

**Foreword: A Reflection on the Journey**

Welcome to the first issue of Touro Law Center's *Journal of Race, Gender, and Ethnicity*. This moment has been two years in the making and I cannot begin to tell you how great it is to share these words about the founding of the *Journal* and the contents of our first issue. I believe that it is fitting to begin any new publication by explaining to the readers both how and why the *Journal* was created.

**The Creation of the Journal**

Two years ago Andrea Filpi, one of our two managing editors, and I decided that it was time that Touro illustrate the diversity of its student body through its academic publications. With words of encouragement from Professor Douglas Scherer and Professor Deