As an adult learner with professional practice, personal growth, and intellectual development goals, the ….scholar-practitioner interrelates concepts, understandings, and methods from varied theoretical and practical perspectives. The fully developed adult professional shows the capacity for emotional intelligence and use of self that reflect tolerance of difference and ambiguity that are linked with compassion for life and a
commitment to improving the human condition…..Most of all, the ideal of the scholar-practitioner embodies and displays wisdom…. (Rehorick & Bentz, 2009, loc 420).

I sit stitching my own quilt because my work is a lifelong practice too. I am also engaged in the life-long practice of learning, of negotiating my own identity, and of pursuing justice. This study examines that transformational process as lived by the students in the Ulu Lehua program, and my interpretation of that transformation.
Review of literature

Introduction

Chief Justice William S. Richardson (CJ) would describe himself as “just a local boy from Hawai‘i.” He graduated from Roosevelt High School and the University of Hawai‘i at Mānoa before heading to World War II as a member of the 1st Filipino Infantry Regiment. As Chief Justice of the Hawai‘i Supreme Court, CJ honored the unique indigenous traditions of Hawai‘i and incorporated Hawaiian values and rights into his jurisprudence. It was the vision of CJ Richardson, and others including Governor John A. Burns, to have a law school for Hawai‘i, and for Hawai‘i’s people. The William S. Richardson School of Law is named after CJ Richardson (Matsuda, 2011).

CJ was much more than a name on building. Until his passing in 2010, he was a constant figure at the Law School. Like everyone’s father, but much more wise and inspiring. He was a gentle man, but firm and strong at the same time. He loved to come to law school parties, drink beer and “talk story” with everyone. He was very much a part of the lives of the students that are the subject of this study (Matsuda, 2011).

To understand the Ulu Lehua program’s role in providing an inclusive law school experience, and its role in shaping the professional identity of the students, we will examine many elements that come together: the legacy of affirmative action, the values and early thinking about the Ulu Lehua Program, the context and complexity of race in Hawai‘i, and the context of legal education. CJ Richardson had a keen understanding of these complexities, and approached them as he approached each person he encountered, with aloha.

Historical strategies of inclusion: affirmative action and diversity

The Ulu Lehua program began as an affirmative action program. Over time the impetus and strength of affirmative action has diminished, while the Ulu Lehua program has strengthened into a program of “inclusion” rather than “affirmative action” or “diversity.” This is an important shift, and one that is vital to perhaps not only the viability of the program but also to its sustainable effectiveness. The goal of the inclusion of those groups that have been historically underrepresented has been operationalized in policies of equal opportunity (Jones, 2005). Affirmative action was the operational strategy for equal opportunity developed in the 1960’s. The language in early policy instruments reflects the values of justice and equity. The
strategy of inclusion at that time was to eliminate the barriers that closed the door to employment and education. Over time, the operationalization shifted to the language of diversity and the concept of a color-blind policy.

**Historic inequality in the United States.** The door to equality in higher education was all but closed shut in the early 1960’s when affirmative action began. The federal government has had a significant role in higher education policy. The federal land grants beginning in 1861 for instance, established what became large public universities. Justin Smith Morrill introduced the land-grant bill to Congress. The institutions established training programs that promoted agriculture and industry, and military tactics.

These public institutions were not open to African Americans in some states, and separate institutions in Mississippi and Kentucky were established for African American students. The second Morrill Act of 1890 expanded grants to include Black institutions, establishing 16 Black land-grant colleges throughout the south (Christy & Williamson, 1992).

**Affirmative action and the civil rights movement.** President John F. Kennedy first used the term “affirmative action” in 1961 when he created the Equal Employment Opportunity Commission (Lindsay & Justiz, 2001). What followed was a turbulent era of civil rights demonstrations and activism. President Johnson stated, “It is not enough to open the gates of opportunity. All our citizens must have the ability to walk through those gates” (Lindsay & Justiz, 2001, p. 11). The affirmative action policy sought to right the wrongs of historic and systemic racism in the United States.

The civil rights movement and affirmative action literally changed the gender, color and face of higher education. Equal opportunity meant affirmative action for those groups disadvantaged by history and educational policy. The goal was to affirmatively recruit and admit minority applicants. President Johnson signed the Civil Rights Act into law more than fifty years ago, on July 2, 1964. In 1967, President Johnson, by executive order, included affirmative action for women. Affirmative action policies required active measures, or affirmative measures, be taken to ensure that minorities and women had the same opportunities in employment and education. The intent was that affirmative action would be a temporary action to remedy past injustices. The thinking was that once remedied, the playing field would be equal and affirmative actions would no longer be needed (Brunner, 2006).
You do not wipe away the scars of centuries by saying: Now, you are free to go where you want, and do as you desire, and choose the leaders you please. You do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of a race and then say, “you are free to compete with all the others,” and still justly believe you have been completely fair…..Ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in, by the school you go to and the poverty or the richness of your surroundings, It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man (Brodin, 2014 at 247).

This was the climate and mandate at the time that the Ulu Lehua Program began. A challenge to affirmative action had just been heard by the Washington State Supreme Court in DeFunis v. Odegaard (1974). Marco DeFunis was denied admission to the University of Washington’s Law School. DeFunis complained to the Washington Supreme Court that the University of Washington considered minority students separately from white students. The Washington Supreme Court upheld the law school’s policy, stating that the university was “producing a racially balanced student body and alleviating the shortage of minority attorneys” (Moreno, 2003, p. 18).

**Challenges to affirmative action.** In Regents of the University of California v. Bakke (1978), the United States Supreme Court began to limit the strategies of affirmative action that had developed in higher education in order to recruit and admit more minority students. Attention began to focus on the concept of “reverse discrimination.” Allan Bakke, a white applicant was not admitted to the University of California’s medical school. The University of California utilized two applicant pools, one for “standard” applicants, and the other for minority and economically disadvantaged applicants. From the minority pool, 16 applicants were selected. The U. S. Supreme Court ruled that race was a legitimate factor in the admissions process, but quotas were not acceptable (Brunner, 2006).

In 1996, California residents passed Proposition 209, California Civil Right Initiative, which prohibited public universities, colleges and schools from giving preferential treatment to any individual or group in public education on the basis of race, sex color, ethnicity, or national origin. A similar initiative was passed in Washington State in 1998.
In 1996, the United States Fifth Circuit ruled against the University of Texas Law School in *Hopwood v. State of Texas*, prohibiting the use of race as an admission criterion or in the recruitment, provision of financial assistance or in retention. Hopwood’s decision also applied to the states of Mississippi and Louisiana. In response, Texas established a “10% plan” in 1998, and California a “4% plan,” in which high school graduates from the top of their high school were automatically eligible for admission to a public university.

Thomas Green argues that how a policy is named may help the policy gain acceptance (Green, 1994). The language of “affirmative action” was greeted with the language of “Civil Rights,” “Equal Rights” and “One (Michigan, Florida)” in ways that countered the proponents of the Civil Rights Movement and affirmative action.

**Diversity as a compelling state interest.** The quest for equal opportunity through affirmative action faced opposition when “equal opportunity” seemed to be opportunity only for minorities, at the expense of opportunity for the majority. Regents of the University of California v. Bakke (1978) voiced this concern. Bakke began a trail of decisions with broadly diverse opinions and a strongly divided approach to diversity on the U.S. Supreme Court bench.

In *Bakke*, the US Supreme Court with six varying opinions decided that finding diversity in the classroom is compelling state interest and therefore was a policy that was allowable under the Constitution and the Civil Rights Act of 1964. Bakke cautioned, however, that the use of quotas, separate admissions processes, and special programs may not pass constitutional muster. The policy of diversity was thus established as the value or foundation of affirmative action, beginning the shift from “equal opportunity” to “diversity.” In 2003, the affirmation of the value of diversity was upheld once again by the U.S. Supreme Court in *Grutter v. Bollinger*.

On June 23, 2003, the U.S. Supreme Court decided *Grutter v. Bollinger*. The Supreme Court determined that a diverse student body is an educational benefit, and that race can be taken into consideration as an element of achieving diversity. The case examined the admissions process of the University of Michigan Law School. In *Grutter*, a white female student was denied admission to the University of Michigan’s Law School. She alleged that the university had discriminated against her on the basis of race in violation of the 14th amendment, Title VI of the Civil Rights Acts of 1964. She based this allegation on the law school’s practice of utilizing race as an element of consideration in determining admissions. The key elements of the process that the Supreme Court found acceptable were: an individualized review process that looks at all
elements of the applicant’s profile, not just numbers, the process did not use quotas or formulas, and race was a factor, but not a factor with undue weight (Grutter v. Bollinger, 2003). In the sibling case of Gratz v. Bollinger (Gratz v. Bollinger, 2003) the University of Michigan’s undergraduate admissions process was not accepted because it was a more mechanical process and the distribution of twenty points to underrepresented minority students was considered too broad. There must be a “narrow tailoring” of the mechanism or strategy used to fit the goal of the process.

Michigan Law School’s practice was deemed by the U.S. Supreme Court in another set of deeply divided opinions to be narrowly tailored to further the compelling state interest of obtaining the educational benefits of a diverse student body. The undergraduate process on the other hand, was not narrowly tailored.

Justice Sandra Day O’Connor wrote the majority, 5-4, opinion in Grutter which upheld Bakke, and allowed a race-conscious admission process as long as it took into account many other factors evaluated on an individual basis for every applicant. O’Connor stated that sometime in the future, perhaps twenty-five years hence, racial affirmative action would no longer be necessary in order to promote diversity. “We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today” (Schmidt, 2007). Thus implying that affirmative action would no longer be needed because the opportunity to access higher education, and legal education, would then be equal. Her hope was that affirmative action would be a temporary bandage rather than a permanent cure.

In 2006, Michigan passed Proposal 02-06 which amended the state’s constitution banning the use of affirmative action programs that give consideration to groups or individuals based on their race, gender, ethnicity, or national origin for public employment, education, or contracting purposes. Similar laws have been enacted by ballot or executive order in Arizona, Nebraska, New Hampshire and Oklahoma (Brodin, 2014).

**Affirmative active today: Fisher and Schuette.** Two recent U.S. Supreme Court cases, Fisher v. University of Texas at Austin and Schuette v. Coalition to Defend Affirmative action moves the affirmative action to the 25 year deadline much faster than anticipated by Justice O’Connor in Grutter. Fisher looks at the Texas percentage scheme, and Schuette affirms the Michigan constitutional amendment.
In *Fisher v. University of Texas at Austin* the challenge to the percentage admissions practice was brought by a female applicant who was denied admission because she was not in the top 10% of her high school class. The Texas process included a “soft variable” of race in the review of non-top 10% applicants. This variable looked at socioeconomic status and race. The U. S. Supreme Court confirmed *Grutter* and *Bakke* and remanded the case to Texas to make more specific factual determinations.

The impact of *Schuette* opens the door for other states to pass laws that prohibit the use of race in admissions processes. Once these laws are passed, the affected Universities cannot use race as a factor no matter how narrowly tailored the factor of race is within the process.

**The pipeline to legal education**

Michael Olivas examined the numerous metaphors of affirmative action as an illustration of the dynamics and values of the policy issue. The policy issues often focus on the “pipeline” of applicants, and concerns about issues within that pipeline. Olivas describes a pipeline as “a foreign mechanism introduced into an environment, an unnatural device used to leave valuable products from the earth. It requires artificial construction….It can, and inevitably does, leak….and if any part of it is blocked or clogged, the entire line is rendered inoperative.” The pipeline metaphor implies “minority enrollment is simply a delivery glitch, or that admissions committees would admit minorities if only they used better conveyances” (Olivas, 2005, at 16-17).

On the problem of the “applicant pool” Olivas said that a pool is “static, likely to turn brackish, and bounded. It requires restocking and resupply, and if it overflows its bounds, it is no longer a pool….it cannot replace itself.” Characterizing the problem as a “pool problem” “suggests a supply shortage or, at best, a failure to cast one’s line in the right fishing hole” (Olivas, 2005, p. 16).

Some of the literature about affirmative action talks about a “river.” A river, Olivas says, is a powerful and much more dynamic metaphor the “pipeline” or the “pool.” A river, Olivas suggests “provides nutrients and conveys resources, unlike its more static counterparts….a river also creates demand through its dynamic flow and natural, organic properties. It constantly changes form, seeking new flows and creating new boundaries. It can even wear down rock….” (Olivas, 2005, p. 17).
The challenge of the achievement gap. There is evidence of a racially based achievement gap throughout the educational system. African American and Hispanic students achieve at a lower level than their Caucasian counterparts in the United States. The gap has been studied carefully over the sixty years since the landmark case Brown v. Board of Education attempted to bridge the achievement gap through racial integration of the public school system (Brown v. Board of Education of Topeka, 1954). In 1966 sociologist James Coleman conducted a federally sponsored comprehensive study of student achievement and found a large achievement gap (Coleman, 1966). More recently the Educational Testing Service published a report “America’s Perfect Storm” that found:

- Substantial disparities in skill levels (reading and math)
- Seismic economic changes (widening wage gaps)
- Sweeping demographic shifts (less education, lower wages)” (Kirsch, I., Braun, H., Yamamoto, K., & Sum, A. 2007).

The 1995 Federal Report “Affirmative Action Review: Report to the President” found that American Indians, Hispanics and African Americans are seriously under-represented in traditionally white universities. In turn, African Americans continue to be seriously under-represented in American law schools (Mitchell & Salsbury, 2002).

Admission to law school is highly dependent upon a single, high-stakes test, the Law School Admissions Test (LSAT). The LSAT is a somewhat reliable indicator of potential for academic success in law school (Sander, 2004). There is a pervasive gap in the median LSAT scores of white law school applicants compared to black law school applicants. In a race-blind admissions process, few African-American students would be admitted into the most elite law schools. The Law School Admissions Council in its amicus brief in the Grutter litigation stated:

The raw numbers are startling. For the fall 2002 entering class, there were a total of 4,461 law school applicants who had both LSAT scores of 165 or above and USPA of 3.5 or above. Of that number a total of just 29 were black….Only 114 were Hispanic. The numbers are consistent for preceding years….There are more Hispanics in this UGPA/LSAT range each year, but not significantly more….The impact on law school admissions is obvious and inevitable…. (Brief for Amici Curiae Law School Admissions Council supporting Respondents, Grutter v. Bollinger, 539 U.S. 306 (2003)).

Law Schools experience tremendous competitive pressure from the rankings published by
magazines such as U.S. News and World Report. Rankings are calculated with formulas that law schools watch very carefully, and the LSAT score is a predominate factor. “Many legal commentators have attributed law schools’ reliance on the LSAT to the U.S. News & World Report’s annual ranking of what it considers to be the best law schools in the United States” (Edwards, 2006 at 154).

The achievement gap continues after admission to law school. African American students have a higher attrition rate than Caucasian students, and a lower passage rate on the bar exam. The net effect is that African-American students continue to be under-represented in law school and in the legal profession (Sander, 2004). Although the population of the United States moves toward a 50% minority mark, law school enrollment has been steady at about 20%. A disproportionate slice of the 20% minority law students are Asian (7%) (Redfield, 2009, at 7). Nationally, just under 90% of all practicing attorneys are white (Redfield, 2009, at 7).

Disparities in the legal workplace in Hawai‘i have improved since the inception of the PreAdmission program in 1974, but continue today. Some demographic data is collected each year by the Hawai‘i State Bar Association, and published in its annual report. An in-depth analysis of data was conducted by Ronald H. Heck in a report “Hawai‘i State Bar Association 1997 Survey.” Heck found that Caucasians and Japanese were over-represented as partners or supervisors in the legal profession, while Filipinos and Hawaiians were significantly under-represented within the legal profession in Hawai‘i as a whole. Also, Caucasian and Asian attorneys reported higher incomes than Filipino or Hawaiian attorneys. (Heck, 1998) Heck also found inequality for women in the Hawai‘i legal workforce: “[D]espite statistical controls for experience, position, type of employment, and area of practice, women receive less income than men with similar backgrounds, positions, areas of practice, and type of employment” (Heck, 1998, at 2)

Disproportionality in the Hawai‘i State Bar Association persists. In a survey of bar members in 2012, the self-reported ethnicities of bar members shows that 76% (4557/6008) of the members reporting their ethnicity represented membership in three ethnic groups – Caucasian, Japanese and Chinese.
Critiques of affirmative action and the pipeline. In addition to significant retreat in the policy of affirmative action as a remedy to the lack of diversity in legal education, critics question whether the admissions practices aimed at diversity have long-term positive outcomes. A controversial critique of affirmative action in legal education by Sander posits, for instance, that affirmative action has actually been more harmful to African-American students. Sander points out that affirmative action and race-based admissions decisions have resulted in African-American students attending more “elite” law schools. African-American students have lower admissions profiles (GPA and LSAT scores) than their peers in these institutions. Sander discusses the resultant attrition rate, lower GPA, and poor bar passage as evidence of harm to these students (Sander, 2004).

At the heart of the controversy is the intersection of the issues of the achievement gap and the policy of affirmative action. Beneath this intersection is the premise that some schools (in this case elite law schools) are better than others, and that admission to a “better” school is the remedy to the achievement gap. There are parallel premises in K-12 education. When policy researchers look at the legacy of Brown vs. Board of Education and more recently as one looks at the No Child Left Behind Act a key hypothesis seems to be that moving a child to a “better” school, or punishing “failing” schools will bridge the gap. Yet, in the 60 years since Brown v. Board of Education, the achievement gap persists. In the wake of No Child Left Behind, schools are being labeled as good or failing based upon student achievement, with the premise that if children are not achieving then they should be allowed to move to a better school.

The frustration experienced by the public and educators with policies like No Child Left Behind, and affirmative action in admissions, may be the result of a failure to address the achievement gap itself. It may also be caused by the disconnect between these policies and
efforts to improve student achievement. As Sander points out, enrollment in a “good” school doesn’t fix the gap, and might, in fact exacerbate the problem (Sander, 2004).

There is some research to suggest that perhaps it isn’t, as Sander suggests, that the schools are too difficult, or the competition too fierce at the more “elite” law schools, but that the experience of minority students in largely white institutions is uncomfortable and unhelpful (Johnson & Onwuachi-Willig, 2005). One student said “The problem is not so much the entry; it’s what happens while you’re there…. [Y]ou’re more likely to feel isolated and marginalized, and feel like ‘nobody gets my experience.’ That, in turn, can undermine a student’s confidence” (Johnson & Onwuachi-Willig, 2005). Minority students lack role models within the faculty, may spend inordinate amounts of time dealing with racial issues, may feel uncomfortable in the classroom, and may be more influenced by the stereotypes about them (Johnson & Onwuachi-Willig, 2005).

Elite schools become elite through a legacy of time and resources. It is a self-perpetuating legacy, students do well, enhancing the reputation of a school, donating money to its resources, and therefore attracting the “better” students. The measurement of “success” is the achievement of the students. The focus is not on the progress made by individual students. As a result, the policy seeks to redistribute students into better schools but does not address what it takes to help a student bridge the achievement gap.

The danger to Sander’s critique, however, is the theory that African-American students should not be admitted to “elite” schools, that schools should have a color-blind admissions practice. Many scholars argue that affirmative action is still necessary in order to achieve a diverse student body. Linda Krieger explores the question of whether affirmative action might have done more harm than good. Using social science data and drawing upon cognitive psychology, she concludes that it has not, and that affirmative action is still a necessary technology to achieve diversity (Krieger, 1998).

The law school experience for students of color. Dorothy H. Evensen and Carla D. Pratt engaged in an in-depth analysis of the experience of African American students who enter the pipeline to becoming lawyers. Their study analyzed open-ended interviews with 28 African American lawyers who graduated from law school after 2000 and had been admitted to the bar and were practicing in some area of the law. Themes from these interviews were then tested with two focus groups of young lawyers. Finally, interviews were conducted with second
and third year African American law students. The interviews explored the conditions, strategies and consequences of the participants’ experiences in the pipeline.

The primary theme that emerged was the concept of “recognition.” Recognition, in this study, means various forms of social, cultural and institutional contexts, which were recognized as beneficial and helped or motivated the lawyers to enter the pipeline and to survive. As a contextual factor, there is an understanding from the participant that was either formal, informal or both. It comes in the shape of someone who believes in you. Someone, like a teacher, who sees that you are smart and have potential, or an institution that provides artifacts of recognition like grades and accolades. Recognition can also be a strategy, such as understanding the need for hard work, having ambition, being able to resolve distractions and overcome obstacles, finding mentors, and finding ways to cope (Evensen & Pratt, 2012).

Evensen and Pratt attempt to craft a theory of “working recognition” to support successful journeys through the pipeline. One aspect of the working model is the use of academic support programs to deal with stigma and other social challenges in law school, but also to provide a sense of collaboration and cooperation. “In addition to reducing stigma, the most effective law school academic support programs operate deeply on both a pedagogical and affective level. With respect to affective support, the stories in this book demonstrate the empowering effect of ‘having someone in your corner,’ especially when obstacles threaten to derail one’s journey through the pipeline” (Evenson & Pratt, 2012, p. 179).

**Professional identity development**

Ulu Lehua Director Chris Iijima in his article about academic assistance programs and subordination wrote about starting the PreAdmission program with the critical and central question: “who am I.” And that only from this perspective can students evolve their own individual unsubordinated identity. In order to accomplish this, the task of reflection is important. Iijima called for student engagement and a supportive atmosphere in order to enhance the enrichment of individual consciousness. This is the essence of the Ulu Lehua Programs role in shaping the professional identity of its students.

Students in the Ulu Lehua program are negotiating important shifts in their identity. This negotiation of identities is an important developmental task to regaining the students’ voice, and resolving the “dissonance.” Iijima cites the shift of power from “subordinated” to one who seeks
to effect change (Iijima, 2000). Other “dissonance” may be cultural. The industry of the law has its own culture; it is a culture that is elite and privileged. Taking one’s place in that culture requires a transformation that can also be “dissonant.”

Carol Vincent used the metaphor of “border crossing” gleaning from a novel by Raymond Williams called *Border Country* (1960) in which a man returns to his home village after an adult life in a large city. Vincent said that “some people feel that as a result of their educational experiences they ‘leave’ a particular ‘structure of feeling’….that is a set of shared cultural assumptions, beliefs and orientations, that they are required to exchange a known lifestyle and a known identity for another….But of course the places where we started from can never be entirely left, and the disjunction between the old and the new can provide pain but also possibilities of establishing cultural identities that are transgressive of old boundaries and categories” (Vincent, 2003, p. 7).

Law school can be a place of fear and anxiety for many reasons, but in particular a desire to “fit in” and “feel at home.” In her study of working class individuals in a university setting, Diane Reay said that “identity is about difference and differences generate exclusions” (Reay, 2003, p. 57).

The small numbers of working-class students who attain a place in one of the elite universities confront not only academic work but often considerable identity work; the refashioning of the work-class self into a middle-class persona, a painful psychic process in which who one is and where one comes from are imputed with deficit and old devalued identities either have to be discarded or overlaid with respectability (Reay, 2003, p. 62).

One of the distinctions of being a professional is that the term applies to more than a job, it also encompasses an identity. Carrie Yang Costello explains:

Before I entered the profession of sociology, I had a number of other occupations, including working food service and practicing as an attorney. I did not merely work as an attorney, I was an attorney, in the sense that becoming a lawyer was an important part of my self-concept. In contrast, working in food service did not come to define who I was. Moreover, once I stopped working in food service, that chapter in my life was closed—-I don’t conceive of myself as an “ex-food-service worker.” On the other hand, even though I am not practicing law, I remain an attorney, both formally and internally.
Joining a profession altered my identity in a deep and enduring way (Costello, 2006, p. 17).

The term “profession” describes a number of vocations, but all of these professional vocations have characteristics in common.

A professional is committed to an enduring set of normative and behavior expectations. . . A professional possesses specialized training . . . The professional practices his occupation by perceiving the needs of individual or collective clients that are relevant to his competence and by attending to those needs by competent performance. . . The professional proceeds by his own judgment and authority; he thus enjoys autonomy restrained by responsibility (Weidman, Twale, & Stein, 2001, p. 3).

Attending law school and passing the bar exam bestows on an individual the formal identity “lawyer.” Also involved, is the personal and ethical development of professionalism and the assumptions and world views held by attorneys. Thus the professional identity of “lawyer” is “a suitable, subjectively internalized professional identity” (Costello, 2006, p. 23).

The professional identity of a lawyer is interwoven with all aspects of his or her identity. There is a vast body of literature about identity development across the life span, and in particular in college students. Young professionals learn to prepare an “elevator speech,” a thirty second pitch that summarizes one’s identity, achievements and goals in roughly the time it takes for an elevator to go from the bottom to the top floor (about.com). But one’s identity is much more complex.

Although composed of discrete, conscious elements, identity is bound and organized internally and . . . cannot be easily contained in words. In forming a core of who we “are,” identity weaves together all the aspects of ourselves and our various locations of ourselves with others and with the large society. . . . Identity is the ultimate act of creativity – it is what we make of ourselves. In forming and sustaining our identity, we build a bridge between who we feel ourselves to be internally and who we are recognized as being by our social world (Josselson, 1996, p. 191).

Identity is socially constructed, and paradoxically, self-defined. Even definitions of identifiers such as “American,” “Catholic” or “Native Hawaiian” shift in context and in time. On the other hand self-definition has limits in shaping one’s identity (Costello, 2006, pp. 19-25).

“The fact is, our identities are like icebergs. The large bulk of them lies invisible to us below the
surface of consciousness, while only a small part of them are perceptible to our conscious minds” (Costello, 2006, p. 20).

Carney Strange (1994) synthesized the student development literature into several “propositions.” “Students differ in age-related developmental tasks that offer important agendas for ‘teachable moments’ in their lives” (Strange, 1994, p. 28). Theorists like Arthur W. Chickering have formulated conceptual frameworks of psychosocial development that have relevance for traditional college age students as well as non-traditional students. Chickering’s framework involves seven vectors upon which students move in a somewhat linear way.

Chickering and Reiser’s (1993) vectors include: developing competence, managing emotions, moving through autonomy toward interdependence, developing mature interpersonal relationships, establishing identity, developing purpose, developing integrity. Other researchers have refined this structure, testing the framework on diverse student populations (Foubert, Nixon, Sisson, & Barnes, 2005). Theorists such as Lawrence Kohlberg and William Perry created frameworks for the development of cognitive and moral development. Subsequent stages in each model are characterized by advanced abilities to reason and resolve issues.

Lawrence Kohlberg posits three major levels of moral development: pre-conventional stages one and two in which moral reasoning is based upon avoidance of punishment, and service of one’s own needs; conventional stages three and four in which decisions are based upon the maintenance of mutual relationships, and the importance of law and one’s duty to society; post-conventional stages five and six in which the social contract expands to the welfare of all and the protection of rights, and the development of a personal commitment to universal ethical principles (Kohlberg, 1984). Cognitive and moral development are a part of the development of professional identity.

A good, professional lawyer is fundamentally a well-integrated, mature person with legal skills, and so again, human nature becomes a useful guiding philosophy. The qualities of a professional other than the skills specific to that professional all involve the integrity, broadmindedness, helping values, respectfulness, and decency that mark most mature and well-motivated people (Krieger, 2008, p. 306).

Marcia B. Baxter Magolda in her book Making Their Own Way (2001) describes higher education as a journey of profound transformation, and the university itself as good company for the journey. Along the journey we expect students to develop “an internal sense of identity – an
understanding of how they view themselves and what they value” (Magolda, 2001, p. xvi). Magolda says that three questions illustrate the dimensions of the transformation: “how do I know”, “who am I”, and “how do I want to construct relationships with others” (Magolda, 2001, p. 15).

The influence of law school is only one part of the development of professional identity. Law School is a part of a “socialization” process. Professional socialization also includes the messages, both overt and hidden, of professors and peers, the social norms in the classroom and outside the classroom, and the method and content of the curriculum (Costello, 2006).

We watched as our students covered themselves with the person they thought they had to become. It was excruciating to see them in clinic: nearly ready to leave us, dealing with their own cases for the first time, they knew nothing else to do but play dress-up. They were mortified when the costume didn’t fit. They were awkward and incompetent and they knew it. Desperately they looked for authority in rule or role to tell them what to do. They couldn’t tailor their costumes to fit because here was nobody inside they thought they could use as a model (Johnson & Scales, 1986, p. 438).

Daisy Hurst Floyd (2002) researched the question of how law students become lawyers for the Carnegie Academy for Scholarship of Teaching and Learning. Floyd reviewed assignments produced by students in several seminars. The Seminars on Legal Education included one and one-half day retreats with students interacting with lawyers and other professionals. In these seminars she explored several topics including the meaning of profession, becoming and being a member of a professional community, the role and nature of lawyers in society, legal culture, and public perceptions of lawyers (Floyd, 2002, p. 2).

Floyd found that students report gaining confidence and ability to “think like a lawyer” i.e. to reason, analyze, articulate arguments, see issues from various perspectives, and to depersonalize disagreement. Students reported that law school is highly competitive and that relationships and interactions can be hostile. Students measure success by how they perform in relation to their peers. This observation mirrors the legal system itself, which has, at its core, an adversarial nature. Lawyers are successful when they win. Students also identify the prizes of winning in law school: high grades, law review, summer jobs, placement upon graduation. But few students win the coveted prizes, resulting in feelings of failure and inadequacy for the majority of students (Floyd, 2002).
The socialization process in law school, the competitiveness of the student culture, can feel alienating. Lani Guinier and her colleagues observed:

The hierarchy within the large first-year Socratic class also includes a hierarchy of perspectives. Those who most identify with the institution, its faculty, its texts, and its individualistic perspectives experience little dissonance in the first year. On the other hand are students who import an ambivalent identification with the institution, who resist competitive, adversarial relationships, who do not see themselves in the faculty, who vacillate on the emotionally detached, “objective” perspectives inscribed as “law,” and who identify with the lives of persons who suffer from existing political arrangements. These students experience much dissonance (Guinier, Fine, Balin, Bartow, & Stachel, 1994, p. 47).

Floyd also found that students had difficulty perceiving the connections between law school and the rest of their careers. As a result, students lose the sense of purpose that brings them to law school in the first place. There are no clients. Cases focus on appellate decisions, not the day-to-day lawyering experienced by most lawyers. In addition, law school devalues emotional matters and relationships.

It is not just that we fail to teach students about relationship skills; legal education actually diminishes or eliminates the ability to form and sustain relationships that students possess when they begin law school. One student said that she lost the ability to sustain relationships with family and friends within three weeks of beginning law school. She compared the experience of losing relationships during the first few weeks of law school to watching her grandmother during the final weeks of her life (Floyd, 2002, p. 3).

Devaluation of emotional matters and relationships leads to a sense of isolation for many students. Collaboration, another important skill of a successful lawyer, is discouraged. This leads to a sense of disengagement from classes and peers. The culture of law school is not supportive and is uncomfortable, fraught with fear. Students become anxious and develop self-doubt about their competence and about their choice of profession (Floyd, 2002).

Floyd’s research was a part of a larger body of research summarized in the book *Educating Lawyers: Preparation for the Profession of Law*, by The Carnegie Foundation for the Advancement of Teaching. Sixteen law schools were visited in the Carnegie study: public,
private, geographically diverse, historically black, and Canadian. The research included focus groups and interviews (Sullivan, Colby, Wegner, Bond, & Shulman, 2007).

Professional education within the academy is a relatively recent structure. Preparing professionals through an apprenticeship process was the way that lawyers like Abraham Lincoln became educated. Apprenticeship relies upon modeling and coaching rather than standard curriculum and classroom teaching. It was an irregular process, with quality and depth resting upon the ability and knowledge of the mentor. The Carnegie study provides a new framework for legal education calling for three apprenticeships, training all three dimensions of professional work, “its way of thinking, performing, and behaving” (Sullivan, et al., 2007, p. 17). The third apprenticeship, the apprenticeship that trains behavior, the authors refer to as the “apprenticeship of identity and purpose.” Here, legal education introduces students to the ethics of professional life; the abilities and the values that define the profession.

Law school has a formative role in shaping identity and professionalism, but the Carnegie study points out that law schools need to be “smarter and more reflective about strengthening its slipping legitimacy by finding new ways to advance its enduring commitments” (Sullivan, et al., 2007, p. 128). This charge to law schools requires knowledge about the development of moral judgment. The task is daunting and removed from the usual focus upon the first apprenticeship – cognitive development and learning. Still, the Carnegie report suggests that “key components are close working relationships between students and faculty, opportunity to take responsibility for professional interventions and outcomes, and timely feedback” (Sullivan, et al., 2007, p. 178).

There is also evidence that individuals who experience “life at the bottom,” individuals whose “experiences, social identities, or political leanings place them outside of the mainstream – women, students of color, students from poor or lower socioeconomic status backgrounds, sexual orientation minorities, for example – likely experience more intense feelings of alienation than law students from more ‘mainstream’ backgrounds” (Magee, 2007, pp. 467-468). Magee uses the term “life at the bottom” citing Mari J. Matsuda’s essay “Looking to the Bottom: Critical Legal Studies and Reparations,” which argues that examining the lived experience of these students is essential to understanding the phenomenology of the law (Matsuda, 1987).

The term non-traditional student refers to students who have not taken the “traditional” route in higher education. A traditional student has few gaps in the journey to college and law
school, and begins in families where higher education is a natural part of the development experience. Non-traditional students include ethnic minority students, students from lower socio-economic backgrounds, women, older students, LGBT students, and disabled students, among others. The outcomes for these students and attorneys are different. Carrie Yang Costello enumerates these disparate outcomes in her study of professional identity, including lower grades, lower pass rates on the bar exam, earnings disparities after law school, and a higher attrition rate from the profession after law school. For instance, she cites that “nearly 100% of female African American attorneys leave their first law-firm job within eight years” (Costello, 2006, p. 1).

Costello studied law students at Boalt Hall School of Law at the University of California, Berkeley. She concluded that the hidden curriculum of legal education at Boalt implicitly trained students in a white Anglo-Saxon Protestant male perspective. Students from non-traditional backgrounds “face the dispiriting effects of negative identity dissonance” (Costello, 2006). Magee calls this the “dominant identity norm” in legal education (Magee, 2007, p. 472). The consequences of the dissonance are “problems with self-esteem, feelings of isolation, and lack of meaning” (Magee, 2007, p. 473). Even though nearly 50% of all law students are women, the role and identity of women as lawyers has been swiftly changing and therefore complex making their experience in law school different than the mainstream (Guinier, et al., 1994).

Developing a professional identity is a difficult journey for all law students. The legal profession and the law school curriculum represent clothing that can be uncomfortable to wear. For the students in the Ulu Lehua program, the Ulu Lehua program impacted the navigation and negotiation of their personal and professional identities. Do these disparate identities blend well together, are they resonant, allowing an individual to move from one context to another without feeling disconnected? Or do they clash like a dissonant orchestral piece (Costello, 2006, pp. 26-30)? Other similar programs have discussed this navigation and dissonance:

An aggressive affirmative action policy had sent us students who enabled us to see a possible way out. They were not about to accept, nor let us accept, a reality (white male western liberalism) that was not their own, nor a way of knowing (analysis) as the other path to understanding. They knew that “thinking like a lawyer” cannot supply a “neutral” access to reality, and when they had suggested this insight they had been told to get back
to work. These students were alienated – marginalized, trivialized, denied existence. We had admitted their bodies to law school but required them to check their souls at the door. When they refused, they gave us the courage to take our job seriously (Johnson & Scales, 1986, p. 439).

Students entering the Ulu Lehua program want, at least at some level, to become attorneys and embrace a professional identity of being a lawyer. But how do they accomplish their goal?

The hitch for many is that their habitus presents a problem of which they are unaware. Being unaware of a conflict between their chosen professional role and their nonconscious identities, students cannot choose to try to resolve it. And even if they are made aware, for example, that they are displaying too much or too little deference to clients, they will find this problem difficult to address because of the resistance of habitus to conscious manipulation (Costello, 2006, pp. 23-24).

Costello identified metaphors that help us understand ways of looking at the negotiation of multiple identities. One metaphor is baking a cake: different identities are the ingredients to the cake and baked together become an entirely different identity, the original ingredients no longer exist. A second metaphor is the blind men and the elephant: identities are different things in different contexts and at different times. The third is that the self is a room full of furniture: different parts of one’s identity are different pieces of furniture, they may all have the same style or they may be eclectic, each piece has a different function, sometimes pieces of furniture are discarded and replaced (Costello, 2006, pp. 23-26).

In studying professional identity at Boalt Law School, Costello used a framework of identity dissonance to understand how students develop professional identity, and how they deal with dissonant identities. Some students will choose to segregate personal and professional identities, speaking and acting one way with friends or family, and another way at work. An attorney in Hawai‘i, for instance, might speak in pidgin at home, and standard English at work. Costello distinguishes between negative and positive dissonance. For a student experiencing positive dissonance, the student chooses the new professional identity and releases some parts of the personal identity. The process is still painful. For a student experiencing negative dissonance, the student rejects the new professional identity in favor of the personal identity. The results here are also painful and include negative consequences to professional growth and
success (Costello, 2006). Some may internalize a sense of inferiority, feeling like an imposter, or being perceived as an imposter (Grover, 2008).

Richard Bissen’s experience illustrates the tensions. Bissen, a judge and former county prosecutor, felt the alienation of others when joining a Hawaiian martial arts group. There was the assumption that he was “too ‘high up’ to want to be physical or ‘get down in the dirt’ with the rest of the guys.” Because “people have an image of what they think the county prosecutor does or is made of. But nobody knows that I grew up feeding pigs” (Tengan, 2008, pp. 194-196).

In an interesting study in England, Hilary Sommerlad interviewed law students from lower socio-economic and minority populations in order to study professional identity development. As one part of the study she asked the students to draw a picture of an attorney and to write five, one-word descriptions of attorneys.

Asked to draw and write in five words what they thought of solicitors, the students produced images which were striking in their distance from most of the students themselves. The figures depicted were almost universally elitist, powerful, and wealthy; moreover none were black and almost all were male and described by the students as corporate lawyers (Sommerlad, 2007, p. 201).

Another way of looking at this struggle is through the concept of integration and fragmentation. Psychologists Maslow and Rogers use the term “integration” to denote wellness in which all parts of personhood: body, mind and spirit are integrated. Fragmentation is the opposite. “When students reject vital aspects of themselves in the name of becoming lawyers, they act to the detriment of their own psychological integration” (Grover, 2008, pp. 422-423).

Studying the development of professional identity in this case focuses the experience of the participants to the essence of the goals of the Ulu Lehua program. Students in the Ulu Lehua program are selected because of their desire to become attorneys. The program’s purpose is to provide a bridge to that identity that might not have been available otherwise. Law schools have not traditionally paid attention to the professional identity development of law students.

**Learning communities**

A learning community can be defined as a "curricular approach...linking classes, often around interdisciplinary themes, and enrolling common groups of students for a quarter, a semester, or in some cases even a year...a very intentional restructuring of time, space and student life" (MacGregor, Tinto, & Lindblad, 2000). These communities seek to not only
enhance student learning, but also create a social network of support and a sense of community (MacGregor, Tinto, & Lindblad, 2000).

The core practices in learning communities involve more than just putting people together in a mutual classroom experience. Indeed, something synergistic happens when a learning community is properly structured. "When appropriately designed, learning communities become spaces to bring together the theory and practice of student development and diversity, of active inclusive pedagogies, and of reflective assessment" (Smith, MacGregor, Gabelnick, & Matthews, 2004). The curriculum of a learning community is important, but more important is the learning environment and key pedagogical techniques that Smith calls the “core practices.”

Just putting students together in classes does not, in and of itself, stimulate learning or guarantee a positive experience of their learning or community. The challenge, therefore, is to take creative advantage of the learning community to capture and intensify the synergistic possibilities of meaningful community building and learning (Smith, et al., 2004).

The five core practices of community, diversity, integration, active learning, and reflection and assessment are supported by research. Community building activities promote a sense of support and collegiality while diversity enriches the learning experience. Integration refers to having either all of the course work integrated together in a holistic or multi-disciplinary way, or having a seminar that integrates the material. This acknowledges the artificiality of demarcations between courses, departments and disciplines that sometimes occurs in higher education.

Active learning refers to pedagogical techniques that require active participation in the learning process. These could include discussions, group projects, clinical experiences and service learning. In an active learning classroom the professor does not merely feed information but serves as a facilitator in the learning process. Reflection and assessment refers to the effectiveness of immediate and thorough feedback and the value of thinking and reflecting upon one’s experiences in order to shape learning skills and critical thinking (Smith, et al., 2004).

Although George Johnson, Judy Weightman or Chris Iijima may not have thought about the concept of a learning community, and although the concept does not fit the Ulu Lehua program perfectly, there are many vital elements of the program that resonate with the model.
Iijima said that “it is the responsibility of ASP’s [Academic Support Programs] and its professionals to do more than solely work with student to improve academic performance within the traditional parameters of law school education, or even to work as advocates to change how law is taught. The responsibility of ASPs is also, and most importantly, to be self-conscious critics of the normalized presumptions and biases that underlie much of the way law is taught and of the law itself” (Iijima, 2000). Iijima saw the role of the Ulu Lehua program and similar programs as ideological and political. In short the process is transformative not just for the individual but also for the environment of the law school at large.

An important critique of the concept of learning communities is the idea that the sense of belonging that is so important to the definition of a learning community can be contrived and therefore inauthentic. In other words, the belonging is regulated and forced. In this way, the forced belonging has the negative outcome of enforcing a notion that the participants, in fact, do not belong, except in the insular group (Quinn, 2010). Quinn found that “learning communities do very little for learners, except make them feel they can’t belong. Similarly communities of practice form walls of self-protection and exclusion which leave others stranded outside” (Quinn, 2010 at loc 1042).

The learning community is not simply a place, a group, or a curriculum. Also involved is the culture that is created in that learning community. In any community or group there are cultures that are more comfortable and effective than others. In their research about learning culture, James and Biesta define a learning culture as:

- Learning cultures are not the contexts in which people learn, but the social practices through which people learn.
- This means that individuals influence and are part of learning cultures just as learning cultures influence and are part of individuals.
- Learning cultures are not the same as learning sites. While learning sites have clear boundaries, the factors that constitute the learning culture(s) in a particular site do not.
- Bourdieu’s notions of field and habitus are conceptual tools for understanding learning cultures.
• Any learning culture functions and is constructed and reconstructed through the forces of one or more fields.

• A learning culture will permit, promote, inhibit or rule out certain kinds of learning. This means that the key issue is how different learning cultures enable or disable different learning possibilities for the people that come into contact with them (James & Biesta, 2007, at 28).

Any learning culture will be dynamic. The individuals who enter into the learning community bring with them their culture, their experiences, their family histories, their attitudes and beliefs, and their values. In the learning community these experiences and individual characteristics are shaped or confirmed. This process takes place through social interaction. This isn’t necessarily unplanned or subconscious. “We learn not only by doing but also by reflecting upon what we do and by consciously monitoring our actions (James & Biesta, 2007, at 33).

Creating a culture of caring within the learning community is an important aspect of not only the working of the community, but also its effectiveness.

The professional learning community sets out to restore that belief [that there is a basic human desire to live a life of meaning] by creating a community of caring and mutual concern. These schools focus not only on the content of the curriculum but also on the quality of connections between educators and students and among the educators themselves. It is only when students feel a connection with their teachers—when students believe that they are recognized, respected and valued—that teachers are in a position to make a difference in students’ lives. (DuFour & Eaker, 1998, at 281).
Method and methodology

I propose that the central imaginary for “validity” for postmodernist text is not the triangle – a rigid, fixed, two dimensional object. Rather the central imaginary is the crystal, which combines symmetry and substance with an infinite variety of shapes, substances, transmutations, multidimensionalities, and angles of approach. Crystals grow, change, alter, but are not amorphous. Crystals are prisms that reflect externalities and refract within themselves, creating different colors, patterns arrays, casting off in different directions. What we see depends upon our angle of repose. Not triangulation, crystallization……crystallization provides us with a deepened, complex, thoroughly partial understanding of the topic. Paradoxically, we know more and doubt what we know (Lincoln, 2005).

Policy analysis

This study begins with an analysis of the social and historical context of the Ulu Lehua program. After situating the program within its social and historical context, this study looks at the lived experiences of a single cohort of the program. Thus, the first part of the study is a policy analysis, and the second is a phenomenological case study.

The context was studied using content analysis. Writings include published and unpublished articles, letters, syllabi and other documents that have been collected at the William S. Richardson School of Law library. In particular, numerous reports about the program were reviewed. A list of the primary documents reviewed can be found in the List of Resources at the end of this paper. From these documents, the teaching philosophies of the program directors, their intentions and the curriculum design was reviewed. The values of the program were gleaned from this examination and in particular from the descriptions of the program in catalogs and other materials. An interview with Leigh-Wai Doo, the first Assistant Dean, and the person responsible for the logistics of establishing the program was very helpful in understanding the story of the program’s beginning.

There were more than 40 boxes of materials removed from Chris Iijima’s office when he passed away. In the summer of 2006, I met with the University of Hawai‘i archivist to begin the process of culling these documents and preserving writing and other scholarship. I reviewed the content of these boxes and collected as many of the articles, syllabi and other documents that
revealed the perspectives of the directors and the organization, theory, philosophy and pedagogy of the Ulu Lehua curriculum. Many boxes contained old student papers, copies of articles, and books. Most of the content of these boxes were shredded or discarded. The remainder was returned to the library for storage. Articles about George Johnson, and information about Judy Weightman are also important to understanding the program. Other artifacts reviewed include admission letters, catalogs, course descriptions, and evaluation reports.

Phenomenological case study

Research is a caring act: we want to know that which is most essential to being. To care is to serve and to share our being with the one we love. We desire to truly know our loved one’s very nature. And if our love is strong enough, we not only will learn much about life, we also will come face to face with its mystery (Van Manen, 1990, pp. 5-6).

Methodology refers to a strategy for the design of the research and “provides specific direction for procedures in a research design” (Creswell, 2007, p. 13). A study is “situated in a particular philosophical tradition, which informs the methodology, the methodological approach becomes the rudder for all additional research decisions” (S. R. Jones, Torres, & Arminio, 2006). Here the methodology is a phenomenological qualitative case study grounded in critical race theory. Method refers to the steps or process of research, consistent with the chosen methodology. John Creswell says that the

Research design process in qualitative research begins with philosophical assumptions that the inquirers make in deciding to undertake the study . . . researchers use interpretive and theoretical frameworks to further shape the study . . . . Good research requires making these assumptions, paradigms, and frameworks explicit in the writing of a study, and, at a minimum, to be aware that they influence the conduct of inquiry (Creswell, 2007, p. 15).

Creswell asks readers to identify his or her “worldview.” Using Creswell’s paradigm, this is identified as “social constructivism” i.e. seeking an understanding of the world in which meanings are complex, and varied. A social constructivist researcher seeks to understand the participant’s unique views of a phenomenon, and how “subjective meanings are negotiated socially and historically” (Creswell, 2007, p. 21).
Qualitative research explores participants’ meanings, and these meanings emerge through a phenomenological approach; the research has an “emergent” design, meaning that the journey is dictated by the participants’ meanings, and cannot be precisely planned; the research is an interpretive inquiry; and a holistic account of the experiences of the participants is sought (Creswell, 2007, p. 39).

A “case” is a “bounded system” with “a boundary and working parts.” In this study it is a single cohort of the Ulu Lehua program. “System” refers to the concept that the parts work together; they are integrated (Stake, 1995, p. 2). A “case” is either intrinsic or instrumental. Intrinsic means that the case is the research question itself. An instrumental case is chosen to study something else; to study a more general question (Stake, 1995, p. 3). The purpose of this paper is to understand how the policy of affirmative action is lived through the Ulu Lehua Program at the William S. Richardson School of Law and the single cohort is an instrumental case.

A phenomenological case study was chosen because the approach is consistent with critical race theory. A phenomenological study describes “the meaning for several individuals of their lived experiences of a concept or a phenomenon” (Creswell, 2007). The goal is to describe the “essence” of the phenomenon as experienced by the subjects of the study. The phenomenon is defined and the researcher collects data from individuals and develops a “composite description of the essence of the experience for all individuals” (Creswell, 2007). The critical questions are “‘what’ they experienced and ‘how’ they experienced it” (Creswell, 2007). Phenomenology is not as concerned with the factual nature of an experience, but rather how individuals reflect upon and live that experience. “The essence or nature of an experience has been adequately described in language if the description reawakens or shows us the lived quality and significance of the experience in a fuller or deeper manner” (Van Manen, 1990, p. 10).

The phenomenological approach attempts to be transparent in terms of the role of the researcher. The phenomenological study searches for wisdom and understanding not just of the phenomenon itself – the who, what, when, where and why or the phenomenon – but also of the relationships and the essence of the “in between.”

Phenomenology springs from the philosophical writings of Edmund Husserl and others (Creswell, 2007). The search is for the essence and meaning by extracting the themes, ideas and stories as experienced and identified by the researcher and the respondent. Even in a classical
phenomenological study where the researcher’s responses and feelings are extracted or bracketed out of the interpretation, they are still ultimately a part of the interpretation (Bednall, 2006).

Creswell states that it important to discuss and understand the philosophical presumptions of phenomenology, thus placing them at the foundation of the analytical structure of the research. These presuppositions are as follows:

- “A return to the traditional tasks of philosophy,” i.e. the search for wisdom. The scientific or empirical research process is insufficient to capture the meaning and therefore the essence of an experience.
- “A philosophy without presuppositions,” the researcher suspends prejudgments about the phenomenon and approaches the discovery with fresh eyes. “The intentionality of consciousness.” “Reality of an object…is inextricably related to one’s consciousness of it.”
- “The refusal of the subject-object dichotomy” the essence and true meaning of the phenomenon is as it is perceived within the meaning of an individual (Creswell, 2007).

Van Manen’s book *Researching Lived Experience* (1990) guides us through several themes for performing hermeneutic, or interpretive, phenomenological research. The integral process is “turning to the phenomenon” focusing the researcher to the research question and interest. Bracketing is the process of obtaining a deep understanding of the researcher’s perspective and experience. Like an algebraic equation, the role of the researcher is placed in “brackets” in order to better understand the other parts of the phenomenon. But it is still a part of the equation. The activity of the researcher is to investigate experience as it is lived, reflecting on the essential themes, writing and re-writing as a part of that reflection, and maintaining a strong and oriented relation with the question or phenomenon (S. R. Jones, et al., 2006, pp. 49-53). The interaction between the researcher and the subjects of the research is important in a phenomenological study. The method asks the researcher to observe and reflect deeply.

Phenomenology, the study of consciousness and its objects (phenomena), is a way of knowing which employs enriched and embodied awareness. Phenomenology directs us to the fullness of experience rather than a remote or pro forma accumulation of information and facts. The creative capacity is enhanced by the opening of vision resulting from immersion in the subject matter rather than limiting the researcher to the
Unlike traditional methods of research, phenomenology involves the researcher in an enriched awareness of her own consciousness. It challenges one to let phenomena reveal themselves, rather than predetermining what phenomena are. Phenomenology seeks to portray the essential, or necessary structures of phenomena, and to uncover the meaning of lived experience within the everyday lifeworld (Rehorick & Bentz, 2009, loc. 118).

Hermeneutic phenomenology acknowledges the interaction of the researcher’s interpretative task and the description of the phenomena. The phenomenon does not simply speak for itself, it is interpreted. The contradiction between descriptive and interpretive is resolved “if one acknowledges that the (phenomenological) ‘facts’ of lived experience are always meaningfully (hermeneutically) experienced. Moreover, even the ‘facts’ of lived experience need to be captured in language….and this is inevitably an interpretive process” (Van Mannen, 1994 at 181).

The policy of affirmative action has two roles in this study. First, I examine the policy as a part of the context of the case. Second, I examine the policy as it is lived and experienced by the participants. Thus “policy” is both a part of the background and the foreground of the “case.” Policies are societal decisions about programs, rules, and the distribution of goods that come from the norms and values of society and are acted upon by policymakers. These actions take place within “the policy-making context [which] includes variables such as socialization, culture values, and political culture” (Benham & Heck, 1994, pp. 421-422). Policy values such as quality, efficiency, equity and choice compete in educational decision making (Benham & Heck, 1994). The choices that an institution makes in determining who will be served, and managing resources and other goods reflect the policy preferences and values of that institution. Affirmative action was the operational strategy for equal opportunity when the Ulu Lehua program was founded, striving to include those groups that have been historically excluded (T. Jones, 2005).

Method

Yin illustrates the “method” of case study research as a linear but iterative process. Before everything else is a planning stage. The iterative or interactive and non-linear stage involves design, preparation, collection, analysis and sharing. The planning stage includes writing the research proposal and this exercise of research and planning. The process of
designing the case study is “progressive” and reflexive (Yin, 2008). That means that as the study progresses the design of the study may change in order to more thoroughly understand the experiences of the participants and in order to draw accurate and thoughtful interpretations of the data (Stake, 1995).

The first design step was to choose participants for the study. An “information rich” cohort was selected in order to learn about the issues or constructs that flow from the research questions. In this case a cohort that participated in the Ulu Lehua program under the direction of Chris Iijima was selected. The criteria for selection was as follows: a program experience with Iijima, before he became ill; most if not all of the members are still in Hawai‘i, so that they could participate in a focus group and face to face rather than telephone interviews. This is a purposive sample because the group – the case – was selected to best represent the characteristics that I wanted to study. This is also a “convenience sample” based upon the accessibility of the members of this group to me.

This group was directed by Iijima before his passing in 2005. They could therefore reflect upon the approach of Iijima in the program. Also this group represented individuals who have been engaged in legal practice for approximately ten years and therefore were able to reflect back upon their experiences in order to examine the impact of the program on their professional lives.

There are only a few cohorts that fit into this group 1998, 1999, 2000, 2001, 2002 and 2003. In 2002 and 2003 Iijima was very ill and the program did not have the benefit of his full direction. The 1998 group was not selected by Iijima and was his first year in the program.

In addition to the cohort, I also interviewed individuals who helped me understand the institutional and policy context of the program. For the context interviewees, I used both purposive and snowball sampling techniques. I looked for individuals who could help me understand specific aspects of the context. In a snowball sampling technique each participant is asked to suggest other sources (Cohen, Manion, & Morrison, 2007). Contextual interviews included other professors, Ulu Lehua scholars from other years, particularly the years immediately before and after the cohort, Jane Dickson Iijima (Chris Iijima’s widow), students who were Ulu Lehua scholars during the Weightman years, and students who were in the program between Iijima’s death and the appointment of Linda Krieger.
The language that a researcher uses to describe a study should reflect the theoretical perspective of the study. For instance, in a positivist study one might talk about subjects, but in a phenomenological case study that is framed in critical race theory, one would refer to “participants, co-researchers, or co-travelers” (S. R. Jones, et al., 2006, p. 27). Here, members of the “case” will be referred to as the “participants.”

The next design issue is access and permission. All participants are adults and all interviews took place with written consent. An exemption from the Institutional Review Board (IRB) was requested and granted, and sample consent forms were submitted to the Board. I had access to the names and graduation dates of all students of the Law School, and copies of reports and other artifacts of the Ulu Lehua program as a part of my duties as Associate Dean for Student Services. Email addresses for contact were found in the Hawai‘i State Bar Association on-line directory, or from inquiry to fellow participants. All data has been kept confidential, and the names of the participants have been changed.

Interviews took place in safe and quiet environments convenient to the participant. Locations included participant’s offices, several different coffee shops and restaurants, and the telephone. Before interviews took place I prepared a list of questions to guide the interviews. These questions served as a checklist or guide. The questions were not used as a script, but rather to guide the discussion and prompt topics. The goal was to gather a rich picture of the participant’s experience. The questions were as follows:

- What was law school like for you?
- Describe your identity before law school
- In what ways did race or ethnicity play into your experience as a Pre-ad?
- What do you think the law school and the other law students thought about the Pre-ad program?
- “Affirmative Action Program” – what does that mean to you?
- How did it feel to be a Pre-ad?
- What did Chris say about being a Pre-ad?
- What did Chris say about being a lawyer?
- How did the Pre-ad program shape your concept of professionalism?
- What is your favorite story about law school or being a Pre-ad?
Did the Pre-ad program shape your identity?
In what ways do race or ethnicity play into your identity now as a lawyer?
What is a story or incident that illustrates your identity as an attorney?
Identity – describe your identity now.
What has being an attorney been like for you?

Carrie Yang Costello (Cary Gabriel Costello)’s research on professional identity was useful in crafting the questions, especially his research on identity dissonance (Costello, 2006). The questions of Marcia B. Baxter Magolda in her study *Making Their Own Way* (2001) a study of narratives of the role of higher education in the identity development of women were also helpful. Before I interviewed the members of the case study, I piloted or tested the questions with a former Ulu Lehua student who was not in the selected cohort (Stake, 1995).

Another element of the design was a focus group of cohort members that took place after the individual interviews were completed. A focus group is like a group interview that relies upon the interactions of the individuals to reveal a collective view. It was interesting to observe the interactions of the participants because the development of a sense of community within the group is an important element to the pedagogy of the Ulu Lehua program. The focus group was also useful to test the interpretations that emerged from the interviews (Cohen, et al., 2007, pp. 376-377).

The final element of the design was the analysis of artifacts. Some of these artifacts were documents including legislation, memos, and reports about the Ulu Lehua program that will help me describe the socio-historical and policy context. I had planned to ask the participants to provide artifacts – pictures, objects, songs, poems – that can help me understand their identity development, and the impact of the Ulu Lehua program on that development. I hoped to ask the participants to bring to the focus group three or four objects that represent their identity before law school, their identity now and what the Ulu Lehua program means to them. After the interviews, however, I believed that I had a rich picture of the experiences I wanted to describe in this paper, and that the focus group would be a more useful tool to test my ideas about the themes that emerged from the interviews. Thus, the focus group did not take place until January 27, 2015, in preparation for the drafting of the conclusions in this paper.
It was important that the interviews first establish trust and rapport, and that the interview questions were conducive to thoughtful and insightful responses. Qualitative interviewing requires a set of skills that are very similar to the counseling and interviewing skills taught and practiced at the law school. These skills include: assuring the participant about confidentiality; using open questions, remaining open and non-judgmental; following up with more probing or closed questions; using passive and active listening skills; periodic summarizing to check accuracy; establishing a conversation, but maintaining leadership in the direction of that conversation; tolerating silence. But more than a set of skills, it is an approach to learning, involving a “relationship between the interviewer and interviewee that imposes obligations on both sides” (Rubin & Rubin, 2004, p. 2). All interviews were recorded with the permission of the participants, and transcripts were created for purposes of coding and analysis. I used an application on my IPad called “Audionotes” for the recording of the interviews. Irving Seidman (2006) suggests three interviews with each participant in a phenomenological study. The first focuses on life history, the second focuses on the details of the experience, and the third is a reflection on the meaning of the experience. However, as the interviews began it was clear that all participants were very busy and more than one interview was not practical. Because I already had a relationship with each participant through my role as Associate Dean, trust and rapport building did not take as much time as a researcher who is a stranger to the participants might have taken.

Analysis of the data was time consuming. I transcribed the interviews and placed each thought or idea into a row in a Microsoft Word document table. One column of the table was a place indicator to help me identify the interviewee after the data was sorted. The second column was the thought or idea. The third column was used for coding the theme of the thought or idea. I coded the interviews. I also gave the entire table to a colleague, a lawyer who graduated from the William S. Richardson School of Law, but who is not a researcher or an Ulu Lehua student. I asked her to also find the themes and put one or two word descriptors of the themes. I used both of these tables to create theme tables that explore the themes that emerged. I used these themes to write the descriptions in this paper. “There is no particular moment when data analysis begins. Analysis is a matter of giving meaning to first impressions as well as final compilations” (Stake, 1995, p. 71).
This process is called “triangulation” (Stake, 1995, p. 107). Stake draws upon the metaphor of navigation to explain triangulation. By checking the position and angles of the stars, a navigator is able to find his or her location. It takes two or three points, and the intersection of these points to fix a position (Stake, 1995, pp. 107-109). Member checking, or asking the participant to respond to interpretations is one aspect of triangulation. As the data is analyzed, and aspects in need of triangulation are revealed, the reiterative process of design, preparation and collection of data continues.

Miles and Huberman (1994) provide detailed processes to bring order and consistency to qualitative data analysis. On the other hand, phenomenology seeks meaning, and the reflexive analysis of that meaning is intimate and interpretive. Processes of coding and theme finding, and finding ways to portray the stories in meaningful ways can support the quest for meaning not necessarily inhibit it. “Significant statements” or quotes are highlighted. Then these statements are clustered into themes. Descriptions of the “significant statements” are written and themes, narratives, and “essence” emerge” (Creswell, 2007). Software is available to assist in this process, but I used a simple Microsoft Word table instead.

After I finished the sorting and theme finding process, I drafted the descriptive part of this paper and I assembled a mixed focus group to test my themes. The focus group took place at my office conference room with Thai food and a bottle of white wine. The group consisted of two members of the participate case study, two former Ulu Lehua students who were in the class before the participants in this study who I had not previously interviewed, Jane Iijima Dickson and Dean Aviam Soifer. I asked the two former Ulu Lehua students to come to the focus group because they represented another fresh perspective on the program. I chose two individuals who had been mentioned by the participants with positive affection. I had not discussed this project with them until that focus group session. I did not record the focus group, but started the group with several themes that I wanted to test:

- The importance of community and belonging to the Ulu Lehua experience
- The value of diversity in the group
- Anti-subordination as a core message of the program
- How affirmative action is viewed by participants
- Chris’ role in mentoring professionalism
• The theme of “being true to yourself” and that being a lawyer is “something you do and not who you are”
• The theme of caring and love

**Strengths and weaknesses of research method**

My methodology and method have significant strengths and weaknesses. Qualitative studies, including case studies, are not well respected in the legal community, and to the extent that one audience for this study is the legal education community, the effectiveness of the study as an instrument of advocacy or change is diminished. Empirical research in general is only a very recent part of legal scholarship (Fortney, 2009).

Although some researchers have used questionnaires and quantitative analyses, a number of studies on the legal profession have relied on interviews or ethnographic methodologies. Some scholars reject the characterization of this work as “empirical” maintaining that the work is not systematic and subject to replication (Fortney, 2009, p. 1474).

Critics of qualitative case study research argue that the research conclusions cannot be generalized, but experimental designs also have limited generalizability.

In fact, scientific facts are rarely based on single experiments; they are usually based on a multiple set of experiments that have replicated the same phenomenon under different conditions. . . . The short answer is that case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes (Yin, 2008, pp. 588-594).

**Protection of subjects**

Prior to conducting the interviews and focus group for this portion of the study, I obtained an exemption from the University of Hawai‘i Committee on Human Studies. The purpose of the Committee on Human Studies is to protect the safety and wellbeing of individuals participating in studies, while ensuring ethical values and principles are followed in research projects (University of Hawai‘i Committee on Human Studies, 2009).

Each individual was asked to sign a consent form. Identifying information in the data was removed and the names of the individuals were replaced with pseudonyms. I am the only person with access to the names of the individuals.
The educational context of Hawai‘i and my place in that contextual fabric

A phenomenological case study can establish a deep understanding of how the complexities of the experience are lived. It provides a rich description of the lived experience of the program, which cannot be achieved through an institutional or legal analysis. Consistent with critical race theory, looking at the phenomenon through the lens of the participant reveals “blind spots.”

The ability of the researcher to understand his or her own experience with the phenomenon and to apply the epoche and bracketing to the research is essential to the effective implementation of a phenomenological study. I was the Associate Dean for Student Services at the William S. Richardson School of Law at the University of Hawai‘i at Mānoa, the site of the Ulu Lehua program, a position that I held from 1999 to 2011. As the Associate Dean I was responsible for all aspects of student life, including admissions. On the other hand, I was not directly involved in the Ulu Lehua program while Iijima was director.

It is very possible that my work, and my personality, have impacted the professional development of the participants of this study. This information, positive and negative, may be missing from the data that I receive if participants were not comfortable to share their thoughts and feelings about our relationship. I do not believe this will be a fatal flaw, because even though I hope that I have some positive and not negative influence on all students at the law school, I also know that the focus here is on the Ulu Lehua Program.

I need to be careful to interpret experiences through the eyes of the participants, not my own eyes. I have experienced identity dissonance. I was the child of a blue collar single mother. I went to public school and I am in the first generation in my family to go to college. I speak Pidgin to my husband, standard English to my children, and legalese at work.

The achievement gap exists in Hawai‘i. Rather than describing the “gap” with statistics I will describe it as the context of the Ulu Lehua program, and the context of my own history. Hawai‘i is a complex society. Hawai‘i is indeed a very special place, with a rich cultural heritage and a tolerance for diversity. At the same time, this is a place where wealth and status have racial lines. Blurry lines, perhaps, but lines nevertheless (Okamura, 2008). There are significant historical roots to this stratification in our history. As I describe this context, I will also describe in narrative form, a part of my family’s educational history, and therefore my place
in the fabric of this context. In phenomenological study, an investigator can attempt to bracket out their personal experience from the lived experience of the subject of the study. Or, the investigator in a hermeneutic phenomenological approach will describe and interpret the experiences while maintaining a strong relationship to the phenomenon. The researcher balances the parts and elements of the experience while describing the whole experience (Creswell, 2007). Because of this relationship it is important to reflect on my experience as well as the students in the Ulu Lehua program.

Western concepts of public education were brought to Hawai‘i by the missionaries. The mission goals were quite clear; they were not only to convert the native Hawaiians to Christianity, but they were also to convert the very culture of Hawai‘i. Some of the first missionaries, were told to “aim at nothing short of covering the island with fruitful fields and pleasant dwellings, schools, churches, and of raising up the whole people to an elevated state of Christian civilization” (Wist, 1940). The goal of the mission was salvation from primitive ways by providing Western role models (Benham & Heck, 1998).

Until the 1840’s most of the pupils of the missionary schools were adults, and after learning to read and write, little further education was pursued. The native Hawaiians did achieve, in a short period of time, an astounding rate of literacy (Wist, 1940).

It soon became apparent that children, especially missionary children, would need to be educated in Hawai‘i or they would need to return to New England to receive an education. Punahou was established in 1841 specifically for the education of missionary children (Wist, 1940). Segregation became institutionalized by creating common schools for Hawaiian students and select schools for children of royalty and missionary descendents (Benham & Heck, 1998).

The goal of Punahou was to provide to missionary children the same education that they would have received in New England. In 1853, ‘Oahu College was founded at Punahou with the intention of providing a liberal arts education to the missionary children. Education at Punahou school thus became college preparatory in nature. Although the college aspect of Punahou did not survive, the school did provide preparation for college on the mainland, and was the only institution at that time providing college preparation for children in Hawai‘i. In 1863, the missionaries relinquished control of the school. Financial assistance thus came in the form of loyal contributions from
alumni and Honolulu businessmen. An endowment begun by the missionaries also served as a financial foundation for the school (Wist, 1940).

By 1880, old Hawai‘i had almost disappeared. The population of native Hawaiians had been decimated by disease and social ills. Land had been taken from the Hawaiians through a systemic process of exploitation, and culture had been subsumed by the Western world. In the “Great Mahele” land ownership moved from communal owners to private ownership. The Great Mahele was a legal process through which land was distributed and foreigners were allowed ownership of the land. The plantations began to grow. Native Hawaiians did not provide a sufficient labor pool to serve the plantations, and laborers were imported to work on the plantations (Daws, 1968).

Most of the early immigrants particularly from China and Japan, and later from the Philippines were single men, with the exception of the Portuguese who came as families. Intermarriages with the Chinese immigrants and Japanese picture brides resulted in the birth of children. As a result, public education in Hawai‘i, like its counterparts on the mainland, began to focus on the process of assimilation (Tamura, 1994, prologue).

By 1882, country schools began to serve immigrant children. The plantation owners heavily influenced the governance of these country schools (Daws, 1968). While educational opportunities for the missionary children and Caucasian children burgeoned, plantation owners were not as excited about educating the children of laborers. In 1890, one business leader declared: “Education has had the same effect upon the Hawaiian that it has had upon the natives of India and the Maoris of New Zealand” (Wist, 1940).

This is the part of the context in Hawai‘i where my family context begins. I am half Portuguese. In 1881 my great-great grandparents and their infant son arrived in Hawai‘i on a ship sailing from the Azores. They made the long and grueling journey in search of a better life, moving from beautiful islands in the middle of the Atlantic to equally beautiful, but hopefully more prosperous islands in the middle of the Pacific. A year later, in 1882, my great-grandmother, Antoninia Correa Lopes was born on the island of O‘ahu. She was the first of my ancestors to be “keiki o ka aina” a child of the land of Hawai‘i.

The Portuguese people were brought to Hawai‘i to work on the sugar plantations. They were laborers and supervisors. They were largely illiterate and they
worked very hard. Antoninia did not go to school at all and could not read or write. She was a devout Christian, although a maverick Catholic. She married Antonio Bento, a stow-away from Lisbon who ran away from Portugal to avoid the draft. Antoninia learned the craft of healing through apprenticeship, psychic ability and faith. She became the Waialua healing “lady.” Sick people would travel for miles to visit her and receive her prayers, her herbs and her massages. She quietly raised her family bestowing on her children and grandchildren unconditional love and faith.

The beginning years of the twentieth century brought tremendous change to Hawai‘i. Its population became ethnically diverse, with a very strong Asian population. The overthrow of the monarchy in 1893 brought the country into territorial status under the United States. American law and policy thus became a direct influence on education in Hawai‘i (Daws, 1968).

In 1896, public aid to private schools ceased – severing the ties between public and private schools (Wist, 1940). For many children in the rural areas, a high school education was not available.

In 1913, in the plantation village of Waialua, my maternal grandmother Gillemina “Minnie” Bento was born. She was the daughter of Antone and Antoninia Bento. Elementary education was available to Minnie in Waialua and she savored every part of the experience. Minnie learned impressive penmanship skills, and could write, read and do mathematics very well. Her world was quite small; it was a rare journey to Honolulu. She would not leave the islands to travel until she was almost 40 years old. Not all of Minnie’s siblings went to school, and she served as “scribe” to her parents and others in the family.

When Minnie had completed the schooling available to her in the plantation, she was approached by a plantation nurse who offered a placement in Honolulu as a maid in a friend’s home. This placement would allow Minnie to work and to attend one of the few high schools on O‘ahu. This was a very exciting prospect for Minnie and she begged her parents to allow her to go to Honolulu. They refused.

This was a very bitter moment for Minnie, a moment that she spoke about over and over again throughout her life. At the age of 16 she married. She worked for a time in the school kitchen in Kunia, and she worked at home as a seamstress. Minnie produced beautiful dresses and gowns for the women in Kunia. Her husband, Manuel
Arial, was a truck driver with an 8th grade education. Their tiny white walled plantation home was immaculate with a manicured yard and beautiful orchids.

Minnie raised four children and one “hanai” daughter. Each heard the story of the forbidden education. Each was tantalized with the allure of the “better life” that education could provide. All but the first child, whose education was interrupted when World War II closed all schools, completed high school at Leilehua High School in Wahiawa.

Although plantation life was difficult, it allowed a prosperous economy to emerge in Hawai‘i. Racial groups within the plantation were managed through a “divide and conquer” method (Daws, 1968).

Although there was much cultural diversity, the educational system adopted ways to maintain the status quo of stratification within Hawaiian society. English standard schools effectively segregated the public schools, or when later expanded, separate sections within schools. These were established in 1924, and required that students speak and write standard English (Wist, 1940). By 1940, there were 23 high schools in Hawai‘i with 16,105 students enrolled (Tamura, 1994).

My mother Loretta Arial was born in 1934. She and all her siblings were named after movie stars. Plantation life was isolated but safe and comfortable. In the evening Loretta’s dad and brothers would bring out guitars, ukulele and an accordion to “kanikapila.” Children went to the little plantation school, Kunia Elementary School, without shoes. Each weekend a truck took the children to the movies in Waipahu. Loretta’s friends were Filipino, Korean, Japanese, Puerto Rican, Hawaiian and Chinese. When the war began, Loretta’s oldest brother left school and began to work for the plantation. Children wore gas masks, and marshal law required that all of their windows be blackened at night. My mother has vivid memories of literally running to the hills on December 7, 1942.

After the war, life returned to normal and Loretta dreamed of life off the plantation. She wasn’t a good student. She hated writing and spelling, spending many hours crying over her homework. Her grades were not strong enough for further education. She was a homecoming princess.
After graduating from high school, Loretta worked for Consolidated Theater in Wahiawa. She became pregnant by an older, married Japanese man who lived in the plantation. At 20 she left Hawaiʻi to live with friends in California. She returned to Honolulu a year later with her baby and attended technical school to become a school cafeteria manager. She still hated school, but this time school had a specific purpose – survival as a single mother. After Loretta’s 30 year career as a cafeteria manager, she and my Godmother, Virginia, formed a business called School Kine Cookies.

My aunt, who was a “hanai” daughter, was very bright and during her senior year at Leilehua High School was awarded a full scholarship to Baylor University. The family refused to allow her to go to the mainland to school. She went to Queens Hospital for a nurses training program.

The local men and women who joined the war effort and returned to the United States as heroes influenced government and education in the period after World War II. The GI Bill educated this “greatest generation.” So did prejudice, struggle and war. When they returned to Hawaiʻi they began to make progress in establishing themselves as leaders of a new Hawaiʻi. Rapid growth, political transformation, and eventually, the end of the plantation era mark the subsequent years, especially those after statehood (Daws, 1968).

I was that illegitimate child born in 1955. Perhaps all children born in similar circumstances struggle, as I did, with issues of identity. My earliest school memory is one of feeling somehow left out. My cousins went to pre-school, but my mother could not afford pre-school.

My first school experience was kindergarten at Waimalu Elementary. Japanese children went to Japanese school after school. They carried canvas knapsacks with their Japanese schoolbooks. Although half Japanese, my family certainly had no connection with Japanese culture, and I did not go to Japanese school. My religion on the school records was listed as Catholic, but I didn’t go to Catechism. Other Catholic children were pulled out of school once a week to go to Catechism. Nevertheless I excelled in school, and that achievement became my identity.

At Waipahu Intermediate School we were divided into “sections.” I was in “section one”, and our work was challenging and interesting. When we moved to Waipahu High School, about a third of our “section one” went on to Iolani.
Hearts, St. Louis, Damien, and Mid Pacific Institute. At Waipahu High School the only college preparation courses available to us were in math and science.

The late sixties and early seventies was an exciting time to learn about the quest for social justice. As an active member of the YWCA I learned about racism, and I planned workshops for teenagers about racism and social justice. I learned how to sing, “give peace a chance!” I learned about the “Big 5” and how incestuous the boards of directors were not only within industry but also in government.

I knew I would go to college, but I had never stepped foot on a college campus. A wonderful college counselor told me that I could go to college on the mainland. I hadn’t been on an airplane since my mother brought me back to Hawai‘i as an infant. The counselor said there were scholarships, and she sent to my homeroom dozens of scholarship applications. I filled them all out and won many. This wasn’t difficult, my mother’s income was quite low, and my grades and SAT scores were good. I was a good candidate for affirmative action.

I boarded the plane to Walla Walla, Washington with four other children. All four of them were Punahou graduates. Whitman College is a small, liberal arts college “in the New England tradition.” It is located in a tiny town in the middle of wheat fields. It was, in fact, the perfect place for a child who grew up in the middle of sugar cane fields. Some joked about it being “white man” college. It was a comfortable place for my Punahou friends because it was so much like their high school: affluent children, beautiful buildings, wonderful teachers and resources.

I didn’t know how to write an English paper, I was so very home sick, I didn’t know how to study, and I knew I didn’t “fit in”. But I figured it out, and I performed well. I joined a sorority, the rich girl sorority. My roommate was the daughter of the CEO of C. Brewer in Honolulu.

I knew that I wanted to “make a difference” and I heard that the brand new law school in Hawai‘i was just the place to learn how to develop social justice. I wanted to be a part of that. So I went to law school.

Private school attendance in Hawai‘i makes up nearly 20% of the school age population, the highest percentage in any state. (Nationally the percentage attending private schools is about 11%) (Steinberg, 2001). The result is a loss of political clout and attention to the public school
system. In addition, this phenomenon creates greater stresses on the public school system (Okamura, 2009). Fifty percent of the children in public school in Hawai‘i are disadvantaged. “Disadvantaged was defined by the Center as including poverty, special education, English as a second language, or a combination of these categories (Hawai‘i Educational Policy Center, 2003).

Stratification is economic and racial. Communities in Hawai‘i have racial concentrations, thus public schools reflect racial concentrations as well (Okamura, 2009). Academic attainment is subsequently stratified. For instance 15% of Native Hawaiians in Hawai‘i have a four-year degree, compared to 42% of the Caucasians in Hawai‘i. Higher education is not a priority among public school children. Most public school graduates go to a community college if they go to college at all (Hawai‘i Educational Policy Center, 2003).

Sarah Tochiki is my eldest daughter. She was born in 1985. My husband and I sent Sarah to pre-school when she was two. When it was time to apply for kindergarten we lived in San Francisco where we waited for a liver transplant for our son Thomas. We missed the Punahou and the Iolani applications. It is unlikely that Sarah would have been admitted to Kindergarten at either of these schools because competition is so fierce, and we lacked the benefit of legacy.

So we sent Sarah to public school in Waipahu. Honowai Elementary is a public school in a poor neighborhood. Sarah did very well and made lots of friends. One day the high school band came to perform and Sarah was certain that she wanted to go to Waipahu High School and join the band. There were many excellent teachers at the school, and there were also some very poor teachers. But it was clear that Sarah’s academic skills were not being nurtured.

When Sarah was in the sixth grade we applied to Punahou and she was accepted. Before sending Sarah to Punahou my husband and I toured the campus. Both of us grew up in Waipahu and had not been on the campus before. Punahou, like the Pacific Club, is a place where I fear that someone will come up to me and say, “Ma‘am you’ll need to leave, you don’t belong here.” As I walked around the campus and listened to our young tour guide, I cried. I told Norman that it was so wrong that only a few children could have the advantages of a Punahou education – the resources, the equipment, the programs, the teachers.
Sarah was miserable at Punahou the first year. She missed her friends. But she joined the band and learned to play the trumpet and made friends. Now she was among peers who worked very hard and studied hard. She could be a “geek” and she wouldn’t be alone. It also wasn’t such a weird thing that her mother was an attorney and that her mother and father were married to one another. One day she came home and laughed about how her classmates try to speak pidgin English. It was so funny that we almost rolled on the floor!

Sarah excelled at Punahou. She received a full academic scholarship at the academy. She learned to play golf. One of her classmates was Harry Dobelle. One day a teacher in Harry’s class was scolding the children and said, “if you don’t study hard, you’ll have to go to UH.” College is a constant mantra at Punahou, and preparation for college on the mainland is the norm.

Now Sarah is a teacher at a large public middle school on Kaua‘i. She graduated from Lawrence University in Wisconsin and she often reflects on the differences between the experiences and expectations of her students and her experiences at Punahou. Now it is her turn to move the educational expectations of her children forward into the future.

The Ulu Lehua program addresses this highly stratified and complex educational system that exists in Hawai‘i. Our family may be somewhat typical of a “local” family. Certainly, it is typical of the more privileged middle-class families of Hawai‘i. Some of the students in the Ulu Lehua program come from “local” families like ours. Others come from very different social contexts in the Philippines, Guam, Micronesia, and Samoa.
Theoretical framework: critical race theory

A dilemma in the study of the educational system is that the higher the general attainment of education in a society, the larger the gap in non-educational goods between those with and without an education. In addition, as the system expands, the hierarchies expand as well. The result, as Margaret Archer says, is a system that no one wants (Archer, 1982).

A series of articles and books have used the metaphor of a river to describe the journey of individual students from undergraduate school to careers. Other writers refer to a pipeline (Olivas, 2005). No matter what metaphor is used, the conclusion is that the legal academy is not diverse, that there are “outsiders” and “insiders” and the competitive culture can be unhealthy:

No single river carries law students of varying ages, races, personal characteristics, and social origins from start to finish. A better analogy is a forked river, with one side offering a challenging and often dangerous white-water rapids course, the other side a swift but smooth current, and an entry gate that variously restricts access to the river. All minority law students are made to ride the former, and they are often joined by older law students, law students with physical or learning disabilities, and law students from disadvantaged socioeconomic origins. Young, white, and socially privileged law students complete the latter. While a portion of women are unevenly held up at the entry gate (women have better undergraduate grades than men, but lower standardized test scores, which are weighted more heavily by the gatekeepers), those women allowed through end up navigating the river better than the men do. Both rivers run parallel and end at the same place, but the rides are different indeed, and fewer complete the white-water course (Clydesdale, 2004).

Understanding the reason for the disparities is critical. Some writers theorize that the reproduction of class differences, through the benefits of social capital among the elite, perpetuates the disparities. This is the theoretical framework of Bourdieu, for instance (Sommerlad, 2007).

Others argue that an economic protectionism is at stake, especially as states raise bar exam passing scores. This economic protectionism has, in turn, a disparate effect upon minorities. Proponents of raising “cut scores” argue that the quality of applicants has dropped, therefore necessitating a higher bar exam passing score (Kidder, 2004).
Critical race theory began in the legal community in the mid-1970’s. Scholars and lawyers observed a reversal of the advances of the civil rights movement. These reversals were more subtle, and therefore required both scholarly and activist research. Drawing from the European theorists Antonio Gramsci and Jacques Derrida, and American civil rights leaders such as Cesar Chavez and Martin Luther King, Jr., early writers Derrick Bell, Alan Freeman and Richard Delgado, tackled the issues (Delgado & Stefancic, 2001).

Critical Race theorists generally subscribe to several basic principles or themes:

- Racism is an ordinary and pervasive element of society. That means that it is difficult to change.
- Racism advances or preserves the status quo and serves the material and psychological interests of white elites and working-class people. This is called “interest convergence” or “material determinism.”
- Race is a socially constructed reality. Ethnic or cultural differences are socially constructed and not genetic or physical. They both emerge from within the group and they are imposed upon the group from without.
- These socially constructed differences are not static, they shift with the social, historical and economic context, and this is called “differential racialization.”
- Closely related to the concept of differential racialization is the idea that individuals have complex identities with conflicting and overlapping loyalties. This is called “intersectionality” and “anti-essentialism.”
- Finally, the voice of minority individuals is uniquely authentic in the portrayal of racism and oppression. Storytelling and narrative express these experiences illuminating issues and perspectives (Delgado & Stefancic, 2001).

Critical theory is not new to educational research, although in this paper, the work of legal scholars is particularly helpful. “In education, research which has a critical theory thrust aims at promoting critical consciousness, and struggles to break down the institutional structures and arrangements which reproduce oppressive ideologies and the social inequalities that are sustained and produced by these social structures and ideologies” (Van Manen, 1990, p. 176).

Critical race theory is a theoretical framework that examines the intersections of race, racism and power not only to understand how society constructs these relationships but also to
seek transformation of societal hierarchies for the better. Charles Lawrence, III illuminates this transformational role for affirmative action and the importance of diversity in higher education.

My purpose…is to articulate a deeper meaning for diversity…we seek diversity in our student bodies and faculties because a central mission of the university must be the eradication of America’s racism. We cannot pursue that mission without the collaboration of significant numbers of those who have experienced and continue to experience racial subordination. This freedom-fighting purpose may be only one of several reasons for seeking racial diversity in the academy, but it should be the primary one. Once articulated, it makes apparent the necessary connection between affirmative action’s backward-looking purpose of remedying the effects of our nation’s history of slavery and racial apartheid and its forward-looking purpose of preparing students for the work of fighting the disease of racism and creating a better world. (Lawrence, 1997, p. 765).

As a theoretical lens, Critical race theory shapes the project’s methodology, method and interpretation of participant responses. “Critical race theory…embraces an experientially grounded, oppositionally expressed, and transformatively aspirational concern with race and other socially constructed hierarchies” (Bell, 1995, p. 46). It uses an inter-disciplinary perspective drawing from ethnic studies, women’s studies, sociology, history, law and other fields.

Critical race theory began in legal scholarship, and has only recently been used in education research. Educational research can bridge critical race theory and critical race praxis (Zamudio, Russell, Rios, & Bridgeman, 2011, p. 115). The word praxis is used to describe practice and action. Praxis represents the technologies and projects of transformation.

What can critical race theory, a movement that has its roots in legal scholarship, contribute to research in education? Plenty, as it turns out . . . . More centrally, the use of critical race theory offers a way to understand how ostensibly race-neutral structures in education – knowledge, truth, merit, objectivity, and “good education” – are in fact ways of forming and policing the racial boundaries of white supremacy and racism (Zamudio, et al., 2011, pp. 115-116).

In critical race theory “race” “is not a fixed term; instead, it is a fluctuating, decentered complex of social meanings that are formed and transformed under the constant pressures of
political struggle” (Calmore, 1995, p. 318). The terms “ethnicity” and “race” are used almost interchangeably in everyday speech, but for social scientists and critical race theorists, the terms mean significantly different things. “Ethnicity” is used to denote the ancestry, culture, and group membership of an individual, “race” being one of the elements of “ethnicity.” Critical race theorists use the term “race” to denote a social construct and more specifically a socio-historical concept. Racial meanings change within the context of time and history (Omi & Winant, 1986).

In Hawai‘i, race and ethnicity play out in very complex and sometimes subtle ways, but the issues are still very vivid and important. Okamura (2008) argues that in Hawai‘i we need to focus on “ethnicity” rather than “race,”

The groups that comprise island society—for example, Filipino Americans, Samoans, Whites and Puerto Ricans—are socially constructed as ethnic rather than racial groups. In other words, people in Hawai‘i attribute greater social significance to the presumed cultural differences that distinguish groups from one another than to their phenotypic differences such as skin color (Okamura, 2008, pp. 6-7).

Okamura is concerned that an overly positive view of ethnic and race relations in Hawai‘i is contradicted by and at the same time obscures the reality of a “highly unequal structure of these relations” (Okamura, 2008, p. 15).

Both perspectives are compelling. For purposes of this paper my analysis will continue to use “race” because that is the construct used in critical race theory. Nevertheless, the landscape of race and ethnicity in Hawai‘i is uneven. Okamura points out, for instance, that although the statewide average of individuals classified as “professional” is 16% male and 22% female, the percentages for Filipinos are 8% and 13%; Native Hawaiians are 9% and 17%; Samoans are 8% and 14% respectively. Okamura concludes that:

Since the 1970’s ethnic relations in Hawai‘i have become increasingly structured by the economic and political power and status wielded by Chinese Americans, Whites, and Japanese Americans over other ethnic groups. In occupying their privileged position, these groups intermarry with one another, send their children to the same exclusive private schools, reside in the same affluent neighborhoods, and socialize with each other at the same private clubs. As a result Hawai‘i is becoming even more unequal by developing into a two-tier stratified society (Okamura, 2008, p. 57).
Critical race theory posits first that racism is “ordinary, not aberrational,” and therefore it is very difficult to overcome, particularly because it serves the needs of white elite, and majority segments of the population. It is much easier to gloss over or ignore racism by declaring that it doesn’t exist anymore.

One construct of critical race theory is “interest convergence,” similar to a policy analysis of competing values, “interest convergence” or “material determinism” looks at the dynamics of interests, and posits that it is only when the interests of the elite are also served that gains are made for those who are subordinated (Bell, 1980). Interest convergence has its roots in Marxist theory that “the bourgeoisie will tolerate advances for the proletariat only if these advances benefit the bourgeoisie even more. Class conflict is therefore intractable and progress is possible only through resistance” (Taylor, 2009, p. 5). As we look at the Ulu Lehua program this question is important - what are the interests and values of the law school, the students, the Ulu Lehua program, and how and when do they converge and diverge.

In summary the constructs of critical race theory that shape this study are: race, voice, counter-stories, values and norms that may be hidden or disguised, interest convergence. In a nutshell the basic assumptions of critical race theory are that race matters, history matters, voice matters, interpretation matters, and praxis matters (Zamudio, et al., 2011, pp. 1-6).

Research methods including the questions we choose to ask, the phenomenon we choose to examine, the people we choose to study, and the means by which we interpret information, are powerful instruments that shape our understanding of a situation or an issue. Research can protect the maintenance of the status quo and the perpetuation of racism and discrimination, or it can reveal the stories and counter-stories.

One way to think about educational research is as a kind of storytelling about what happens coupled with theoretically grounded explanations about why things happen in a certain way. For critical race theory scholars, the focus rests on who is telling which stories in what way, from what theoretical lens are they being explained, and for what purpose are they being told. Clearly, these questions require decision-making and, as such, represent political decisions which can either support the status quo or which can serve to liberate (Zamudio, et al., 2011, p. 117).

This approach is consistent with qualitative case study research and phenomenological approaches. The qualitative researcher develops a “rich, thick picture” through interviews, focus
groups, document review, and other means. The phenomenological researcher looks for the meaning of lived experience, and is careful to examine his or her own perspective and to pursue meaning through the eyes and hearts of the participant (Zamudio, et al., 2011, p. 118).

Choosing the voices of the participants to understand the way that the policy of affirmative action is lived out through the Ulu Lehua program is consistent with the methodology of critical race theory. Mari Matsuda tells us that the “who” to study are “those who have experienced discrimination” because they “speak with a special voice to which we should listen. Looking at the bottom—adopting the perspective of those who have seen and felt the falsity of the liberal promise—can assist critical scholars in the task of fathoming the phenomenology of law and defining the elements of justice” (Matsuda, 1987, p. 323).

In addition to “who” and “what” is studied, and “how” the data is interpreted, critical race theory requires the “why” of the research to have the aim of social justice. Critical race theory scholars are asked whether their research is “committed in social justice pursuits, grounded within communities of color, and aimed at contesting domination and subordination” (Zamudio, et al., 2011, p. 119).

Narrative is an important tool in critical race theory scholarship. Narratives open a “window onto ignored or alternative realities” that cannot be easily understood by members of the dominant racial group. Majoritarian or master stories make meaning for society and help us to maintain subordinating structures. For instance, we believe in the American dream and savor the stories of bootstrapping Americans, or point to the beautiful “hapa” faces in Hawai’i to laud it as an island paradise, or sing a song about a lazy Hawaiian-Portuguese “Manuela boy.” These are “stock stories,” or “master narratives,” or “majoritarian narratives.” “Counter-stories” are used to challenge the “stock stories” (Delgado & Stefancic, 2001).

Critics of critical race theory echo critics of qualitative research methods, especially as they question the validity of interpretation, and the subjectivity of the research process. Critical race theorists argue that there is no neutral scholarship. Instead, what is required is a self-reflective, positioned perspective. Lawrence explains:

A self-conscious commitment to a subjective perspective is critical . . . I will consider three separate though interrelated meanings that may be given to the term “subjective” which enable and are central to our scholarship. These meanings are the following:

subjective, indicating the scholars’ positioned perspective in viewing and recording social
constructs; subjective, indicating non-neutrality of purpose, that the scholar embraces certain values and that her work is avowedly political (read liberationist); subjective, indicating that the scholar places herself in the linguistic position of subject rather than object, a being capable of acting upon the world rather than as one upon whom others act (Lawrence, 1995, p. 338).

Linked to this is the examination of pedagogy and instruction. A critical race theory lens in this study requires an examination of the law school experience including the pedagogical style of the Socratic method, the competitiveness of the rewards and punishments of the system, especially ways that these pedagogical methods may cause non-traditional students to feel inadequate or uncomfortable. In addition, I examine the curriculum of the Ulu Lehua program and the language used to describe the program to reveal the messages of the program and the institution supporting the program. Examining the lived experiences of the participants in this cohort of the Ulu Lehua program through the lens of critical race theory reveal how the program impacts the development of the professional identity of the participants, while examining carefully the perceptions of the participants and others of their experiences.

The Ulu Lehua program and its context are a complex weaving of values and experiences. The law school, by establishing the program, affirmed its desire to increase the diversity of the bar, and by perpetuating the program and placing significant resources in its maintenance, that affirmation remains. But does that affirmation resonate throughout the institution and to the participants of the program? The lens of critical race theory asks the researcher to probe questions about whether other messages – messages of deficit or remediation, messages about separation, messages about challenge and preparation, messages about the validity of the Law School Admissions Test - for instance – may be subordinating and contradictory.

The lens of critical race theory might appear myopic because of its focus on race, but the lens is in fact much wider and sensitive than the name “critical race theory” might imply. Critical race theory does focus on race, but it also looks at the intersections of race and gender, socio-economic class, disability, sexuality, and citizenship status. Critical race theory focuses on these intersections because race is a complex social construct and is lived in diverse ways that require looking at all aspects of one’s identity.
While we may talk about blacks, Chicanos/Latinos, immigrants, whites, American Indians, women, and the poor in terms of groups because each category shares historical characteristics, it is important to also differentiate peoples’ experiences based on the multiple ways that structures of privilege and disadvantage intersect in individual lives. The notion that there is nothing essential about one’s race guides [critical race theory] analysis. In other words, there is not a set way of being black, or Chicana, or American Indian, or a woman” (Zamudio, et al., 2011, p. 37).

Critical race theory is useful to the study of the professional identity development of the participants of the selected cohort. Understanding identity and the transformation of identity is a central theme in critical race theory. “The challenge thus presented is to examine how individual and group identities, under broadly disparate circumstances, as well as the racial institutions and social practices linked to those identities, are formed and transformed historically by actors who politically contest the social meanings of race” (Calmore, 1995, p. 318).

Critical race theorists talk about a “dissonance” felt by individuals as they negotiate multiple identities as well as the cultural texts or messages in a racist society. Through this lens we can examine how the context of the program creates, strengthens, or weakens different aspects of identity. Lawrence, in a retrospective piece about his ground breaking article: “The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism” Lawrence (1987) captured the personal importance of his life work in writing and teaching critical race theory:

Professor Matsuda recalls that, in introducing that piece and explaining the process of its conception, I said, “I write so that I know I’m not crazy.” I do not remember saying this, but it is surely true. I may have also said, “I hope that my writing will help other people know that they are not crazy,” for that has also been a primary motivation in my scholarship. I trace this motivation, and thus the origins of this article, to my experience in law school. I was one of only three black students in my first year class, and I recall expending considerable intellectual and emotional energy in an effort to maintain my sanity as a struggled to make sense of a discursive work that rarely reflected my lived experience. I did not have the work of Critical Race Theorists, like Derrick Bell, Kim Crenshaw, Patricia Williams, Jerry Lopez, and Mari Matsuda to provide me with an analysis that explained the dissonance between that lived experience and the way the dominant legal discourse described the world (Lawrence, 2008).
As we examine the lived experiences in this case study we seek to understand the ways that the program helped them understand that dissonance; did it heighten the dissonance or modify it to make it tolerable? Lawrence writes about his work teaching an affirmative action program at the University of San Francisco in 1974, the same year that the Ulu Lehua program began. He wrote:

They would be asked what they had scored on the LSAT, as if that score defined their whole being. Their classmates would tell them about a white college roommate with better scores whose place they had taken. They would be accused of lowering the standards of the entire school and told that they were responsible for the declining bar pass rate. The message would also come in implicit forms. It might take the guise of lowered expectations or surprise at demonstrated excellence; but they would hear the underlying message: “You do not belong here” (Lawrence, 1997, pp. 758-759).

Richard Bissen’s experience illustrates the assumptions of peers that “you do not belong here.” Bissen is a judge and former prosecutor and he is a large Hawaiian man. He reported that when he went to the University of Hawai‘i Law School “his classmates wrongly assumed he was on a special “preadmissions” program developed to help Hawaiian students adjust to law school by giving them an extra year” (Tengan, 2008, pp. 194-196). Judge Aley Auna of Hilo, also understood the program to be for Polynesians, and he was grateful for admission to the program. “He credited the Pre-admissions Program at University of Hawaii Law School as the vital element in making it possible for him to eventually obtain a law degree. He said the program is geared toward Polynesians who do not have the academic criteria to get into law school, but otherwise have the potential of completing the requirements” (Hughes, 1985). Note that the Ulu Lehua program was never a program exclusively for Native Hawaiian students, but that perception is still held by some.

The roots of critical race theory are with the study of law, and it has been applied to education research. Critical race theory is nevertheless multidisciplinary in nature, drawing from fields as diverse as economics, psychology, ethnic studies, philosophy, history and political science, and has been adapted to the study of education. Second, the theory emerges and matures parallel in time to the Ulu Lehua program. Critical race theory emerged in the 1970’s in response to a stalling in the progress made in the civil rights movement in the 1960’s.
Third, there is a very strong connection between the experiences at the William S. Richardson School of Law and the critical race theory movement. Mari Matsuda is my law school classmate from the Richardson class of 1980. After law school Matsuda pursued an LLM from Harvard University. Derrick Bell, “the movement’s intellectual father figure” was a tenured faculty member at Harvard Law School until 1980 when he resigned. Mari Matsuda and Kimberlie Crenshaw were two of a group of students who requested a professor “of color” to teach the course “Race, Racism, and American Law.” When Harvard refused, Mari and her classmates put together an alternative course inviting key scholars, including Charles R. Lawrence III, to speak. This self-made symposium became an early incubator of the critical race theory movement (Taylor, 2009, p. 3). Lawrence and Matsuda are not only partners in scholarship, but partners in life.

Indirectly and directly the Ulu Lehua program embodies a praxis project of critical race theory that this paper hopes to illuminate and even celebrate. There is evidence that the goal of anti-subordination is enmeshed in the program. Lawrence discusses this inter-relationship when he writes about “the Word,” a tradition of teaching, preaching and healing in black culture, “an interdisciplinary tradition wherein healers are concerned with the soul and preachers with the pedagogy of the oppressed.” He states:

Within the Word we find two dimensions, reflection and action, in such radical interaction that if one is sacrificed—even in part—the other immediately suffers. There is no true word that is not at the same time a praxis…It is evident to me that the Word requires a unity of pedagogy and scholarship, and that I cannot, I should not, separate methodology from substance or objective (Lawrence, 1995, p. 337).

Critiques of critical race theory reveal discomfort with narrative and positionality. Litowitz refers to the danger of narcissism, of failing to see macro-systems because of the focus on ethnic group uniqueness or superiority. He calls the methodology of seeking the counter-stories and narratives a “relatively easy game to play, all one needs is an angle, a personal trait, which can serve as an entrance into the game, and if one possesses several angles, she can write about how these facets intersect” (Litowitz, 1997, p. 301). He argues that reliance upon stories rather than law’s reliance on logic is subject to manipulation. Litowitz argues that the stories of those experiencing the intersectionality of experiences creates a reductionist view of the
experience. Instead, the critical race theory scholar uses stories to reveal the complexity of the experience. The content of the story may not be generalizable, but the purpose of the story is to achieve understanding (Delgado, 1993).

Farber and Sherry question whether distinctive voices of women or of color exist, and argue that white people also tell stories. They prefer practical reasoning to storytelling, and “highly rigorous empirical research” to narrative (Farber & Sherry, 1993, p. 319). Stories can serve to romanticize or dramatize experiences rather than inform.

Further, the quality of critical race theory research must be judged by “truthfulness,” “typicality” and by the analysis and reasoning of its interpretation. Farber and Sherry argue that legal scholarship requires objective, universal rules and analysis. The researcher is responsible to show to the reader that the narrative is “credible and representative” (Farber & Sherry, 1993).

Farber and Sherry’s critique of critical race theory is also a critique of qualitative research and the use of narrative. Delgado responds to this critique by emphasizing the importance of analysis and reasoned argument - the stories do not stand alone. The responsible researcher must truthfully recount the stories and reveal the purpose of the story through careful analysis. Indeed, it is only through the carefully analyzed story that empathy and understanding can emerge (Delgado, 1993). The use of stories from those experiencing oppression is necessary in order to challenge the dominant discourse and to find within the stories strength and opportunity for transformation. For the critical race scholar, the focus is on “who is telling which stories in what way and from what theoretical lens are they being explained and for what purpose they are told” (Zamudio, et al., 2011, p. 117).

Another critique centers on the choice of race as the focus in critical race theory rather than class. These critics view class as the key category for understanding injustice and achieving social justice (Zamudio, et al., 2011, pp. 160-163). Admission to the Ulu Lehua program was not based on race. It would appear then that using a framework of critical race theory is too narrow a focus to explain and understand the lived experience of participants in the program and explore a deep understanding of its policy context. On the other hand, critical race theory is an appropriate lens because it examines “intersectionality” and argues against “essentializing” experiences. “Intersectionality” means the examination of race, sex, class, national origin, and sexual orientation, and how their combination plays out in various settings” (Delgado & Stefancic, 2001).
Critical race theory is an appropriate lens to this study because it stems from a movement of activists and scholars “interested in studying and transforming the relationship among race, racism and power” (Delgado & Stefancic, 2001, p. 2). Ultimately it is the goal of social justice that cannot be forgotten in this project. Critical race theory “mandates that social activism should be a part of any [critical race theory] project. To that end, the stories must move us to action and to the qualitative and material improvement of the educational experiences of people of color” (Dixson & Rousseau, 2005, p. 37).
The legal education context

Effectively educating the adult learner is a “challenge and an issue in legal education. Law schools share the propensity toward ‘glacial change’ found in undergraduate institutions” (Howell, 2002). Legal educators have not always attended to the art and craft of teaching. The Socratic method originated by Harvard Professor Langdell more than 100 years ago still dominates the law school classroom (Lustbader, 2006). Most schools now encourage clinical or "hands on" experiences, but many students find the climate in the law school classroom uncomfortable (Lustbader, 2006).

The current teaching methods in law school, though evolving, still foster fear and disengagement. The vast power disparity between the professor and students results in students competing for the few crumbs of accolades that professors hand out. Large class size, especially in most first year programs, results in a lack of meaningful dialogue among students (Lustbader, 2006, p. 624).

Legal education is generally known to be unhealthy. Law students coming in to law school are generally healthy, but leave law school with issues of anxiety, depression and substance abuse (Sheldon & Krieger, 2004). Two important documents attempt to humanize legal education, and to align the legal education experience with educational research. The first is the Carnegie Foundations publication: Educating Lawyers: Preparation for the profession of law (Sullivan, Colby, Wegner, & Bond, 2007). The second is Roy Stuckey’s Best practices for legal education (Stuckey, 2007). Suggestions in these books include supportive small groups, developing skills of self-reflection, and interpersonal communication, enhancing students’ sense of competency.

Another challenge, issue and criticism of law school pedagogy is the lack of feedback. Most courses are graded with a single final examination at the end of the semester. That final examination does not provide useful feedback because the grade is not received until after the semester is over. Few notes or learning tools are provided after the examination to help students improve their skills.

Yet another criticism and issue of law school pedagogy is the highly competitive culture of the law school environment. Most schools not only grade students on a curve, but also
establish class rankings. Prestigious and lucrative positions after law school depend upon these class rankings in the selection process. This kind of environment discourages cooperation.

Law professors, like undergraduate professors, are rewarded for their scholarship and not necessarily for their teaching ability. Law professors, like their undergraduate counterparts, have a high level of training in their discipline but are not necessarily trained as teachers.

The Carnegie Foundation embarked on a series of reports about professional education, reviewing, in depth, the pedagogies of medicine, engineering, the clergy, nursing, and law. In each study researchers assembled an expert team to conduct analysis, data collection, and interviews. The researchers discuss “The Three Apprenticeships of Professional Education” in their recommendations for re-design of legal education (Carnegie, 2007 at 27). The first apprenticeship is intellectual, or knowledge. This is the area that has most often been emphasized in traditional legal education. The second apprenticeship is experiential, such as clinics, case studies, externships, and simulation. The third apprenticeship is the apprenticeship of identity and purpose, which looks at the values and ethics of the profession, and the development of a professional identity.

The recent recession brought serious criticism to law schools. With high tuition cost, high debt, and low employment statistics, some law schools faced litigation for misleading applicants about job prospects. Although not successful, the lawsuits brought national attention to the law student concerns (Eckman, 2013).

In his critique of legal education, Brian Tamanaha, describes a broken economic model. Law school tuition grew 820% in the span of time from 1985 to 2009, far in excess of inflation. The average debt of a law graduate is $68,827 from public schools and $106,249 from private schools (Tamanaha, 2012, loc 2008). Tamanaha also critiques the U.S. News and World Report ranking and its impact on legal education and law school policy making. Tamanaha reviews changes in the culture and structure of legal practice and the delivery of legal services, as well as concerns about significant unmet legal needs. “Significant unmet legal needs coexists with significant numbers of lawyers who cannot find jobs because American society lacks the public infrastructure to deliver affordable legal services on a mass scale, and recent law graduates cannot earn enough income on this kind of work to sustain a private practice” (Tamanaha, 2012, loc 3118).
Chris Iijima, the late director of the Ulu Lehua program examined programs similar to the Ulu Lehua program, in his article “Separating support from betrayal: examining the intersections of racialized legal pedagogy, academic support, and subordination” (2000). Iijima reviewed the dilemma of support versus emancipation. The law school is viewed through a critical race theoretical lens as an engine of racialized subordination.

Iijima portrayed the law school institution as place in which people “lose their spark”, and in which students with passion are assimilated to lose their passion and voice. Law school tries to teach students to “think like a lawyer.” Iijima critiqued legal education, citing studies that the law school experience is a fear-provoking, self-esteem demoralizing enterprise. He cited a process of indoctrination that includes infantilization, and encourages emotional dysfunction (Iijima, 2000).

In order to successfully ‘think like a lawyer, academic support ‘retools’ students so that they ‘fit’ within the confines of what traditional legal academia deems to be important and valid….exacerbat[ing] the very exclusion that many people of color and other marginalized groups feel from law school and the law itself” (Iijima, 2000, p. 761). Iijima stated that law students of color experience “dissonance” and feel that they lose their voice (Iijima, 2000).

Critiques of legal education are not unique. Carnegie examines professional education in other professions such as engineering and nursing. The concern that professional education has neglected the professional identity development of students is a common theme. Parker Palmer in his article “A New Professional: The Aims of Education Revisited” offers five suggestions:

1. We must help our students uncover, examine, and debunk the myth that institutions are external to and constrain us, as if they possessed powers that render us helpless—an assumption that is largely unconscious and wholly untrue.

2. We must take our students’ emotions as seriously as we take their intellects.

3. We must start taking seriously the “intelligence” in emotional intelligence.

4. We must offer our students the knowledge, skills, and sensibilities required to cultivate communities of discernment and support.

5. We must help our students understand what it means to live and work with the question of an undivided life always before them (Palmer, 2007).
Participant stories

As I approached the conversations with participants in this study, whether they were context interviewees or case members, I was mindful of the gift of trust I was requesting. I have a responsibility to be aware of the vulnerabilities and power concerns of each individual I interviewed. I have a responsibility to listen carefully and to keep an open, non-judgmental approach to the stories, feelings, and concerns shared with me. I have the responsibility to fairly and accurately reflect the interpretations of the participants. I have a responsibility to maintain confidentiality, to respect individual participant dignity and rights. I have a responsibility to acquire the consent of all participants and not to abuse my own position or power both as a researcher and as the former Associate Dean of the Law School (Cohen, et al., 2007, p. 77).

An important aspect of inclusion, and the value of the Ulu Lehua program is the ability of the students to form a strong and cohesive group of colleagues and friends. Mentored and nurtured by Iijima, the group becomes a close-knit community within the community of the law school.

The class that entered in 1999 was the second group that worked with Iijima. It was a relatively small group of nine students, I interviewed seven of them. In these interviews the graduates explored their experience in law school, and their thoughts about their professional identity. Like the flower designs stitched on a Hawaiian quilt, the participant stories express the essence of their lived experience.

Michael

Michael is successful Filipino attorney working in a “mega” law firm on the West Coast. Affable and often self-deprecating, Michael has ambitiously sought to provide well for himself and his family. His colleagues in the Lehua program knew that they could depend upon him, not only for assignments, and work, but also to be a positive friend. He was known for saying things that people thought, but might not say. And, perhaps, he would say them for that very reason, but always with a twinkle in his eye. For instance everyone remembers that as the microphone was passed around Classroom 2 for introductions on the very first day, Michael said: "I want to be the best, most successful attorney ever and make lots of money." Michael remembers what he said a little differently. He distinctly remembers saying: “I want to be successful enough that the law school would name an auditorium after me.”
In the interview, he struggled to remember anything negative about law school, and only after much prompting referred to a few professors who were notoriously tough graders. When he describes his law school experience, he sums it all up with just one word: “fun.”

Lots of fun... I would say lots of fun for me... a more innocent time, I'd say ... you know the saying "ignorance is bliss"... UH law school was a lot of fun and the students were a lot of fun, the ones in my class, I think. I can’t talk about other years, but at least the students in my years was pretty cool people. I had fun, I had more fun in law school than more than as an undergraduate student.

When asked about his identity, Michael struggled more than any other participant to craft an answer. “Lost” was his first response. Michael grew up in the Philippines and came to the United States at the age of 17 to pursue an education. He says that he entered law school feeling awkward, socially and culturally, but felt more confident after law school. He saw law school as a place where he grew up. He enjoyed the sports and social activities in law school. He did not aspire to law school, but determined that becoming a lawyer was a viable option when it became clear that medical or dental school were not options. For Michael, law school was not Plan A, or B. It was more like Plan D.

Michael was searching for a career path, but once he began law school, proceeded in a characteristic determined way, graduating in three years when many of his classmates graduated in three and a half. He did not feel that the Lehua program was stigmatizing, but he would have preferred having the same first year program as the regular program, so that he didn’t have to scramble quite as much to graduate in three years.

I mean, nothing really, classmates were pretty okay. They never treated us differently. Some of them envied all the extra tutoring sessions that we got. I never felt different. Obviously, I wanted to take the same amount of classes as a regular student, but that's what the program is.

Michael understood the program to be an affirmative action program, but he wasn’t interested in dwelling on what others thought of him or the program. And although he possessed many of the characteristics that an admissions officer would classify as disadvantaged, he does not perceive that label as fitting him. Michael is Filipino, an under-represented group in the bar, English is a second language for him, and he is the first in his family to go to graduate school.
Some people might think it was like a couple of kids who weren't smart enough to get in on their own...affirmative action or charity cases, stuff like that. As I said, I don't hold grudges if they thought like that. That's fine by me. I understand if they thought that way. Being accepted into the program, I didn't feel disadvantaged or that much of a minority. I understand if they thought that way. I didn't feel too angry about it. I didn't care one way the other.

Although public service is an important aspect of the Ulu Lehua program, a career in the narrow sense of being a public interest lawyer was not emphasized by Iijima. Students like Michael remember the primary lesson as being a competent and ethical lawyer, and as such, being a role model to an under-represented community. Michael said he didn’t feel pressured to pursue a public interest career (although he spent several of his first years of practice representing victims of domestic violence). Michael also said that the grounding in competence was a vital part of the program.

You know, Chris has been inspiring, was a good guy, but the one thing he taught me was how to cross examine. I make my money that way...cross examinations... He wasn't teaching it but I needed help. I remember a time when he took the time to do a one-on-one tutoring with me, an hour or two, he wasn't officially "teaching it," but he showed me his style. I copied it.

When I interviewed Michael he was one of only three Asian male attorneys in a law firm of 800 lawyers. He says that sometimes he feels judged because of his accent, and the concept that an Asian lawyer is somehow less aggressive.

They [non-Asian lawyers] bullshit better. Market themselves, sell themselves. Like the attorneys you see on TV, you don't see Asian lawyers winning. Asians aren't taught to be confrontational. I think that's a definite disadvantage. In litigation you have to speak up. A couple days ago I was in court with a client who is also a lawyer. He attended one of my conferences and he told me "you know, you are getting pushed around. You've got to speak up." That's a failing. The other guy kept talking and was spouting out bullshit that wasn't even true.

Michael doesn’t internalize these struggles, or perceptions, but has developed a keen ability to take in the information and move on. This is how he perceives the Ulu Lehua program as well.
It's an opportunity. That's what it is, an opportunity. Looking around at other Pre-ad students...maybe the color of skin is under represented in the law. An opportunity for people who wouldn't have made it the first time. You make it what it is in the end.

Sheila

Sheila speaks in a way that is kind and nurturing. Even when she talks about her fierce passion for civil rights and her commitment to Hawaiian issues, her strength is graceful. Sheila’s identity, both before and after law school centers on her Hawaiian heritage and her search for justice. Sheila came to law school in her early 30s and was looked up to by her slightly younger peers as a role model. Iijima and Sheila had a close relationship, and when Iijima was not able to teach, Sheila took over the leadership of the program, while continuing to work full time as a government attorney.

When Sheila speaks about her experience in the Lehua program, there is palpable affection toward Iijima and toward her classmates. She uses words like “safety net,” “community,” “ʻohana.”

The Pre-ad program creates a kind of community. It felt as if the Pre-ad students had shared values---not all with same motivations necessarily for enrolling in law school (like “put people in jail”), but a shared moral purpose. Not to the point of “oh, we’re all going to be social advocates,” but a shared sense of justice. Because Chris saw value in diversity, not “we’re all here for social justice” but accepting of individual motivations, each student was able to find a valued place in the community.

Sheila felt that this "not smart enough" prejudice was not institutionalized. It usually came out at parties, and through individual personalities. “The One-L's party list did not include Pre-ads ...whether it was "mean people” or just ignorance, I don't know. But as an older student I could just shrug off things like that” “Chris made us feel very safe - it was comforting.” “He made us feel like the ‘cool kids’ and this had a positive impact on how the Pre-ads interacted with the rest of the students.”

Chris' attitude was pragmatic, “if your goal is to be an attorney, if someone has a problem with you, that's their problem, you are getting what you want. There will be little bumps in the road, don't let it distract you.” For Sheila, a key element that created the sense of community was a sense of shared values. Although not everyone had the same career goal, there was a sense of a shared sense of “moral purpose,” and a goal of seeking justice.
Inherent in this shared purpose was an acceptance and a support for individual goals and aspirations. The message was that each student was special and was given permission and encouragement along their chosen path. At the same time Iijima emphasized the importance of diversity to the professional and to the community. Sheila doesn’t see the program as exclusively centering on diversity of ethnicity or race. “Other things seemed to be more decisive than ethnicity…..having a disability, or being a single mother, or outspoken advocate of various social issues.”

Sheila’s path to law school came through her interest in Native Hawaiian issues. She is a first generation college student. Although her father took some college courses he did not have a college degree. Her grandparents belonged to Hawaiian Royal Societies and Sheila remembers her grandmother supporting reparations for Hawaiians at the time of the Apology Bill. Sheila would accompany her grandmother to Hawaiian Society Meetings and was struck by the graceful, dignified, articulate and opinionated culture of those meetings. She paid attention not so much to what was said as to what was going on, and the way that ideas were discussed.

Sheila said that the program shaped her as an attorney in combination with her own personality and style. She is not naturally aggressive. The program placed an emphasis on being respectful of others and the importance of camaraderie. She is a meticulous researcher and prepares well for projects, but she is not particularly litigious. When someone writes a nasty letter, or is particularly argumentative, Sheila struggles to deal with this. She is frustrated that attorneys, even in Hawai‘i, will misrepresent a case holding, or the facts of a case.

What sticks in her mind is the approach to law that Iijima taught. Iijima told them to "remember your roots, why you came here in the first place, don’t lose yourself in law school (and become a "monster") but graduate and become part of the bigger community. You were chosen because there was something unique in you. Take what you learn back to your community and be that role model."

A lot of times the law is supposed to be impartial, but it is understanding feelings and the stories behind the situation, and being open to feeling not just looking at black and white. This is especially true when dealing with social issues. Awareness of history, background, “How did we get here?” Iijima was pragmatic but emotional too. “Case law study is so black and white, compassion doesn’t always come through.” Without compassion law can be “very cold.”
At the same time, Iijima stressed academic work and pushed for excellence. Learning the law, the rules of analysis, doing thorough analysis, that’s getting to competency. Working hard and doing well was considered your obligation to the program. There was a sense that “this is your family” which in turn cemented that sense of obligation to do well.

Sheila says that the program affected her personality and style as a lawyer. The Ulu Lehua program placed an emphasis on being respectful of others and the importance of camaraderie. For example, dealing with conflict and opposing council with civility. At the same time being very precise in preparation in order to feel confident with her argument. This is partly her natural personality and partly her law school training.

Sheila remembers the Ulu Lehua program and Iijima with great affection, especially the many ways that Iijima and his wife made a personal difference in their lives. “There was always music. Eric [Yamamoto] might come in from his office with his guitar and join in. The education I got was wonderful. Chris made it easy for you to be yourself, and he brought in other professors to support the students and the program ‘like aunties and uncles.”

Rachel

Rachel walks and talks with sense of power that says “don’t mess with me.” But at the same time, her approach to people and her speech makes it clear, immediately, that when she trusts you, she is fiercely loyal, the kind of person you want to have on your side. She knew that she wanted to be a prosecutor, and she never wavered from her goal. Part Hawaiian, with family on Maui, she grew up all over the world in a close knit military family. Her sense of identity, before and after law school is the same, tied to family and those she cares for.

I was somebody's daughter, I was a friend to a lot of people, but a very close friend to very few people, Family has always been everything to me---so that's probably just about who I was then. I was very driven. I knew exactly what I wanted to do. Before law school, before college, before I finished high school, I knew exactly what I wanted to do. I knew I wanted to be a prosecutor.

Even though Rachel was determined to be a prosecutor, she didn’t have the knowledge, or the guidance to know how to accomplish her goal. She is the first in her family to go to college. She didn’t understand how to prepare for an LSAT or how to strategize an application for law school.
Nobody else had been to college. I didn't even take my SATs. I mean, I know where I wanted to end up, but I didn't know how I was going to get there. Unfortunately, the LSAT is given in December. That's kind of problematic because you have finals. If you're a current student, going straight to law school, it's hard to find time to prepare. I bought a couple of study guides and went through them as much as I could, but really not a whole lot, quite honestly. The fact that I wanted to go to law school threw off my advisors. No one had done it. In fact, there was one person who applied, but didn't get in. I didn't know what I was doing, and really there was no one to guide me because no one had that background.

It wasn't until she got to law school that she understood the differences in preparation.

Law school was (pause) . . . to me it was kind of a rite of passage. You think you start law school and everybody is starting from square one---and it's really not like that.

Because I was a public school kid, and I had gone to community college, God forbid, and the majority of students there went to private schools from the very beginning of time.

Because law school required a different kind of learning, a different kind of thinking, Rachel realized right away that this was going to be a difficult experience. At the same time, though, Iijima warned the new students during orientation about what to expect and gave them the safe harbor and support that they needed.

He said "we're going to get through this, so whatever anxiety you feel, whatever uncertainty you have," he was kind of like "don't let it eat you up"---"we're all going to get through this together." "Don't be thwarted by the fact that it took more than numbers to get you in the door." It was kind of just the way he phrased it. He didn't make it seem-demeaning--it didn't make us feel we were "less than" - in fact, it kind of made us feel we were "more than."

This sense of purpose helped as Rachel’s group self-analyzed how they had been selected. They understood the race issue, for many of the students, but it wasn’t always race that distinguished them. “When we looked around the room at each other it was like ‘the legal community needs us in it and obviously that’s why we’re here.’” That coupled with a strong sense of comradery made the difference. For Rachel, a woman whose family is most important, her Ulu Lehua classmates became her family.
Because it seemed like our group, we all were really genuinely nice people, we cared about each other, we cared about what we were going to do with our J.D.'s. And we really wanted to make sure we all succeeded. So it wasn't "so and so missed a class today." "Oh well, he's not going to get the notes--ha ha--maybe he'll fall behind." Which was kind of how the other guys thought. We're like, "where the hell were you, you asshole, you're not going to fall behind, don't make us look bad!"

In addition to the sense of family in the program, Rachel is grateful for Iijima’s mentorship. What she remembers is not only the encouragement, but also the clear sense of compassion and integrity.

I hear him in my head a lot. I had a case----it was a manslaughter case, where the victim was also drunk behind the wheel. The victim was actually more drunk than the Defendant. But the Defendant's blood alcohol level was 3 times over the legal limit, which goes to tell you how drunk the victim was. She was speeding. She ran a red light and that's why she banged his car and now he's dead. And so you're dealing with two families now. Her family, she was a very good person, and clearly this was going to affect her forever, for the rest of her life. It was hard because the Defendant clearly was sorry and honestly, if given the opportunity, she would have switched places with the victim. I heard Chris. I would hear him in the back of my head. "She has a family, she had young kids who depended on her." I never forgot stuff like that. It's always something you always have to consider.

Rachel sees stratification in the legal community, and knows that race is still a part of that stratification. She believes that judgments are made about her and her career choice. “I think there is a belief that if you are a minority, you're more likely to be needing an attorney than being an attorney. I know that I was always often asked while I was at the prosecutors, 'why are you on the wrong side.' 'you should be helping your people, not prosecuting them.'”

But even now, many years after law school, Rachel’s identity is much more about family than about her profession. If asked to identify herself she would say: “I'm Skyler's mom.” “Ever since I had my son, my identity totally shifted and honestly I think that's how Chris would have wanted it.”
Sarah

Even though Sarah now has one of the most powerful legal positions in the judiciary, she still describes herself the same way she did before law school: “Big Island local girl.” Her sense of place, her sense of family are strong. Her choice to become a lawyer came from her interest in the law and her thirst for challenge.

This is funny. You know, I wanted to be a teacher and I thought I was going to help kids--and just help people--be a teacher. My boyfriend, now my husband, said “What did you always want to do that you never thought you could be?” And I said I always wanted to be a lawyer, from when I was small, I read books about law, about court--I was fascinated with the law. Nobody in my family went to college, nobody went to law school, and I don’t know any attorneys, but and that’s what I always wanted to do. And he said “well, why don’t you just challenge yourself, do it.” “Try it”

Juggling work and college, Sarah did take a Kaplan course to prepare for the LSAT. She applied to a number of law schools, and although she really wanted to stay in Hawai‘i, she didn’t think she would be accepted at Richardson. So when she got the letter admitting her to the Ulu Lehua Program she was happy. “And when I got to law school, I didn’t really feel a stigma, but when I got the letter, I didn’t know any different…I just felt like I was going to law school.”

Sarah didn’t think of the program as an affirmative action program, although she understood that people admitted to the program did not have the “numbers” others had. “Other students thought of it more like you’re not good enough.” “You couldn’t get in right away.” “It’s something to help you.” Sarah had a sense that law school and the legal community is stratified, but it isn’t something that she really pays attention to. “I do see it. Not in a negative way, but I see it. I see, you know, the ones that went to different high schools, the ones who went to public schools. The wealth, the difference in the wealth.”

Iijima emphasized that the students in the Lehua program were “special.” Sarah didn’t remember the exact words, but knew that Iijima truly meant what he said. “I mean, he glowed about the program. He was excited, always excited. You could be having a bad day and he would lift you up. That was Chris…His thing was – ‘Remember who you are, and keep doing good work. It’s not about what you become, do good, you don’t have to be a partner in the firm, you don’t need to be----be good, do good work, that’s a lawyer.’”
At the core of the Lehua program is a series of tutorial sessions on different topics. Second and third year Lehua students run the tutorials, and they are compensated by the law school for their efforts. Sarah found these sessions helpful but she would have studied anyway. “I think any of the others would have studied just as hard, anyway.” Sarah has held on to who she is and where she comes from; this is of the utmost importance to her. So taking on the identity of attorney does mean navigating in a world with a different identity and culture.

It's hard, it's hard. Sometimes I get criticized for the way I talk, because they say I talk Pidgin. And, I'm like, “you should hear me in Hilo.” At a jury trial, I could probably get along better with the jurors.

At the time that we did the interviews, Sarah was struggling to juggle her responsibilities to her young child, her husband, and the law firm. As a civil litigator, the hours were sometimes brutal and the pressure unbearable. She has since moved to a position at the judiciary that allows more flexibility.

Kaulana

Kaulana is a brilliant and passionate Hawaiian woman. Beneath a calm and serious demeanor is a fierce passion for social justice, particularly for the Hawaiian people. Beneath that serious demeanor is also a kind heart and a loyal friend. Kaulana is always thoughtful, her words are carefully chosen. Kaulana approached the Ulu Lehua program not just with skepticism, but with a sense of indignation. Justifiably proud of her impressive accomplishments, she chafed at the sense that the program was patronizing.

I initially felt there was a stigma attached to it. The people I knew who were undergraduates and I had Hawaiian Studies classes with and who were also Native Hawaiian who had gotten into law school through the Pre-ad program--so I also went into it skeptical because I thought there was some sort of hidden agenda. Maybe Native Hawaiians aren't good enough or something to that effect, so we had to go through this special program.

The first year of law school was particularly difficult, but in the end, in Kaulana’s words, it was “transformative.” “You spend most of your educational career feeling very successful and it's very humbling to be in a group of people who are at least just as smart and at least as dedicated as you are.” The Ulu Lehua program made a significant difference for Kaulana because of the people who walked the journey with her. Kaulana approached her studies with a
goal of helping the Hawaiian people. This was her reason for entering the program, and it was her reason for staying in the program.

I was graduating and I wasn’t sure what I would do next, so a lot of my cohorts were going for a master’s in political science and some were going into law school. So I was thinking in those terms quite a bit---and I thought I would take the LSAT, and go to law school.....my goal at that time was to help the Hawaiian community especially in terms of sovereignty. So, in weighing out the programs---a master's in political science or law school---I thought that law school was much more practical---given my goal of wanting to be politically active. It was almost one of those things of "keep your friends close and your enemies closer" kind of thing it----was like, learn the ways of American law, so I would know what to do and how to better help Hawaiians.

Kaulana was aware of a sense of stigma that was also attached to being in the Ulu Lehua program. The extra help that they received was perceived as unfair. Although she doesn’t remember anyone saying this directly to her, it was nevertheless an unspoken impression. She was also aware that not all of the professors were particularly supportive of the program. For instance when an UluLehua student performed particularly well, she had an impression that a few professors were skeptical, and even surprised, at the achievement.

What made a difference for Kaulana in the midst of the struggles of the first year was a determined effort to reconnect her law school work with her purpose.

I went through a little bit of a roller coaster. I debated about coming back in the spring and I came back and set my mind to figure out how I could do that. When I came back, I put my full effort into it so I could prove to myself and other people that I could do it. And I think I was very successful. I realized I had lost sight of what my purpose in law school was. And, I really started thinking to myself - I could do this - I could be a litigator, could be cutthroat lawyer, I could be an actual lawyer.

Kaulana remembers that Iijima played an important role in helping to shape her confidence, and provided an example of reconciling the legal identity with personal purpose and identity.

I just remember the various comments about his experience---things he struggled with as a practicing attorney and the reasons why he left that life ----Elton John has a song called "Goodbye Yellow Brick Road" and I would always for some reason relate.... the
story of, you know, leaving, the practice was the yellow brick road, and deciding to leave that because it wasn’t who you were, or where your heart was, for, in some ways what might be, a simpler life—whether it was professionally simpler, or personally simpler. The message I got from Chris was: you had to be true to yourself.

This message is so very important to Kaulana that she recently redirected her career. Her old position did not resonate enough with her purpose. The words “be true to yourself” echoed for her, and once she made the decision to shift her career she realized how happy she could be.

Kaulana had a sense that admission to the Ulu Lehua Program was based on race and couched in the term disadvantage. Although at the time, she didn’t attach social disadvantage to race, instead, she thought of disadvantage in terms of socio-economic disadvantage. For instance, she recalls a man who started the program with her who had been a foster child. He dropped out in the second week of school because he could not secure the funding he needed for the program.

When I interviewed Kaulana she was a law professor on the mainland. She is keenly aware each day of the importance of diversity, but also of the difficulty of having a voice that is heard when that voice is different and when the ideas are different. She misses the sense of joy that Iijima conveyed to the students in his program.

I think that with Chris---he managed to not just create a safe space--- but I think he managed to show us how much fun it was to be a lawyer and he conveyed, at least for me, how much more fun it is when you are grounded in what you’re doing.

Thomas

Thomas has an easy manner that makes everyone he meets feel comfortable immediately. He approaches people with a warm personality, with a sense of optimism and genuine friendliness. With a ready smile, he projects confidence and grace. He is the one who makes a party fun. Thomas is Chamorro, and at the heart of his desire to come to law school was a fiery passion to address injustice, while honoring the tradition and culture of the Chamorro people.

When I interviewed Thomas he was a solo attorney in private practice, handling a mix of family, criminal and civil cases in Honolulu. He now works in a mid-size litigation firm.

During law school Thomas and Chris Iijima forged a strong friendship bound by music and humor. Iijima’s demeanor, while physically very different than Thomas’ was also strong, immediately likeable, with that same love of fun. But music was the strongest bond. With guitar
in hand, Thomas and Iijima composed music together and used music to express their concerns and urge transformation.

Thomas understood that selection into the Ulu Lehua Program was based upon an individual’s potential for success and on their potential to contribute to the community.

*The program's model is to ... focus on merit as, not necessarily how you do or perform on standardized tests or what kind of GPA you have, but where you come from, wanting to serve your own community. Where life experience can be seen as something meritorious and something beneficial--and beneficial to the law community, to the program and to the practice of law.*

Thomas’ sense of identity is first and foremost grounded in his home. When he introduces himself, both before law school and now as an attorney, the first part of his description is his heritage. “I'm native to Guam, because that's important to me. A native Chamorro.” Now, his sense of being an attorney is the centrality of law as an instrument for helping people, and not being a lawyer as an attainment of some kind of status. To Thomas, the label “attorney” has a connotation of arrogance.

*If the conversation turns to what I do, I tell them what profession I'm in, I'm an attorney, I tell them I'm a solo practitioner, focus on various areas, but my real love for law is grounded in helping others. I don't try to self-promote myself as an attorney. I don't know, to me---that's not what's most important to me. I think it's kind of self-centered. I don't know, that being a lawyer isn't necessarily who I am as a person, it’s part of who I am, but not really the essence of who I am.*

The profession of law, particularly the demands of practice, sometimes feel incongruous to Thomas. Like clothes that don’t completely fit. “*But, practicing law it's tough, it's rough---it's arduous. Sometimes I question whether I have the personality for it. Or the person I have become may not be aligned with what lawyers are.*” Race is a part of this sense of alignment. Thomas sees the legal profession as dominated by older white males. He sees this dominance as a barrier. “[T]here are certain factions that you have to kind of navigate your way through---there are cliques. Power centers.”

*I try to refrain from egoism, arrogance, if I can. The legal profession doesn’t have---there’s not such a great opinion of the legal profession. I feel I’ve a way of meeting
people on a common ground, and not creating the divide between who's better than who, because at the end of the day, we're all connected.

On the other hand, as a solo practitioner Thomas feels that he doesn’t face this barrier head on. The barriers exist, for Thomas, primarily in the more corporate, traditional, part of the bar. In other words, he doesn’t have to wrestle with the barriers or feel affected by them. “I can observe the subtlety of race in the bar, my direct experience with race--- I don't know if I have been necessarily affected by my being a Pacific Islander, or a person of color, or a Chamorro.”

As a solo practitioner, the day to day struggle of making a living can be difficult. Thomas did hope that becoming an attorney would afford him a better lifestyle “You know, I think for people who, I guess for me too, first generation, you come out of a situation where you don't have a lot of money when you're growing up. You really want to make money.”

**Hannah**

Hannah treasures the one-to-one mentoring that she received from both Chris Iijima and Eric Yamamoto as transforming. Throughout our conversation, when she speaks about the impact of the program, she often uses the pronoun “they” because for her Iijima and Yamamoto are both so important to her development. When we spoke about her experience as a Lehua, her words are heartfelt.

*I love them. I love them as fathers, really. I have a father, I have a great father, but I had a different relationship with Chris. He supported what I wanted to do, he listened, but he also told me when he disagreed. He would always be like, you decide what you need to do. They both created opportunities for me, they really blazed the trail for me. I think about them, I think about the lessons I learned, and they apply to my work now.*

“*He’d scold you. He was right in your face like a parent. Saying: ‘I care enough to tell you the truth, but you decide what you are going to do with that. But really.’ When you get Chris and Eric together Eric is a little gentler than Chris. I mean the values they instilled in us, and the sense that we are a family and we are going to help each other through this.”* Hannah now works in a non-profit organization that works with families and children in the child welfare system.

*The work I do now speaks to me, we’re out of the box and we change lives and we are going to do it in a way that affects continual change. This is a transformative resolution*
for the families. That is not typical, but that whole cultural engagement piece speaks to me. We are dealing with people, not just numbers or cases on a docket. We are doing the kind of work that takes time.

Hannah is a trail blazer. She is the daughter of immigrants from the Philippines. She grew up in a bilingual home, the first generation to go to college. “I grew up in an isolated low income sugar plantation community.” Hannah graduated from a rural high school, where few students finish four year college degrees, and only a few will go on to graduate programs. But like most of the participants I interviewed, she would not characterize her background as “disadvantaged.” “My parents were very pro-education. ‘We make sacrifices and you do this. You choose but we will create opportunities.’” After college on the mainland, she was homesick and returned to be an Americorps volunteer teaching literacy in Haleiwa. Her work as a volunteer guardian ad litem convinced her to try law school. In law school she juggled school and work, and commuted to school from home a few semesters.

Hannah talks about how the program helped her build confidence and resilience. Hannah is a strong and self-assured woman. Hannah’s greatest strength is her ability to self-reflect, to find her own place and voice, and to be completely open to learning.

I knew it was an affirmative action program but I wasn’t labeling it that. I think that was a conflict internally, you wanna deserve something. But then that’s the knee jerk reaction. Because I felt confident in what I had accomplished and what I was capable of. Collectively there was an understanding that we are a part of a special group, we’re awesome. It became a completely different thing. Not to dwell on the negative. We’re lucky to be together and to have each other to support each other. And the mentoring! I knew we were lucky.

Hannah came into the program with a strong sense of purpose that she says was solidified by the mentoring she received from both Chris and Eric. That sense of purpose was broad, and not specific to any particular cause or community. “I think it is really the whole social justice aspect. We were given an opportunity to do the kind of work that we want to do and this is the way we can support each other and be a family and get each other through [law school]. We are going to come out of this and change the world. We are going to open doors for other people.”
As Yamamoto’s research assistant, Hannah was able to research important historical women’s issues, and to go to a scholarly conference to present her paper. This experience affected her self-concept in a profound way. “They changed my life, really, that’s an understatement. It’s hard for me not to get emotional about it. I think about Chris. I owe them a lot.”

Her relationships with her classmates was also very important to her. “I don’t know if I would have survived without those friendships.” “We all loved the social part. Our class was very close and we did everything together. Sarah and I, that’s one relationship I still have that was very close. Everyone is doing amazing work.”

As a Filipino law student, Hannah belonged to a very small minority at Richardson. The importance of that position brought a sense of responsibility for Hannah. “Being in the minority, you can’t help but feel that you are representing your people. There was only one other Filipino in the whole class. I can tell you all the Filipinos in the other classes. It seemed like I was out of place. Because of the pread program I gravitated to a diverse workplace, working with immigrant populations.” The law school environment felt intimidating. “The feeling of alienation and that you are alone. You have super brilliant people - you have 60 or 70 other people in the class who have earned their place - and they are all super brilliant, and they are all articulate and they all have a great work ethic. We’re not talking about mediocre people. We’re talking about the cream of the crop converging and I was worried that I couldn’t keep up. The Pread program was my saving grace helping me to have that endurance.”

But it was OK because we were not operating on our own. We were cohesive, our group was very cohesive. And Mike’s group ahead of us. Mike and Daisy were awesome. That was another piece of that. So you had this whole other group of support. It was like when you had these mentors, you envision yourself surviving.

With memories of the support and the friendship, Hannah is proud of her own accomplishments. She is also adamant about the importance of having the Ulu Lehua Program. I swear though that the biggest achievement for me was when I passed the bar. You did this all by yourself, with a great group of people behind me, but it’s a huge accomplishment, considering all the barriers that I have overcome. That’s huge. The program is a necessity. It’s important to have the diversity, ensuring that there are
different perspectives. You need a program like that for people who don’t fit into the box in order to make change.
Discussion

The Ulu Lehua Scholars Program was and continues to be blessed by the wisdom, vision, and passion of a remarkable succession of directors. The depth of experience of people like George Johnson, Judy Weightman, Chris Iijima, and now Linda Krieger reflects the commitment of the law school to the project of diversity and inclusion. Through the voices of the participants and others that were interviewed, the policy of affirmative action as a project of equality, diversity and inclusion, becomes a story that continues to live, even while the legal policy of affirmative action may be hidden. Through a review of the artifacts of the program: memos, evaluations, reports, catalogues, and other materials, as well as interviews, the history and purpose of the program was analyzed.

The policy fabric of the Ulu Lehua Program

The need for an Ulu Lehua Program was evident from the first day that the new University of Hawai‘i School of Law opened in the fall of 1973. There were very few Hawaiian, Samoan and Filipino lawyers in the bar. “You could count them on your hands,” recalls Leigh-Wai Doo who was the Assistant Dean of the law school at the time. It was 1973, marked by Vietnam, the Black Panther movement, the assassination of Martin Luther King; it was a tumultuous time of sometimes violent change. And in Hawai‘i, it was a time of growth and vision. There was an unmet need to “channel passions through the structure of law,” Doo said, so that those people without a voice could have advocates with shared backgrounds. This was the vision of the law school, and the vision of the PreAdmission program.

The founders of the law school were influenced by affirmative action and by the Defunis decision. The bar itself, on the other hand, was deeply split about whether there should be a law school at all. Doo recalls that the president of the Bar Association at the time was staunchly against the establishment of the school. Chief Justice William S. Richardson, on the other hand, was a staunch advocate. Establishing the law school passed by just one vote in the legislature. With that atmosphere, Doo recalls that it was very difficult to find a dean and a faculty because everything was so tenuous. Doo came to the law school in April 1973 at the call of David Hood, just after the admission of the first class. There was a Registrar and five faculty members.
The faculty was busy shaping the admission policy. The philosophy of admissions was to look for “promise of the individual for the future, promise of contribution to community and self.” How successful will that person be to advance society? Grades, LSAT, community service, character were all important in determine promise. Where did the student come from? Do they have drive and perseverance? The faculty chose based on character when all other things were equal. In the first class there were people who did not have strong academics but who did have strong character. They built classrooms out of portables, the faculty did their own painting. Jerry Dupont painted the sign. The first faculty envisioned a curriculum that integrated social science and the law. For instance the Law of the Sea partnership was established.

Leigh Wai Doo talked about the word “local,” because the sentiment of the time was “locals first” in admissions. The mission was to “build the state of Hawai‘i though law” and the opportunity of the people of Hawai‘i to become lawyers. Also, the mission was to have an independent body that could critique the judiciary and legal institutions in Hawaii. Another goal was to expand delivery of legal services including a paraprofessional program and outreach.

The necessity of opening the doors of the school to a diverse student body was resonant with Chief Justice Richardson’s vision for the school. “He understood that those with the greatest stake in building a more just and equitable society were often denied the opportunity to go to law school because of the prohibitive cost and distance. Determined that all in Hawai‘i should have a chance to obtain an excellent legal education, he fought an uphill battle over many years to create and help shape Hawai‘i’s only law school” (MacKenzie, 2010, p.4).

At the brand new medical school, a PreAdmission program called Imi Hoʻola was established. Doo was asked to take on the project of establishing a similar program for the infant law school. The first thing he did was to go to University of Hawai‘i President Harlan Cleveland. He told President Cleveland about the idea for the program. He pointed out that the recommendation for the program was in the consultant’s report that helped to lay the foundation for the school. There was support, but no money. So Doo went to the legislature in the spring of 1974 with a rough plan and a request for funding. The debate was fierce. The stability of the school was still tenuous, in fact, every year for many years the legislature would consider closing the law school. Was the law school faculty too liberal? Was the multi-disciplinary approach a good program? Doo had been an attorney at the legislature for the Judiciary Committee, and
although money was tight, and the concern high, he was able to get $50,000 for the PreAdmission Program.

At that point Doo had heard that George Johnson, former dean of Howard University, had retired and lived at 1350 Ala Moana Boulevard, a new condominium across Ala Moana Shopping Center. The Johnsons came to Hawai‘i to retire because “[they] were very favorably impressed with the climate and the multicultural and multiracial composition of the citizens of Hawai‘i” (Keir, 1966, p.9). Doo went to visit Dr. And Mrs. Johnson in their apartment. They were “gracious, gentle and patient.” Johnson had no hesitation and understood the goals of the program. He took on the task, left retirement and the law school faculty placed the program entirely in his hands. Johnson suggested a racial focus of Hawaiian, Filipino and Samoan students. The admissions committee went to work to bring in the first class.

Doo asked Chief Justice (CJ) Richardson for his suggestion for naming the program. CJ Richardson replied “just name it what it is,” no Hawaiian name was necessary. Doo recalls this story with a chuckle. CJ Richardson supported the program and encouraged students in the first class. He and Doo had a personal touch with the class including dinner at Doo’s home, and emotional support for the students. Doo says that he “feels peace knowing that the PreAdmission Program at the law school has flourished” and that he helped to influence a program that was and continues to be successful.”

Johnson brought to the University of Hawai‘i vision and leadership honed from an outstanding career spanning several decades before his “retirement” to Hawai‘i.

He speaks slowly and distinctly, measuring his words with the meticulous care of a disciplined lawyer….As a distinguished jurist and dean of the Law School of Howard University, he assisted in the campaign for first class citizenship for the Negro in America by helping to plan the legal briefs for the crucial 1954 Brown vs. Board of Education of Topeka desegregation case…..Then in 1960 Dr. Johnson left a high-level post on the U.S. Civil Rights Commission to join the Michigan State University faculty and to help guide an experiment in African higher education through the myriad problems of its infancy (Keir, 1966, p.9).

The first Ulu Lehua students therefore learned from a master strategist, and a highly skillful legal practitioner. As a member of the national legal committee of the National Association for the Advancement of Colored People (NAACP) Johnson worked at the heart of
the courtroom landmarks that shaped civil rights. The discipline of his craft was marked by meticulous preparation. “We had dry runs of all the NAACP’s key cases. Just before they were argued before the Supreme Court, we presented mock cases and actually fought them out in dress rehearsal” (Keir, 1966, p.9). Dr. Johnson was a dedicated and visionary teacher. Dr. Johnson and his wife continued to live in Hawai‘i until his death in 1987.

**The structure of the program.** The Ulu Lehua Program has been modified over time, primarily through the action of the faculty and through the mechanism of faculty review and analysis in light of the changing legal backdrop of affirmative action. Over time a series of ad hoc committees have taken the task of renewing the program using different methods of feedback.

One of the first such reports was developed just one year after the start of the program. The 1975 report, written by Johnson and Doo defined the program:

The purpose of the University of Hawai‘i Pre-admission to Law School Program in the academic year 1974-75 has been to provide an educational opportunity for selected persons to enhance their abilities to do law school work and to demonstrate a probability of success in law School. Persons selected for the program were members of population groups severely underrepresented in the practice of law in Hawai‘i or persons who exhibited particularly great potential to society as lawyers but were severely disadvantaged educationally (Johnson & Doo, 1975).

At the time that the PreAdmission program began, the Hawai‘i bar was predominantly white and male. In 1973, Hawaiians and part-Hawaiians comprised only about 2% of the bar, and Filipinos about 1% of the bar (Johnson & Doo, 1975).

The University of Hawai‘i School of Law is affirmatively seeking to admit outstanding members of these population groups. [Hawaiian, Polynesian, Filipino] However, based on nationally used criterion for prediction of success in law schools, applicants to the law school from these population groups were severely disadvantaged educationally. For example the medium [sic] and average Law School Admissions Test score for the Law School’s entering class in 1974 is 614 median and 628 average respectively, where 800 is maximum. In contrast, Hawaiian applicants as a whole scored 482 median and 491
average, the one Samoan applicant scored 309, Filipino applicants scored 394 median and 444 average. These applicants, as a group have records which are not competitive” (Johnson & Doo, 1975).

The 1975 report highlighted the difficulty of competitive admissions, even with a school as young as the University of Hawai‘i School of Law. Students in the first few years of the law school were dedicated law students who chose to come to the University of Hawaiʻi in spite of continued lack of support for the school and provisional accreditation. Matsuda, in her article “The Richardson Lawyer,” described the tenuous state of the school for students in the temporary quarters in the lower campus part of the campus known as the “quarry.”

If family commitments or financial barriers had not forced us to choose the quarry, many would have gone elsewhere. It was a risk to attend a tiny, unknown, unaccredited law school with untested young faculty. What if the provisional American Bar Association accreditation was revoked? The Association of American Law Schools accreditation was years away, and licensing rules required a degree from an accredited law school (Matsuda, 2010).

Nevertheless, thirteen students for the Program were selected from among those law school applicants who were not admitted to the law school class entering on September 1974; of those, eleven persons elected to enroll in the inaugural class of the Preadmission to Law School Program.

Counseling was an important and integral aspect of the Preadmission program at its inception. In addition, the use of immediate, individualized feedback enhanced the learning experience.

General counseling was a principal undertaking of the Program Director. During the first semester each student was required to meet individually with the Director at least one half hour each week. These weekly interviews revealed the cultural differences and scholastic deficiencies and strengths of each student and enable the Director to develop specific exercises for specific students. Writing assignments were critiqued and discussed on an individual basis (Johnson & Doo, 1975).

The legal backdrop at the time that the Ulu Lehua Program began in 1974 was the formative direction of affirmative action. The founders of the program relied upon Defunis v. Odegaard, a 1973 case in the state of Washington. The Supreme Court in Washington upheld an
admissions policy of preferential treatment of certain ethnic minorities. The U.S. Supreme Court mooted the case in 1974 on the eve of the beginning of the Preadmission program. The case spurred a lot of interest with many notes and law review articles. The founders of the PreAdmission program determined that the program was legally based because of the following points:

1. The unique and changing status of some of the ethnic minority groups in the historical, economic, social and political development of the State of Hawai‘i.

2. The profound importance of leadership “models” for some of Hawai‘i’s ethnic minority groups.

3. Under present federal constitutional principles ethnic and racial classifications are not per se invalid.

4. Under present federal constitutional principles ethnic and racial classifications must be justified by a showing that, 1) such classifications do not disadvantage ethnic and racial minorities in purpose or effect, b) such classifications bear a meaningful relationship to a compelling governmental interest and c) that alternative means of satisfying the compelling governmental interest without such ethnic and racial classifications are not available.

5. The use of ethnicity and race as a controlling criterion in the selection of students for the Preadmission Program, a) does not disadvantage ethnic and racial minorities in purpose or effect, b) bears a meaningful relationship to the compelling interest of the State of Hawai‘i and the School of law of the University of Hawai‘i in the elimination of the severe underrepresentation of certain ethnic and racial minorities in the Hawai‘i and c) feasible alternative means of satisfying this compelling interest while avoiding ethnic and racial classifications are not available (Johnson & Doo, 1975).

The faculty diligently reviewed the curriculum and program, attempting to make modifications to the curriculum to make the program more successful and effective. A creative innovation in 1976 was the addition of a Community legal program in which PreAdmission students would engage in projects helpful to the community such as education programs for the public, writing preventive law publications helping “ordinary citizens [understand] their rights and responsibilities in language especially adapted to their needs” (Hood, 1976).
After the decision in *Regents of the University of California v. Bakke* (1978) the law school modified the language of the purpose of the program. At that point, the program was described carefully with language that met the legal requirements that were evolving at the time.

The purpose of the Pre-Admission Program is to increase the number of lawyers who will practice in Hawai‘i communities currently underserved and to obtain the educational benefits that flow from a diverse student body (reflecting the diversity of Hawai‘i’s population) by providing an opportunity to students whose prior academic records and/or law school aptitude test (LSAT) scores do not sufficiently establish their ability to succeed in law school to enhance and to demonstrate their legal ability and to gain admission to the School of Law. Factors which will be taken into account include exceptional personal talents; unique work or service experience, particularly in providing service to Hawai‘i’s poor; leadership potential, maturity; demonstrated compassion a history of overcoming disadvantage; ability to communicate with the poor and ethnic background.

Each applicant qualified for the Pre-Admission program will be considered on an individual basis in light of the above-stated purposes of increasing the number of lawyers who will practice in Hawai‘i’s underserved communities and of obtaining the educational benefits that flow from a diverse student body. No single factor will guarantee admission to the Pre-Admission program (Van Dyke, 1978).

The 1978 faculty committee that examined the PreAdmission program made some specific recommendations about the Director:

The committee also discussed the kind of a person that we should be looking for as Pre-Admission Director. We agreed that the person should be someone who has shown a strong commitment to the disadvantaged communities in Hawai‘i. Ideally the person should be one experienced in using legal skills and thoroughly acquainted with the demands of practicing law. The person should also be one who would work well with people of disadvantaged backgrounds and would be able to relate easily at a human level. The committee agreed that the ideal director would be one who has come from a disadvantaged background and thus could serve as a direct role model for the Pre-Admission students. The committee also felt that the Pre-Admission director ideally
should be a member of the full faculty to avoid any continuing second-class status of the program (Van Dyke, 1978).

The program description in the 1980’s and 1990’s described a target population more narrow in focus than current descriptions: “The Pre-Admission to Law School Program is designed to provide students from disadvantaged population groups underrepresented in the Hawai‘i Bar with an opportunity to improve their performance and to demonstrate their ability to do law school work. The students are selected from the pool of applicants to the regular law school program. Those selected have records not strong enough to justify admission to the regular program but show enough promise to indicate potential for successful completion of law student and significant contribution as lawyers” (University of Hawaii, 1995).

Perhaps the most comprehensive report was developed in 1998 after the death of Judy Weightman. Chaired by Eric Yamamoto, the Ad Hoc Committee interviewed students and alumni and looked at qualitative and quantitative data. The committee was comprised of faculty and students. At that time, the previous recommendation of full faculty status had not yet been achieved. Although Judy Weightman was an Assistant Professor, the position was a non-tenure track position. In addition, complaints from non-PreAdmission students that tutorials gave the PreAdmissions students an unfair advantage yielded a recommendation that academic assistance programs be available to all students. The report celebrated the success of the program in enhancing the diversity of the school and strengthening the students in the program.

The description of the students admitted to the PreAdmission program shifted somewhat after the decision in Grutter as illustrated by the 2005 catalog:

Along with grade-point average and law school admission test scores and overall background, the schools admissions committee considers the following factors for admission to the PreAd program: commitment to public service, history with or connection to an underrepresented or underserved community Hawai‘i or elsewhere in the Pacific, overcoming social or economic obstacles, and the ability to be a leader, a role model, to communicate with the poor and to bring diverse experiences and perspectives to the law school and bar (School of Law, 2005).

A purposeful shift in language from “affirmative action” to “diversity” had already taken place throughout the 1990’s and early 2000’s. “Its noteworthy success rate should make it a national model. In contrast to the seemingly endless, bitter debate about ‘affirmative action’
admissions, Hawai‘i’s innovative PreAd program serves as an example of how to enhance and celebrate diversity successfully. It hereby makes a major contribution to the law school, Hawai‘i, the United States and the entire Pacific region” (Iijima et al, 2005).

Iijima, in a report to faculty in 2002 articulated this shift in language and emphasized that the shift in language was not a shift in purpose or commitment.

In discussions of programs like the PreAdmission Program, the notions of “merit” and “diversity” are often assumed to be separate categories. But merit and diversity are intrinsic to each other. The testing of professional and academic excellence must come in the crucible of inclusion. Without an institutional commitment to ensure that its mission and operation substantively includes all segments of our society, any claim to quality is compromised. In essence, the Preadmission Program is the William S. Richardson School of law’s living commitment to the proposition that inclusion need not contradict quality, but that true excellence cannot be attained without it (Iijima, 2002).

Admission to the PreAdmission program shifted in language from “affirmative action” to “diversity” with the shift in language in the law. In a memo to the faculty dated October 10, 2002, Iijima summarized the shift in the target population over time.

Although the way the Program is conceived today is slightly different, the goals of the PreAdmission Program remain remarkably similar to those from its inception: to serve and represent those who are underserved and underrepresented in Hawai‘i; to be role models and inspirations for those who are socially and/or economically disadvantaged; to bring a greater diversity of experience and perspective to the practicing bar and law school (Iijima, 2002).

The criteria for admission shifted to service and diversity in the time period between Bakke and Grutter, with a reinforcement of that shift from Grutter.

While the diversity rationale allowing race to be one factor considered for admission …is still applicable….the admission of PreAdmission students is undergoing a subtle but significant change….the admissions criteria for the PreAdmission Program has been moving toward eliminating ethnic background as an explicit factor and considering an applicant’s connection with the underrepresented community irrespective of the applicant’s race in its place. As a result, the PreAdmissions class has been a very diverse group – some from poor backgrounds, some not; some who are the first college graduates
in their family, some with advanced degrees; of Hawaiian, Filipino, Chamorro, Palauan, Samoan, Fijian, Tongan, Laotian, Hispanic, Japanese, Korean, Chinese, and Caucasian backgrounds, able-bodied and disabled, traditional and nontraditional, gay and straight (Iijima, 2002).

The 2002 report highlighted the importance of the students in the program to the school and to the legal community. Students in the program contribute leadership and spirit to the entire school.

In addition to these academic achievements PreAdmission students helped form the first Hispanic Law Students organization at the law school; were elected by the entire student body to be the voting student representatives on the Faculty Personnel and Admissions Committees; were elected as officers of the Filipino Law Students, Hawaiian Law Students, Advocates for Public Interest Law, the Environmental Law Students Association and the Pacific Asian Law Students Associations; are leaders of the hula halau (which performs at the law school’s official functions including graduation); took leadership roles in educating the law school community with respect to issues concerning Hawaiian and indigenous peoples; volunteered to translate for newly arrived immigrants at the local legal services organization dealing with immigration issues; volunteered at hospitals to work with the disabled; and spoke to high school and community college students in underrepresented communities about the necessity for people of color to enter the law. Finally PreAdmission alumni have gone on to become state legislators, judges, and successful attorneys in private and public interest practice (Iijima, 2002).

Iijima, in his 2002 memo to the faculty addressed some of the issues of stigma and status that were concerns of a PreAdmission program at the time.

These significant successes raise important issues with respect to status and pedagogy. One of the ongoing troubling aspects of such a program has been the stigma that attaches to all students who are admitted under nontraditional criteria. …While the unqualified academic success of the PreAdmission students over the years has lessened some of the pressure and stigma, nevertheless stigma remains due to the very structure of the program. Indeed, the very success of the students has engendered backlash. PreAdmission students are often cut by a double-edged sword situation: if they do poorly, they don’t deserve to be in the law school; if they do well, they have too many
“advantages.” Given the impression by some that the reason Preadmission students do well academically is solely because of the support they receive from the program, it is important to note that much of the academic success of PreAdmission students occurs after they have left the program. Moreover, some PreAdmission alumni are reluctant to disclose their law school participation in the program due to fears about the reaction in the local bar (Iijima, 2002).
<table>
<thead>
<tr>
<th>Year</th>
<th>Status</th>
<th>Curriculum</th>
<th>Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>1974</td>
<td>Preadmission To Law School Program</td>
<td>Students admitted to College of Continuing Education</td>
<td>Dr. George Johnson is on contract and is part time to the program</td>
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<tr>
<td></td>
<td></td>
<td>● One law school course (half of the students in Criminal Justice, half in Civil Procedure)</td>
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<td></td>
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<td>● Intro to Law seminar</td>
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<td></td>
<td></td>
<td>● One upper campus course</td>
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<td></td>
<td></td>
<td>● 2.0 GPA for law courses</td>
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<td></td>
<td></td>
<td>● Tutorials</td>
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<tr>
<td>1976</td>
<td></td>
<td>Students admitted to law school program as unclassified graduate students, then matriculate into</td>
<td>Corey Park is Director as a part of his full time faculty duties</td>
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<tr>
<td></td>
<td></td>
<td>regular class</td>
<td>Carol Mon Lee (1976-77)</td>
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<tr>
<td></td>
<td></td>
<td>● Community Based education program</td>
<td></td>
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<td></td>
<td></td>
<td>● Preadmission seminar</td>
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<td></td>
<td></td>
<td>● Choose Criminal Justice or Contracts</td>
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<td>● Choose Civil Procedure or Property</td>
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<td></td>
<td></td>
<td>● Tutorials</td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td></td>
<td>● PreAdmission Seminar</td>
<td>Jon Van Dyke (1979)</td>
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<td></td>
<td></td>
<td>● Contracts &amp; Civil Procedure</td>
<td>John Spade (1980-81)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Legal Research</td>
<td>Allison Lynde (1981-1987)</td>
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<tr>
<td></td>
<td></td>
<td>● Tutorials</td>
<td></td>
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<tr>
<td>1987</td>
<td></td>
<td></td>
<td>Judy Weightman, 0.5 FTE, non-tenure faculty position.</td>
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<tr>
<td>1991</td>
<td></td>
<td></td>
<td>Director position becomes full time non-tenure</td>
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<tr>
<td>1998</td>
<td></td>
<td></td>
<td>Judy Weightman passes away on March 4, 1998</td>
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<td></td>
<td></td>
<td></td>
<td>Michael Tanigawa interim</td>
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<tr>
<td></td>
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<td></td>
<td>Chris Iijima hired as a full time tenure-track faculty member</td>
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<tr>
<td>2006</td>
<td>Ulu Lehua Scholars Program</td>
<td>Students matriculate immediately upon admission</td>
<td>Chris Iijima passes away on December 31, 2005</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Legal Writing added to first year curriculum</td>
<td>Shirley Garcia directs from 2004-2007</td>
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<td>Charles Lawrence III, 2005</td>
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<td>Casey Jarman 2006</td>
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<td>Calvin Pang 2007</td>
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<td>2007</td>
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<td>Linda Krieger hired as full time tenured faculty member</td>
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**Social justice and the Ulu Lehua Program.** The prominence of George Johnson, Judy Weightman, Chris Iijima, and now Linda Krieger as champions for social justice cannot be ignored as an important and vital thread in the tone and purpose of the Ulu Lehua Program. Dr. Johnson began his work at the University of Hawaii after “a distinguished career as Dean of Howard Law School, Assistant Elective Secretary and Acting General Counsel of the Fair Employment Practices Committee in 1941-45 (precursor agency to the EEOC), Director of the Commission on Civil Rights (1957), co-founder of the University of Nigeria after independence in 1960 and Professor of Law Emeritus from the University of Michigan Law School” (Barbee-Wooten, 2005).

Johnson was motivated to become a lawyer after witnessing the difficulties of Filipino laborers in the San Joaquin Valley. “This injustice motivated Johnson to become a lawyer so he could fight for civil rights and equality for everyone” (Barbee-Wooten, 2005). This message was heard and understood by members of the very first PreAdmission class. Douglas Crosier said: “Dr. Johnson inspired me to become interested in law as a tool for reform. I learned through him that it is possible to change the world to make it better” (Barbee-Wooten, 2005).

Judy Weightman was a business woman and entrepreneur, and she was also devoted to social justice. She served for many years as director and officer of the American Civil Liberties Union and Jewish Federation of Hawai‘i. Her legacy includes her work on the Hawai‘i Holocaust Project. Judy highlighted an intersection of Hawai‘i, the Japanese-American soldiers and the holocaust. The Japanese-American soldiers helped to free victims of the Holocaust from German concentration camps. Her work resulted in a film *From Hawai‘i to the Holocaust, A Shared Moment in History*, and two volumes “*Days of Remembrance: Hawai‘i witnesses to the Holocaust***” (Van Dyke & Jarman, 1998).

Chris Iijima grew up in New York and was the son of activist parents. Takeru Iijima was a member of the 442nd Infantry Regimental Combat Team, and his mother Kazu Iijima was interned during World War II. Iijima’s life work included a rich legacy of advocacy through his music. Iijima and Nobu Miyamoto wrote and performed songs to give voice to the Asian-American experience. His teaching philosophy was influenced by his early experience in the Manhattan Country School “a successful experiment in utopian, progressive education – a place where teachers and students are all learners, involved in the joint project of education, where education has as its end justice, peace and humanity” (Matsuda, 2006).
One of Iijima’s projects at the William S. Richardson School of Law was to write the “Law Student Pledge.” During orientation all students visit the Hawai‘i State Supreme Court and recite the pledge. The pledge emphasizes the importance of law as a tool for social justice, and how important it is that all lawyers pursue this purpose.

In the study of law, I will conscientiously prepare myself;
To advance the interests of those I serve before my own,
To approach my responsibilities and colleagues with integrity, professionalism and civility,
To guard zealously legal, civil and human rights that are the birthright of all people,
And, above all, To endeavor always to seek justice.
This I do pledge (Richardson website, 2015).

The current director Linda Hamilton Krieger is also a giant in civil rights and social justice issues. Her legal career includes 13 years as a civil rights lawyer in San Francisco, working on significant state and federal sex and race discrimination and workers’ rights issues. Her work caused important improvements in the areas of pregnancy discrimination, sexual harassment, and employment law. Krieger’s impassioned and powerful activism in the lesbian and gay rights arena make her a leader in many community organizations. Her scholarly work is also extensive in areas such as disability discrimination, affirmative action, law and social cognition theory, international comparative equality law and policy, judgment in legal decision making, and theories of law and social change (Richardson website, 2015).

The William S. Richardson School of Law has made a significant investment in the Ulu Lehua program by hiring and retaining professorial talent for the program. By choosing these directors, the law school is also making a significant statement about the kind of mentorship and sense of purpose that it values and wants to make available to the Ulu Lehua students. The fact that each of these directors has such significant work in social justice provides powerful mentorship and role models for students in the Ulu Lehua program that have similar ambitions and purpose.

**Affirmative action as a lived experience, stitching the pieces together**

“What does [the Ulu Lehua Program] mean to me.... (long pause)....I just feel lucky.”

The participants did not have an impression of the Ulu Lehua Program as an affirmative action program. They had a sense that there was an important diversity component to the
program, and they had the sense that the diversity that the school sought through the Ulu Lehua Program was broader than race and ethnicity. “Yes, in a way, we knew the program was set up to help diversity, to correct an imbalance.”

This was true for those students who knew others who had gone through the program, especially if they were early members of the program when the term “affirmative action” may have been used more directly to describe the program. And for those who thought of the program as promoting diversity, the word “diversity” meant that the program broadened the scope of the types of applicants that would be considered by the program. “I didn't relate it to race….I thought it could be economic, or some sort of disadvantaged background somehow. I think we started out with someone [in our class] who had an interesting pre-school experience.”

This participant was referring to a Caucasian student who had been in the foster care system. He left during the first week of school because he could not arrange adequate financing for the program.

Without exception, the participants cited the importance of diversity in the law school and in their class. “Diversity is the strength of the law school and even more so for the PreAds.” In fact a parting comment in the focus group was: “Don’t forget the importance of diversity!”

One student described her group’s inquiry into the make-up of her class:

One day we got together and we discussed what we had in common. And we had nothing in common. We were all minorities, in a sense, but--- not really when you look at it....So what was it? And then we all kind of got it and saw that we all have some kind of minority status, but we also knew a lot of people that applied and didn't get in who had minority status. I think we all knew a bunch of people who had applied and didn't get in. So we thought it must not just be that, it must be something else.

The term “affirmative action” had a negative connotation for some of the students. “We were told we were ‘more appropriate’ after the program to join the mainstream bar.” Which sounds like the program was molding the non-traditional students into more “traditional” students. This connotation is the opposite of the value of diversity, but rather a program to help students conform or assimilate. The negative connotations of admission through the program meaning that the students admitted in the program were somehow less worthy also came up. “Some people might think it was like a couple of kids who weren't smart enough to get in on their own...affirmative action or charity cases, stuff like that.”
One student believed, before coming to law school, that the Ulu Lehua program was a program where Native Hawaiian students were “funneled” in. It seemed patronizing to her.

- I think it goes back to my thinking of Native Hawaiians and how they got funneled through there. But—looking back on it now, and working at a law school, and struggling to get minority students in.....I can't say that I think it's a bad thing.

- When I looked at the numbers, differences, it kind of made me feel a little bit uncomfortable---I was like, okay, so all these 80 or so people are in law school---but we're not really in law school---but we're kind of like: but we're gonna be -you know, Once we all get through this part we'll all going to be in law school.

The assumption among attorneys in the bar that a student who is a minority student would not be admitted without special consideration was also felt by the students interviewed.

I think there is a belief that if you're a minority, that's why you made it into law school. But I do know they're aware of race things. They're aware of, not in a [bad] way---like in the affirmative action way---I know they're aware of it, because one time, one of the partners came up to me and asked "are you Hispanic?"

The students uniformly reported that these assumptions and definitions were subtle and rarely overt. Although felt, they denied strong negative feelings about these assumptions.

I don't hold grudges if they thought like that. That's fine by me. I understand if they thought that way. Being accepted into the program, I didn't feel disadvantaged or that much of a minority. I understand if they thought that way. I didn't feel too angry about it. I didn't care one way or the other.

More striking is the message the students heard that their participation in the program was because of their individual and collective strengths, not weaknesses. The message from Iijima, and from other administrators and professors was that they were “special.”

Chris used to always tell us everybody else, those 80 other people, we just paint by numbers---GPA and LSAT and they are in. For us it's who you are as a person. So he said: “Don't be thwarted by the fact that it took more than numbers to get you in the door.” It was kind of just the way he phrased it. He didn't make it seem demeaning--it didn't make us feel we were ‘less than’ in fact, it kind of made us feel we were "more than.”
The message that the legal community would be enriched by their membership was received and absorbed. Discussion and a sense of purpose fortified this belief that the members of the class could contribute in meaningful ways to the bar. “We really had some very good people in our group. When we looked around the room at each other it was like ‘the legal community needs us in it’ and obviously that's why we're here.”

Iijima’s role in this encouraging message was central and constant. 

He constantly emphasized special. You are very special, very special. I don't remember his exact words, what he said, I wish I did. . . I mean, he glowed about the program. He was excited, always excited. You could be having a bad day and he would lift you up. That was Chris.

Disadvantage and Social Capital. The PreAdmission Program in its earliest iterations used race, particularly Native Hawaiian, Filipino and Polynesian, as a stated criteria for purpose and admission. Doo discussed the under-representation of these groups in the bar, and the need for a program to address racial disparities. After Bakke, and as the 80’s and 90’s shifted the purpose of the program to addressing under-representation by promoting diversity, the term disadvantage was used to describe the students and the goals of the program. A question in the application specifically asked applicants to describe disadvantage. The program itself defined disadvantage broadly to include historic injustice.

Nevertheless, the students in the program did not identify themselves as disadvantaged. Their response to the interview question was often emphatic.

- Personally never felt truly "disadvantaged."
- You need to look at Africa where people are really disadvantaged---in poverty.
- Disadvantaged is a loaded word, not that it’s negative. We all came from good families, went to college, were not homeless.
- Disadvantaged - loose that word. Something else like “underrepresented communities.”
- Yeah, I was definitely not economically disadvantaged although a lot of my classmates were struggling.

The interviewed students did not see the program as addressing their individual disadvantage, but instead saw the program as addressing under-representation, especially under-representation in the bar. “Should use a different term like ‘underrepresented communities’ or
‘underrepresented.’” “I think that should change, the definition should be changed. It should be about ‘representation’ in a certain field. Like in law.”

Perhaps ironically, the students in the program often did not have the same level of social capital and advantage as their classmates outside the Ulu Lehua program. In Hawai‘i, initial conversations include questions that are aimed at finding commonality and connection. These initial questions include “where are you from,” and next, “where did you go to High School.” It didn’t take long, therefore, for students in the Ulu Lehua program to find that many of their classmates from Hawai‘i had come from private schools, and had higher socio-economic status.

[The differences] seemed more apparent more than I ever had thought about it going to college ---high school, college. Law school was where I saw it. The first place where I actually saw it......I see, you know, the ones that went to different high schools, the ones who went to public schools. The wealth, the difference in the wealth.

Although most of the students interviewed had gone to public school, a few of their Lehua classmates had attended Kamehameha and Punahou. All of the students interviewed were first in their family to complete college and go to professional school. The parents of the students interviewed had modest incomes and professions. “My mom was a piano teacher, my dad a mechanic.” As students thought about this question, several cited the advantages that students with college educated parents had in preparation for a journey like law school.

- No one in my family was an attorney. When you do, you have that advantage, your parents can coach you and tell you what firm to go into.
- I didn't know because nobody else had been to college I didn't even take my SATs. I mean, I know where I wanted to end up, but I didn't know how I was going to get there. I didn't take the SATs, I went to Leeward Community College and got my Associates. Nobody. In fact, I think because I went from Leeward to UH West O‘ahu---another kind of sheltered environment---and I think quite honestly they maybe expect people from there to maybe get your master’s? Maybe not. The fact that I wanted to do it kind of threw off my advisors. No one had done it. In fact, there was one person who applied, but didn't get in. I don't know, I may the first person from there who got accepted and actually graduated.
- I didn't know what I was doing, and really there was no one to guide me because no one had that background.
Law school was (pause) . . .to me it was kind of a rite of passage. You think you start law school and everybody is starting from square one---and it's really not like that. Because, I mean, I was a public school kid, and I had gone to community college, I mean, God forbid, and the majority of students there went to private schools from the very beginning of time.

I didn't know who to talk to, I didn't know anyone. I just figured it out on my own---figured out what to do. I figured it out on my own. Just study on your own, take the test.

Even the application process to law school is different, and highly competitive. The Law School Admissions Test (LSAT) is a formidable obstacle for many applicants. Preparation for standardized testing, and the LSAT in particular, is a part of the “social capital” that comes from having others who have travelled the law school path before.

Well, I was still an undergraduate at the time. Unfortunately, the LSAT is given in December. That's kind of problematic because you have finals. If you're a current student, going straight to law school, it's hard to find time to prepare. I bought a couple of study guides and went through them as much as I could, but really not a whole lot, quite honestly. But I thought---I heard it was something like the SATs, either you had it or you didn't...and if you don't do well, then I don't know---I thought that it was something that you really didn't study for, but I thought at least I should go through the material to see what I was supposed to do and then after going through the material, it was like "wow, this is going to be timed." Maybe if it wasn't timed maybe it would be easier to think things out.

Although the interviewed students did not identify with the word “disadvantaged.” The modest financial backgrounds they experienced was a part of their motivation to come to law school – to provide for their families and have a better economic life than their parents.

(laughs)I think that in terms of [money] you could say I was disadvantaged. Other than that, no, no. Not at all. My parents didn't have a lot of money. But they gave us all the important things. There was nothing that we needed that we did not have. Where there things that we wanted that we didn't have? Sure. But I don't think that necessarily makes you "disadvantaged."
• I’m the first generation in my family to step foot in college, but my kids were preparing for SATs since 7th grade. So there is something there.

• I went to college for three and a half years, the last semester I was working at the legislature. I was taking two credits so I could keep my [student loan] because I needed the money to pay my bills, so I was working at the leg and going to classes and then working on campus at the library. It was because I had to pay everything on my own, I was on my own .... That was my life.

• I just thought you’d make more money. I never knew what more money was. My mom said "Go to college, go to school, get good jobs so you won’t have to struggle.”

• You know, I think for people who, I guess for me too, first generation, you come out of a situation where you don’t have a lot of money when you’re growing up. You really want to make money.

The other way that the trailblazing students struggled was with adapting to law school itself. The study, the classroom, the testing, are all very different than most undergraduate experiences. Many of the students interviewed did not know what to expect.

So I thought I had school wired. And then I went to law school—got the books and picked up your syllabus—and started to read. By accident, really, I read some stuff ahead of time, because I had Contracts the first day of school. And I thought there was an assignment, like, before class, and I thought "why is there an assignment before class?” And I thought, "I better go and read it." And so I read it. It took me hours to read it. I’m pretty sure it was Bailey v. Black, the contract case. And I’m like Oh My God. I’m not understanding this at all. I think I get it, but I’m not sure—and I don’t know how to write a brief or anything like that. I didn’t have an Emanuel’s. I had no idea. I remember going to class and the first time I saw one saying “what is that?” “it’s a study guide, you’ve got to get it” I went to class and thought I understood everything and I kind of got the feeling that other people understood it better—which was a very new feeling for me. Because all through my undergrad I knew more than most people in my class. And now people would make a comment and I was like, “I didn’t see that at all.”

This was an important role for the Ulu Lehua Director, to help bridge this gap, and prepare Ulu Lehua students to survive and even thrive in the academic world of law school. “I wasn’t scared, I don’t think I was scared, because we had gone through the orientation the week
before, and then we had talked to Chris. I'm sure he was preparing us for the worst, but at the
time I kind of thought, whoa!”

The law school experience.

- Our class very outgoing and fun! Chris and other professors were supportive of the
  program. He made us feel like the cool kids and this had a positive impact on how the
  Pre-ads interacted with the rest of the students.
- I mean, really, classmates were pretty okay. They never treated us differently. Some of
  them envied all the extra tutoring sessions that we got. I never felt different. Obviously, I
  wanted to take the same amount of classes as a regular student, but that’s what the
  program is.

The law school experience for the Ulu Lehua students was positive, only after some
probing did experiences of “difference” or “stigma” get discussed. Although these experiences
were important and sometimes difficult, it seems that with the passage of time, the irritations
have been largely forgotten.

The students recalled ways that they were perceived as different from the regular class.
They did not participate in the writing class. At Richardson the first year writing class is in small
sections, and the learning is intense. This is a place where friendships and bonds are made that
last an entire career. Ulu Lehua students at the time this program began were not included in this
class until their second year. Then, they were split up into different groups with first year
students. After the changes that were made in 2006, Ulu Lehua students participated in the first
year writing classes as first year students. Still, they are split up into the other sections, making
membership in the Ulu Lehua class far less visible.

The way mailboxes and email lists were assigned was an example of how the school
differentiated Pre-ads from one-L’s. Another example: One-L’s had a party on campus
after a certain class that didn’t include Pre-ads and Pre-ads were not invited. Pre-ads in
their first year never felt completely included in One-L activities. I’m not sure how it is
for the newer Pre-ad groups, because inclusion varies so much from year to year
depending on personalities of those making up the student population.

Systemic differences like the mailboxes (which no longer exist) or the class emails made
that first year inclusivity less than seamless. Richardson’s traditions of class parties were also
difficult. Because the Ulu Lehua class was not always explained to the One-Ls, planning for
activities might inadvertently exclude their participation. The Ulu Lehua students didn’t seem to think this was a purposeful exclusion.

The faculty reports about the program cited some of these issues, and the directors of the program, Weightman and Iijima worked with administration to try to address some of the systemic ways that Ulu Lehua students felt that they were not fully included in the school. The 2008 report uses the term “second class citizenship.” At the same time, students received support from Iijima.

- [I] knew [that prejudice] existed but never saw it directly, maybe because I was older, and was pretty much at the law school all day and didn't have to run off to work like some of the others.

- As an older student I missed a lot of one-L's attitudes in general, but I knew that other people in my class felt it. It was there.

- There was that transformation,---and then I think---there was also---in a related way---I went in with the Pre-ad program, and that was also humbling, because I had initially felt there was a stigma attached to it. I thought there was some sort of hidden agenda, I guess, in that maybe Native Hawaiians aren't good enough or something to that effect, so we had to go through this special program.

- A ‘not smart enough’ prejudice was not institutionalized. It usually came out at parties, and through individual personalities....like there were other activities One-L's party list did not include Pre-ads in...whether it was ‘mean people’ or just ignorance, I don't know. But as an older student I could just shrug off things like that.

- Chis' attitude was pragmatic, if your goal is to be an attorney, if someone has a problem with you, that's their problem, you are getting what you want. There will be little bumps in the road, don't let it distract you.

The sense that the institution of the law school welcomed and included them, was real, but not necessarily universal.

- I don't know...I think there may have been--- one or two professors who we thought--- were not particularly keen on the program. And that was, as I recall, an impression that was formed from the scores on the exams. There were a couple who seemed surprised that some people scored as high as they did.
• I had problems with some professors, I guess, but you know that's true with any law school, some were harsh graders, a few didn't feel inspired...those kinds of things. You could go to any school and you can find the same type of people.

One point that was a source of concern in the highly competitive atmosphere of law school was the extra help that the Ulu Lehua students received. This was also cited in the 1998 report, and efforts were made to provide tutoring and other support to all of the first year class, in response to this concern. The outlines created by the Ulu Lehua students were also legendary. One outline by Avis Poai, now a professor at the law school, was passed along from generation to generation of law students as a “gold standard.”

The tutoring sessions were conducted as organized study groups, with upper class students as tutors. These students not only helped to untangle thorny legal issues, but also served as a safe place to make mistakes, ask “dumb” questions, and talk through difficult concepts. This sense of learning together was critical and important. Students outside of the Ulu Lehua program would often form these same kinds of study groups, but without the upper class leadership.

• I think they were jealous of us. Because we had extra classes, we had tutoring. We had our own engrained community. We were clearly not in competition with each other. Every time a Pre-ad did well in a class that was a celebration for everybody. We had Chris for everybody. There were certain people from prior classes like Mike Wong, we had people that we could count on. They wanted to help us. Because they wanted us to succeed just as they did, they wanted it to be easier for the next generation.

• Some of them felt envious of the extra tutoring classes and the others, frankly, they felt it was unfair. I can understand that, I felt I were getting more of an advantage than the other law students, so it's justifiable.

• My clearest memory of that was after the first semester. Maybe a little bit before the spring semester and after the fall semester --- during the finals period and after the grades come out, I felt there was almost backlash. Like “you guys get help, you guys get notes, you guys get what we don’t get.”

Ultimately, the tutoring structure was intended to “level the playing field” for the Ulu Lehua students, by providing structural assistance where preparation and understanding may be
under-developed. The creation of a community of learning supported the students in a highly competitive law school experience.

For me, it was a transformative experience—in some ways it was typical, in the sense of how it’s described—of what you endure as a One-L. You spend most of your educational career being highly successful and it’s very humbling to be in a group of people who are at least just as smart and at least as dedicated as you are.

Community

- I’m actually curious to know more about the program now, because, I think that with Chris—he managed to not just create a safe space—but I think he managed to show us how much fun it was to be a lawyer and also I think he conveyed, at least for me, how much more fun it is when you are grounded in what you’re doing.

- It was wonderful. I loved my Pre-ad classmates and the Pre-ad graduates that went before us.

Of all the aspects of the ways that the Ulu Lehua program was experienced by the participants, the sense of community is the most striking. There is genuine and thorough affection for Iijima, for the program, for their classmates, and for the law school. This experience might not be universal. “A great part of a law student’s experience is dependent upon the personality of the class which varies from year to year, it can be competitive versus cooperative.” Thus, a kind of class personality is developed with each group that feels closer for some than for others. But the participants in this study felt very strongly about their experience. “I can’t talk about other years, but at least the students in my years was pretty cool people. I had fun, I had more fun in law school than more than as an undergraduate student.”

Generally, the Ulu Lehua community within the law school community is what stands out, but several commented about the warm sense of community in the law school.

- Lots of fun…I would say lots of fun for me….a more innocent time.

- My experience, in a word was ‘enjoyable.’ I came in as an older student. Chris created a core group, safety net, community, not isolating. This was mostly due to Chris and his personality.

- The Pre-ad program creates a kind of community.

- We worked within a community of colleagues.
Ulu Lehua students remember with fondness the music. Because Iijima’s early career was as a musician using music as a voice for social justice, a guitar was always present in his office, along with the big comfortable sofa left over from Weightman. Eric Yamamoto would also join in the music. Weekend and evening sessions at the Iijima home also stand out as important parts of the Ulu Lehua experience. There was a universal feeling that when things were not going well there would be ready comfort sharing those concerns with Iijima.

- I did do things, I did weekend things at his house, if I had a problems, I could go to his office.
- Chris and Jane made the biggest difference, the study sessions, both at his house and office and just hanging out together as a group and going to lunch. There was always music, Eric might come in from his office with his guitar and join in. The education I got was wonderful. I felt a similar artistic attachment to music. The music was inspiring.

The sense of community had a serious side. The sense that they were accountable to one another, and that it was their job to help each other succeed. They tried to support one another even when members of the group struggled. Not all of the members of this particular class matriculated after the first semester, and all of the group took on the urgency to help.

- Because it seemed like our group, we all were really genuinely nice people, we cared about each other, and we cared about what we were going to do with our J.D.’s. And we really wanted to make sure we all succeeded.
- I know [Chris] tried not to put the weight of the program on us. But I remember him saying that your success will reflect on the program and for all generations to come. He always wanted us to go out and do good things. Like when someone was falling behind, or seeming to fall out of sorts, he wanted all of us to make sure that person wasn’t lost track of. I know we, weren’t initially worried about [student], when we first started, but I remember we were all kind of watching [another student] because he looked easily confused and not looking at the right things all the time, not quite getting it. We looked after each other.
- I think that made it harder for them [the ones who did not matriculate] because I think they felt that they let us down, too, in a sense. But, we just wanted everybody to finish, and we didn’t want anyone to quit.
One student who struggled reflected how this support felt, and what a huge difference it made for her. But developing trust in the support and her classmates took a little more time.

- *I think in coming back in the spring semester--- that first year--- was how I decided to really put an effort into this, and I committed myself to being part of the of the program, and more of a member of that community, just letting go a lot of the stigma I came in with, and just being happy to be with a really great group of people.*

The work was hard, and sometimes concepts did not make sense. Making meaning of this difficulty, and developing genuine support for the students was important. Iijima modeled a curious and pragmatic approach to learning law. He also modeled practice as learning to learn, and being self-reflective.

*Chris created a great learning environment. He would say: You want to be an attorney, jump through these hoops. The bar is just another hoop. Deadlines, good writing skills, knowing law, making sound analysis, professional and ethical conduct then step back and don't get so caught up that you don't see the big picture. Chris would be the first to say “I don't know.” Everyone felt safe to express their ideas. Chris made everybody feel okay.*

When things did not go well, the Director’s role included involvement in the support of the personal life of the student. One student interviewed, who was not a part of the case study, but from a later class, struggled tremendously during the program. Her struggle included a serious drug addiction problem. Iijima anguished over this student, and worked tirelessly to engage her. At one point Iijima and I had an intense meeting with the student, persuading her to check into a hospital. This particular student did not graduate, but when I spoke with her last year she had been clean and sober for many years, and was very grateful for the support that had been given to her. In his application for tenure Iijima cited this support role being needed in other intense situations. “For example, over the past two years I have worked intensively with students in circumstances of domestic abuse, unexpected pregnancy, health emergencies, financial hardship and emergencies, familial emergencies relating to parents, spouses, or children, and diagnosis and treatment of learning disabilities” (Iijima, 2001, p. 4.6).

Another student, from the class before the case study participants talked about the importance of the support from the upper class students. “We looked out for them, like they were our younger brothers and sisters, and we wanted them to succeed.” Another non-
participant student I interviewed talked about how now, years later, he still feels that bond with his classmates, and that deep caring for their wellbeing.

Nurturing this sense of community was an integral part of Iijima’s teaching philosophy. “I endeavor to make them understand that their learning is a collaborative process with me and with each other, and the more deeply we engage with the subject matter and the deeper and more profound the collaboration, the more significant and meaningful the learning that will take place” (Iijima, 2001, p. 4.4).

As participants reflected on their experiences as Lehua Scholars much was said about the importance of the support given to them by the director, from fellow classmates, and from former Lehua Scholars. For them the program provides a launching pad and a safety net. This community of inclusion is described by education scholars as the essence of a learning community.

To accomplish the core practice of building an inclusive community, learning communities must create safe spaces for all students to interact more closely with teachers and with fellow students. Teaching teams can strengthen community by offering activities that foster hospitality, inclusion and validation for all members….Through these experiences, learning community students can develop a positive sense of shared identity. And perhaps they can also become skilled practitioners in creating community in other contexts (Smith, et.al, 2002, p. 97).

Nurturing this spirit of community, cooperation and mutual support is most likely an essential element of the Ulu Lehua program in ways that are unique and special to the law school experience. After Iijima’s death, another tradition of a Lehua graduation dinner began. All the Ulu Lehua students along with their family, supporters and graduates, gather for lei, and stories and celebration. Calvin Pang, as an interim director, initiated the tradition of having each student introduce one of their classmates. They tell stories about their experiences together. They each celebrate the strengths of their colleagues. As the students in these graduation dinners tell their stories, laughter and tears fill the evening. In this way, and in many others, the strong bonds of community are nurtured.

Building a sense of community is perhaps the most critical element of the Ulu Lehua program, and the task of the Director. But that community building is not an end in itself, it is an integral part of the learning process. “Creating community, combatting stigma, and learning
better analytical tools are not separate tasks. They cannot be seen or addressed separately for students of color and those who identify with subordinated communities in our society” (Iijima, 2000, p.780).

**Support and Tutoring.** Many of the participants interviewed did not remember the PreAd Seminar as particularly helpful in terms of academic learning. It was helpful and integrated the material, but it was not the essence of the program for them. Iijima did not emphasize, at least not in an obvious way, specific study skills or writing skills. Rather, the academic support came in the form of one-to-one coaching, direct feedback, and help in understanding the big picture. The program’s tutoring sessions, however, were memorable.

- *Oh my God. First of all we had Mike Wong. He made life manageable. And then there was Chris, he made learning fun, he made everything about law school fun. And it was a great, great program.*

- *I think the tutoring helps focus you on what the subject is. Ultimately, I would have studied anyway.*

The tutors were upperclass Ulu Lehua students. In the focus group, two members of the group ahead of the participants talked about how having non-Ulu Lehua tutors was not as helpful. These non-Ulu Lehua tutors had “AmJured” the class (had the highest grade) but did not have the relationships necessary to foster learning. Among the tutors there was a culture of help and assistance, and a tradition of prized outlining. The tutoring sessions instilled a sense of shared work and collaboration.

- *We needed to stick together.*

- *We had a sense of community. Even today, I can still call them up and ask questions.*

**Purpose**

- *I was graduating and I wasn’t sure what I would do next, so a lot of my cohorts were going for a master's in political science and some were going into law school. So I was thinking in those terms quite a bit---and I thought I would take the LSAT, and go to law school---- because I thought that---my goal at that time was to help the Hawaiian community especially in terms of sovereignty. So, in weighing out the programs--- a master's in political science or law school---I thought that law school was much more practical---given my goal of wanting to be politically active. It was almost one of those*
things of ‘keep your friends close and your enemies closer’ kind of thing it---was like, learn the ways of American law, so I would know what to do and how to better help Hawaiians.

- I knew exactly what I wanted to do. Before law school, before college, before I finished high school, I knew exactly what I wanted to do.

Not all of the students who came into the Ulu Lehua program were as clear about their reason for studying law. Some came to the program as a default, or a placeholder. Others came with a vague sense of purpose. But all of the students interviewed talked about how Chris Iijima helped them develop that sense of purpose. But it wasn’t a uniform purpose, it was a purpose that was their own.

- Well, that was the plan, I wanted to go to a med school. I did so poorly on the medical admission exam. I didn’t want to wait a few more years to get better. I applied to UH law school they didn’t accept me in the regular class. I was not accepted as a Pre-ad student, but I was wait-listed, it was my "Plan C" or "Plan D."

- This is funny. You know, I wanted to be a teacher and I thought I was going to help kids--and just help people--be a teacher. [But] I always wanted to be a lawyer, from when I was small, I read books about law, about court-- I was fascinated with the law. Nobody in my family went to college, nobody went to law school, and I don’t know any attorneys, but and that’s what I always wanted to do.

The students felt that nurturing that sense of purpose, defining it, honoring it, and not judging it was an integral part of the Ulu Lehua program. Although social justice was a strong theme for most of the students interviewed, it was not the theme for everyone.

- It felt as if the Pre-ad students had shared values---not all with same motivations necessarily for enrolling in law school (like "put people in jail"), but a shared moral purpose. Not to the point of "oh, we’re all going to be social advocates," but a shared sense of justice. Attributes most relevant to Chris who saw value in diversity, not "we’re all here for social justice" but accepting of individual motivations.

- I have a wife and kids. My main objective is to make money and give them a good life. You know, that’s the difference from that goal in law school. Now it’s making ends meet and that is making life less enjoyable. I'm not making bad money but when I go to my
dentist or my doctor or dentist I see lines of people still waiting and I see how much more they make. Chris never pressured us to do like non-profit work or to do public sector type work. I think he always thought it’s a chance for you to do good, but he wanted minorities to be represented and that’s how he put it to us. I am a Filipino lawyer and that means something.

- I grew up in a military family. We actually grew up mostly abroad. We experienced a lot of different societies--some of them very sheltered, and some of them not so sheltered. I think having lived in so many different environments, it made me kind of understand the type of environment I wanted to raise my own kids in.

No matter what the motivation, discussing identity, discussing purpose, and discussing how to navigate that identity and purpose in the legal community was an essential conversation in the Ulu Lehua learning community. After Iijima’s death, a continued tradition was to have a gathering of the brand new Ulu Lehua students, along with a few graduates during orientation. At the gathering, usually over dinner, each person shares their story. It started there, with a deep sense of wanting to know each person’s story, and then nurturing that place as the student matures in the identity of being a lawyer.

- I don’t remember exactly what he said. I just remember the various comments about his experience---things he struggled with as a practicing attorney and the reasons why he left that life...umm....and---how he used to think of----Elton John has a song called "Goodbye Yellow Brick Road" and I would always for some reason relate.... the story of, you know, leaving, the practice was the yellow brick road, and deciding to leave that because it wasn’t who you were, or where your heart was, for, in some ways what might be, a simpler life---whether it was professionally simpler, or personally simpler. The message I got from Chris was: you had to be true to yourself.

- [Chris told us] remember your roots, why you came here in the first place, don't lose yourself in law school" (and become a "monster") but graduate and become part of the bigger community. You were chosen because there was something unique in you. Take what you learn back to your community and be that role model.

Even when students chose more traditional paths of corporate law, or prosecution instead of defense work, Iijima asked them to consider the practice of law to include the concept of
service. Whether that service was in the form of being a community leader, a role model, a good father, or a public servant.

- *I don’t think he saw anything wrong with it [corporate law]---if that’s who you were---if that’s what you wanted---I think maybe some of his stories warned against what can happen if you chose that situation, but I felt he never looked down on it. But at the same time I think there was a little bit of a sense that whatever else you did, you should think about giving back.*

- *I already knew what I wanted to do. I just wanted to send people to prison. I remember telling Chris "that's a public service too", "there's a lot of assholes in the world who don't belong in the world with all good people." So he and I were kind of colliding a little bit because Chris was very "The Man vs. the little guy." And I was like the prosecutor doesn't have to be "The Man." My understanding of it at that time was the prosecutor had a lot of power, yeah, and the power can go to their head, and they can end up doing bad things, but in the right hands it's good power.*

Ultimately these discussions provide the kind of third apprenticeship that the Carnegie Foundation contemplates in the study, *Educating Lawyers.* “To do this, however, law schools need to further deepen their knowledge of how the apprenticeship of professionalism and purpose works. That is, they must improve their understanding of their own formative capacity, including learning from their own strengths, as well as those of other professions. Further, the schools need to attend more systematically to the pedagogical practices that foster the formation of integrated, responsible lawyers.” (Sullivan, et al., 2007, p.128)

*Well, the program itself, I think was, I think it's integral to the success of the school and to the profession of law. It seeks to focus on merit as, not necessarily how you do or perform on standardized tests or what kind of GPA you have, but where you come from, wanting to serve your own community. Where life experience can be seen as something meritorious and something beneficial—and beneficial to the law community, to the program and to the practice of law.*

**Relationship and caring**

I gathered a group of participants, two members of the class ahead of the case study group, Dean Aviam Soifer, and Jane Dickson Iijima, to dinner to discuss the themes that emerged from the interviews and to test the themes against shared experience. When I shared
that all of the students I interviewed did not readily identify themselves as “lawyers,” Jane Iijima said that if Chris was asked to identify himself, he would say he was a teacher. This may be one of the most important themes of all – that the relationship between teacher and student was a profoundly impactful and loving relationship. Iijima’s view of his role as teacher is eloquently expressed in his dossier for tenure.

My law teaching is guided by the notion that law students will gain legal competence not solely from learning legal doctrine and analysis, but from connecting that knowledge and those skills with a vision of the kind of lawyer they want to become, the good they want to achieve, and the people they wish to serve. Ultimately, I am guided by the hope that if we train more thoughtful and compassionate lawyers, and if we teach them that valuing justice is intrinsic to respecting the rule of law, we will have a better chance at arriving at a day when the gulf between formal and actual equality in our society will no longer be as wide (Iijima, 2001).

There are many roles as teacher. One role is as guide along the path, especially as a guide when the road gets rough. To the extent that the students felt the sting of resentment or prejudice toward the program, Iijima reinforced a message of resilience. That message was to stay the course and not allow the prickles to prevail. “Chris’ attitude was pragmatic, ....there will be little bumps in the road, don’t let it distract you.”

Students found in Iijima a role model of humility, passion, compassion, humor and humanity. As a role model he facilitated student understanding of context as well as substance of law study.

Chris was a character like the guy on McNeil Lehrer.....fiery and angry and yelling and doing his outrage about injustice but then he’d be so sweet and emotional and smart. He was able to break down what was happening so that others can understand.

The task of building a learning community is not necessarily dependent on having a charismatic leader or an insulated group. In order to support inclusion the leader has to weave support and help students build networks. “Chris was so well liked by everyone he brought in other professors (like uncles and aunties) to support the program.” Resilience is also supported by having someone who believes in you and believes in your abilities. This trust and belief carries forward in trust and believe in oneself. “Chris told us we were special, and he believed it. And other administrators and professors said that too. So we believed it too.”
The mutual respect and deep listening the participants remembered supported their learning. “A learning community emerges from mutual communication, meaningful work, and empowering methods. This community can be built if [the teacher] situate[s] critical study inside student language and experience, listening carefully to students and drawing out their ideas, encouraging them to listen carefully and respond to each other” (Shor, 1992, p. 259).

- Chris trusted people who came into the program. He trusted the purpose and mission of the program to provide role models in the community. He looked at us and was hopeful. He wanted everyone to come out okay and be role models and good representatives for the program.

- Chris had a little bit more investment in us as Pre-ad students than most professors have of law students.

The relationship between Iijima and the participants was one of caring. “A caring relation is, in its most basic form, a connection, or encounter between two human beings – a carer and a recipient of care, or cared-for. In order for the relation to be properly called caring, both parties must contribute to it in characteristic ways” (Noddings, 1990, p.15).

Chris’ influence and the programs’ influence was strongly felt by the participants years after graduation. “I hear Chris in my head a lot. I hear Chris when I get excited about a case I hear him in the back of my head ‘he had a family, he had young kids who depended on him.’ I never forgot stuff like that.”

The job of building community and nurturing the students while supporting academic growth was and is much more than a regular professional role. The investment is not just of time but also an investment of self. All of the students interviewed remembered how much they felt they were a part of the Iijima family.

You know, a part of me wonders, especially with the history of the Director of the program [referring to Judy Weightman]—if we took a toll on Chris’ health. It’s got to be a very stressful job, and I know he internalized a lot of our worries, and I always thought of the time that he was taken away from his family to deal with our stuff….or we would be at his house for a party, or whatever, a special study session or something. In a sense I feel guilty. But I think in some ways maybe it helped his kids to see how dedicated he was to things he believed in. They were exposed to all that. Yes. They knew who we were, they knew what we were doing. I still think he should have had more time with his kids.
and his wife. They never once, never once ever, gave the impression that “Oh God, it’s them again.” I never got that feeling. So I think Chris was lucky too, that he had Jane and his boys. Jane was very understanding.

An important part of Iijima’s ability to lead and teach and mentor was that he had, “walked the walk” of being a social activist, a litigator, a non-traditional student, a father and a husband. He shared his experience freely and with humility. His experiences were shared to teach, not to out shine the students.

• I think a lot of us didn’t know who he was before he was “our Chris.” You know? We found out all that stuff after he passed.

• We were at the memorial, and we went to a screening of the movie, and we both were like, oh my God – I had no idea of all the things he did. And then, just a lot of the things he said made so much more sense after that. About where he came from, and oh, we were so lucky to have been a part of his life. He brought all of that prior experience to working with us. A lot of the things he said made a lot more sense after that movie. But that’s the kind of person he was….he wasn’t the kind to boast. He wanted to know what your accomplishments were.

• He wasn’t a private person, but he clearly just didn’t feel the need to share all that, maybe because it didn’t fit with what we were doing, and he certainly was not the kind to boast about prior experiences and prior accomplishments and that kind of thing.

A vital part of the program was academic support. The overlapping role of academic support and supporting diversity is complex. Iijima struggled with this complexity. Through the critical race theory lens, and looking carefully at the role of those programs the concerns about programs not supporting inclusion and having unintended negative messages of subordination were problematic to Iijima. One message to the students was that the Ulu Lehua program was not about academic support but rather it was about academic excellence. “Chris stressed academic work, and he pushed for excellence…not really a push more like it was your obligation to the program. There was a sense that ‘this is your family’” “I felt strongly the need to pass the bar exam, because the program’s reputation was at stake.”

Perhaps each student felt this “push” in a different way. One student said that the need to pass the bar was just a “given.” But she fondly remembers how pleased Iijima was when they
passed. Similarly, the support of scholarship by the students including serving as research assistants to professors, was lauded and supported.

Iijima stated in his application for tenure the importance of the PreAdmission Program’s role in supporting diversity, and the importance of diversity to achieving justice and equality. The PreAdmission Program, a program developed 25 years ago to bring more diversity to the law school and legal profession, is an integral component of this law school’s mission, and the fulfillment of a moral commitment that should bind every law school. I firmly believe developing compassionate and competent lawyers who will reflect, serve, and represent communities still underserved and under-represented in the legal profession is critical to maintain the public’s trust in the American judicial system and its laws. Moreover, the necessity to bring racial and cultural diversity to the legal profession is even more important as society struggles with the implications – legal and nonlegal – of an increasingly outspoken multicultural population. In the final analysis, the quality and effectiveness of American justice will be determined by how we as a society respond to those who still feel and still are excluded from the institutions which purport to dispense it (Iijima, 2001, p.4.2).

The project of promoting and supporting diversity is not simple. Opening up meaningful and sometimes difficult conversations and creating a safe space for that conversation was something that was reported by students as a true value of the Ulu Lehua experience. And the value of diversity as a value of the program helped the students understand how to achieve the power of diversity.

*It was all about diversity and opportunity. The program was created because the law school needed to balance the bar to reflect Hawai‘i’s diversity. There is a huge value of people with different backgrounds as role models. The diversity of the group would generate a little bit of a conflict now and then, but the program very clearly supported that diversity of community. It also combined this support with the opportunity to talk to those who could be role models. Chris emphasized the value of having a diverse group….Hawaiian, Filipino, Vietnamese….Chris made us feel very safe – it was comforting.*
Professional identity development

The Ulu Lehua program did have a role in shaping the professional identities of the participants but the strongest message was to be “true to yourself.” Honoring those stories, sense of place, culture and heritage, is a strong thread that stitches together identity before law school, the impact of the Ulu Lehua program, and the professional identity of the participants now.

For instance, this participant whose grace and strength is so palpable today in her work as an attorney, talking about her family story:

I’ve always been, not argumentative, but opinionated. I had a propensity to defend the underdog. I grew up on the mainland but my grandparents were in Hawai‘i, and I spent summers with them. My grandparents belonged to some of the Hawaiian royalty societies. During the time of my summer visits, the Apology Bill was a big issue – my grandmother was all about reparations for Hawaiians. My grandmother was graceful, dignified, articulate, opinionated and old-school. In meetings my grandmother could disagree but would follow the protocol, the rules about being recognized to speak, that kept things dignified. I often escorted my grandmother to her meetings, driving her, and then attended the Hawaiian society meetings with her, but not paying so much attention to what was said, but how it was said. When you get older you think about it and reflect on earlier experience.

Interestingly, even though the students interviewed were “crossing borders” between their professional lives and their families and communities, a recurrent theme was how proud their families were of their achievement. “My family is very proud. I think if you asked my mom about me, the fact that I am an attorney would be one of the first things she would say to describe me.”

But one challenge of the “border crossing” is that family members who are not professionals have difficulty understanding the strain and stress of law school, the bar exam, and practicing law.

They don’t understand the pressure, they don’t understand the stress. Like when we’re on vacation, why I’m not with them more, like “why are you staying up all hours and doing work.” It’s a whole different world. But my dad has a friend who is an attorney in
California, and one day my mom, when I was studying for the bar, she ran into him and she said “why is she so stressed?” and he said “Leave her alone and let her study.”

Sometimes, because of stereotypes of lawyers, and the “border crossing” participants talked about not being recognized as a lawyer. “So I walk into a deposition, I walk into the room, and there’s men in there and they asked where do you want to plug in your machine? And I am like ‘I am not the court reporter.’ Its very interesting and it just happened like two months ago.” Although there has been a significant increase in the diversity of the bar, subtle barriers are still perceived. Gender barriers, especially related to child care, came up in several conversations. The gender barrier plays out with children’s issues and professional advancement. Finding support from women mentors and partners is helpful.

My partners are OK with being flexible about the child care issue. They’re okay with that, although in my mind I think they might see a lack of commitment. Although they’ve never said that. I think they ultimately see me as non-committed, but they never complain. If you have to bring your kids in, you bring your kids in. There are times I can’t put them in daycare, and I look at them and I don’t know what to do. So I bring them in the office. On weekends one of the women partners will come into my office and take them so I can do things. So they are always helping. A lot of them are mothers.

One participant felt that the struggle to find balance is a generational issue “I was talking to one of the partners the other day about struggles, and he said ‘your generation, you just don’t want to work.’”

Finding balance is not just a struggle for women, the male participants also talked about the juggling act. “It’s not glamorous. For some people it might be the best thing. I think, for me, it’s my job, do it right, and just doing your job get your paycheck and pay your bills.” “And those people you deal with, you have to learn to deal with many different personalities, and its hard. Sometimes, you know, you always want to be the happy go lucky person and not get so irritable because it’s such a fast paced demanding job.” “I realize that I am immersed in practice. It’s a lot of hours, a lot of time and effort and it’s stressful, and sometimes your personal relationships suffer as a result.”
And the compromise, for me what’s important to me – my family, my friends, people that I love – my ability to see the world and travel, experience the beauty of this world. Sometimes I feel like practicing law interferes with my ability to take care of the people I love, or to be with the people I love – because of how – how intense, how demanding the profession can be. But then, again there’s also the argument to be made that you can try to find some balance.

Conflict and Professionalism. The skills of lawyering are much broader than litigation and appellate research. Learning to negotiate, learning to apply critical thinking, learning to communicate effectively with clients are all vital skills for a lawyer. Taking on the identity of “competent lawyer” requires having a firm sense of competence in these skills as well as the knowledge of legal analysis. Dealing with conflict is often difficult.

- I think I do okay with conflict. I can take conflict on, that is something you learn in your practice. Conflict also kind of relates to being an effective advocate for your client. There’s a connection between conflict and zealous advocacy too. It’s part of the practice. (sigh) Conflict, for me – I mean, sometimes it’s necessary, sometimes I think you can avoid it. To me, what’s more aligned with my personality is conflict resolution instead of fueling the conflict.

- Coming to a middle ground….seeing that there are commonalities in both parties and kind of focus on those commonalities and bring them to a place where they’re agreeable. Sometimes you can’t do that, in my practice, sometimes there’s no common ground. Some things can’t be resolved by going to court. But, in many cases, if you facilitate a discussion in a way that’s inviting, in a way that’s non-confrontational, in an environment that’s non-confrontations, where people can really open themselves up, there is a middle ground that can be reached.

Participants refer to discussions about professionalism and integrity that were woven throughout their Ulu Lehua experience. They believed that the program, and Iijima, cared as much as, or more, about their sense of professionalism and their professional development, then about the doctrinal aspects of learning the law. These conversations are remembered by the students as highly influential and inspiring.
Know who you are and where you come from. Conduct yourself with dignity, not unprofessional or underhanded.

He [Chris] told us when he was a private attorney he hated it because it was so cutthroat.

Be respectful of your profession as well as yourself.

Don’t just believe what someone tells you about a case, you need to find out for yourself.

Be on time, be calm, be professional.

Standards

“Standards” of conduct are taught in law school in courses that study the bar’s Code of Professional Responsibility, or Code of Ethics. But the lessons about “standards” that the Ulu Lehua students heard were lessons about values of excellence and integrity.

I think Chris definitely shaped [how I practice], and you know, you do the best you can with the situation you’re presented. It’s something you just can’t forget.

Do good work. His [Chris] thing was remember who you are, and keep doing good work. It’s not about what you become, do good, that’s a lawyer.

We were taught to practice with strength, and competency—do the best job you can—but also to practice with compassion, with understanding and with love.

“Love” isn’t a word that is used often in the context of law. But love seems to come up a great deal in this study. The love that Iijima had toward his students. The love the students had for Iijima. The love that the participants have for one another. But here, too, the love of your clients, and the love of justice. The professional identity was not restricted to a particular kind of lawyering, like community lawyering, or social activism.

This kind of professional identity support and nurturance reflects Parker Palmer’s concept of the “New Professional.” He writes about the term “professional” originally coming from the concept of vocation, particularly a religious vocation. One becomes a professional by taking a “profession of faith.”

The notion of a ‘new professional’ revives the root meaning of the work. This person can say, ‘In the midst of the powerful forcefield of institutional life, where so much conspires to compromise the core values of my work, I have found firm ground on which to stand—the ground of personal and professional identity and integrity—and from which I
can call myself, my colleagues, and my profession back to our true mission (Palmer, 2007, p.6).

Race and Gender. In the participant interviews, Lehuas were asked to share their thoughts about their professional identity, and probing questions were asked about the role race or ethnicity played in their professional identity. Although the Lehua program has not been specifically directed to racial inequality since the 1970’s, a perception that the program was for specific ethnic groups remains.

- I thought Hawaiians were funneled through the Pre-ad program. While in law school I thought there was a good amount of Hawaiians in the schools, but it was a comparatively small amount. I thought that the majority of students were reflective [of Hawai’i’s population] but as you went down the line.....I remember very few Hawaiians, and there were very few Filipinos.

They understood that the program sought to increase diversity in the school and in the bar. Most defined that diversity in terms of a broad stroke of diversity, not only racial diversity. “Other things seemed to be more decisive than ethnicity or race, such as having a disability or being a single mother, or outspoken advocates of various social issues.....that’s more how people were identified.” Some of the students who did bring ethnic diversity to the class did not recognize that diversity because of their multi-ethnic heritage. “It’s interesting. People think I’m Hawaiian and I’m not. I am Japanese Korean, Portuguese-Puerto Rican. It’s that mix. Actually the only thing that’s minority in there is Puerto Rican/Hispanic, because Portuguese doesn’t count!”

Within the law school experience, the focus quickly became survival and academic success, and one’s ethnic identity quickly immersed in the identity of student. “Once you are in law school, following your own interests, and focusing on the studies itself, it [race] isn’t the first thing on your mind. There wasn’t much time left for ethnic activities.” And any issue of stigma or difference with being in the Ulu Lehua program did not appear to the participants to be based upon race. “Not that I am aware of. There were no issues for me.”

One’s identity as a professional, or as a “Filipino Lawyer” or a “Hawaiian Lawyer” was facilitated by the introduction of role models, mentors, and other professors.

I think being in the program gave us a lot of opportunities in and out of school to think about the transition from law school to real work. Chris would bring in outside attorneys
to talk about what they do, why they chose to be an attorney, like Bill Hoshijo from Na Loio, Mari Matsuda, Eric Yamamoto and Chris were inspiring as well. Learning about other attorney’s families and background, why they got into law, was informative and important. Chris brought many speakers who opened my eyes as to the way others experience the world differently.

The Richardson School of Law has literally changed the color and gender of the bar in Hawai‘i and the Ulu Lehua program has contributed to this impact. The students interviewed were asked to reflect on race and gender in the bar, now that they have been practicing for several years. Most saw race as a subtle issue. The women saw gender as an issue.

- The perception is that Asian lawyers are not as good as Caucasian lawyers. I compare myself with my Caucasian colleagues. Their writing skills are not as good, even though they are native English speaking.
- Early on I felt like I didn’t get respect from opposing counsel, it was more of a gender issue than a race issue. It doesn’t happen as much now. Maybe I look older now.
- I think there is a belief that if you are a minority, you’re most likely to be needing an attorney than being an attorney. I know that I was often asked while I was at the Prosecutors, ‘why are you on the wrong side’ ‘you should be helping your people, not prosecuting them.’
- I think there is an assumption that if you’re an attorney and you’re a minority, affirmative action must have played some role in it. I think that is becoming less and less now in Hawaii because of the community we live in, because we are made up of minorities. But if you look at the bar, take a look around at a firm and you’ll still see a very white picture, a white male picture. And if you look at who’s in charge you’re still going to see that.
- There aren’t many Filipinos in my firm, mostly secretaries and copy clerks.

Although overt racism in the workplace was not mentioned as a problem, sometimes the issue subtly arises on cultural lines, for instance with language and accents or the use of Pidgin English.

Sometimes I get criticized for the way I talk, because they say I talk pidgin. And I’m like, ‘you should hear me in Hilo.’ We have a lot of mainland attorneys in our firm, and
they’re like ‘you’re not cultured enough.’ But I have to remember who I am, and I could probably do a trial better and get along better with the jurors. So take it or leave it!
Conclusion and questions for further research

And the fact is, people learn from people they love. And if you're not talking about the individual relationship between a teacher and a student, you're not talking about that reality. But that reality is expunged from our policy-making process. And so that's led to a question for me: Why are the most socially-attuned people on earth completely dehumanized when they think about policy? (Brooks, 2011)

From early in my adult life, I have loved to teach. It has provided me with more than a profession; it has provided me with a way to contribute to the lives of others. Having come to Hawai‘i relatively late in my life, I cannot hope to contribute as much to this beautiful place as I would want. Thus, I tell my students that my contributions must be through them and what they do. I tell them that I will hold for myself a tiny piece of each of them, and in that way when they have accomplished great works to make Hawai‘i a better place, I will feel that I have a claim to a tiny piece of the good that they have done as well (Iijima, 2001, p. 4-11).

Legal education may be at a transition point in its pursuit of the policy of equal education, and the importance of diversity. Indeed, this transition point is not unique to legal education, but also to American society. The project of equal opportunity through the mechanism of affirmative action has lost its legal traction. Yet education is perhaps the most important civil right, and education may be the strongest mover toward a truly diverse society.

Parker Palmer writes about the transformative power of a learning community. His example from Highlander Research and Education Center illustrates how the power of relationship, caring, and conversation in a learning community becomes an instrument of transformation.

In the mid 1970’s I sat in a circle of rocking chairs at the Highlander Research and Education Center in Tennessee. Twenty years earlier, when it was known as the Highlander Folk School, this organization had hosted a series of conversations between blacks and whites that planted the seeds of the American civil rights movement. Having
sat in that circle with knowledge of what flowed from it, I find it impossible to forget a simple fact: significant social change can come from people who share a concern sitting, rocking, and talking with each other – if they are willing to speak honestly and act competently on what they learn about themselves and each other. Among the participants in that original Highlander circle were Rosa Parks, Martin Luther King, Jr., and many others whose names are not so well-known. As they rocked and talked, exploring personal stories, institutional conditions and the theory and tactics of nonviolent social change, they generated change of historic proportions (Palmer, 2010, loc. 2173).

This essential transaction of dialogue is not simply rocking chairs in a room, with people talking. It is not just a class meeting in Seminar Room 6 at the law school. It is a transaction of meaning making, and personal sharing. “Founding itself upon love, humility and faith, dialogue becomes a horizontal relationship of which mutual trust between the dialoguers is the logical consequence. It would be a contradiction in terms if dialogue – loving, humble, and full of faith – did not produce this climate of mutual trust, which leads the dialoguers into ever closer partnership in the naming of the world” (Freire, 2000, p. 91).

The Ulu Lehua program, is a project of equal opportunity and is an example of an enduring and effective program. The elements of the Ulu Lehua program that support the policy of equal opportunity, and diversity are:

- Inclusion as a primary goal. Participants feel embraced and included not only in the group, but in the school.
- A learning community with a common purpose, an open and safe learning environment, collaboration, self-reflection and celebration.
- An enriching diversity of students and faculty.
- A genuine commitment and investment on the part of the institution to support the program. This support includes resources, full citizenship (such as tenure), and a tenacious intention to a moral obligation. This also includes valuing the role of teacher.
- Attention to professional identity development. Participants are held to high standards, and discussion about ethical issues and professionalism are woven throughout the program and at the same time the stories of the participants are honored.
• Love. Aloha. The authentic relationship of caring between teacher and student and between students.

As a phenomenological case study, this examination focuses on the lived experience of the participants, and does not measure or evaluate outcomes. Also, as a phenomenological case study, no comparison of experiences is made. Therefore the conclusions made can only be extrapolated, and do not “prove” the effectiveness of the elements discussed. Many of the concepts are indeed difficult to measure: love, commitment, moral purpose. Yet, because these concepts are difficult to measure, they may tend to be ignored in research, particularly in policy research.

Was this group an anomaly? The William S. Richardson School of Law is extraordinary. Chris Iijima was most certainly extraordinary. The participants in this study are also extraordinary. Was this simply a magical combination of teacher and students? This study does not provide an answer to this question. Instead, the experience of the participants, and the palpable affection that remains, leave important indications of a powerful alchemy of purpose, method and relationship that warrants both recognition and further study.
# List of documents reviewed

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<td>Memo&lt;br&gt;To: The U.H. Law School Faculty&lt;br&gt;From: Leigh-Wai Doo chairperson, Admissions Committee of the Pre-Admission to Law School Program&lt;br&gt;Subject: Recommendation of Criteria for the Admission of Pre-Admission to Law School Students</td>
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<td>July 11, 1975</td>
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<td>Memo&lt;br&gt;To: All Faculty and Deans&lt;br&gt;From: Corey Park&lt;br&gt;Subject: Admissions criteria</td>
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<td>February 18, 1976</td>
<td>Testimony Before the House higher Education Committee on H.B. 2041-76 Relating to the University of Hawaii School of Law&lt;br&gt;Corey Y.S. Park Assistant Professor of the Law and Director, The Pre-Admission to Law School Program</td>
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<td>April 2, 1976</td>
<td>Memo&lt;br&gt;To: Permanent Faculty &amp; Deans&lt;br&gt;From: Leigh-Wai Doo, Assistant Dean&lt;br&gt;Subject: Report on Student Placement</td>
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May 18, 1976  Memo
To: Keith S. Snyder Vice Chancellor for Administration
From: David R. Hood, Dean School of Law
Subject: Request for release of funds in supplemental appropriation for FY 1976-77 to continue the pre-admission program for disadvantaged groups which are underrepresented in the Hawaii bar and to monitor the progress of these students at the University of Hawaii School of Law

May 30, 1976  Memo
To: Members of the Ad Hoc Pre-Admission Committee
From: Jon Van Dyke, Presiding Officer
Subject: Meeting of June 3

June 7, 1978  Memo
To: Members of the Pre-Admission Committee and Faculty
From: Jon Van Dyke
Subject: Summary of Our Meeting of June 3rd

June 14, 1978  Memo
To: John Van Dyke, members of the Ad Hoc Preadmission Committee, Faculty
From: Jerry Dupont
Subject: Reaction to your Summary of your Preadmission Committee Meeting of June 3

June 15, 1978  Memo
To: Jon Van Dyke (Chairperson, Pre-Admission Committee)
From: Cliff F. Thompson
Subject: Response to your June 7, 1978 summary of your meeting on June 3rd

November 13, 1978  Memo
To: Faculty
From: Jon Van Dyke for the Ad Hoc Committee on the Pre-Admission Program
Subject: Pre-Admission Program

September 22, 1978  Memo
To: Dean Jeremy T. Harrison and Faculty
From: Prof. Allison H. Lynde Director, Preadmission Program
Subject: Preadmission Program Re-Evaluation

October 24, 1986  Memo
To: Jeremy T. Harrison, Dean
From: Gregory K. Tanaka, Associate Dean
Subject: Retreat – Some Thoughts About The Pre-Admission Program
(includes grant application and related materials)

February 2, 1987  Faculty Position Advertisement, Director Pre-Admission Program

March 1, 1988  Memo
To: Dr. Amy Agbayani
From: Judy M. Weightman
Subject: Grant Proposal for Enhancing Retention for Pre-Admission Students
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<td>September 10, 1997</td>
<td>“Beyond Boundaries” Realizing the Goals of the Strategic Plan. The Development Plan for the William S. Richardson School of Law</td>
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<td>Statement of Chris K. Iijima in support of Application for Tenure</td>
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<td>October 2, 2002</td>
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<td>To: Carol Mon Lee</td>
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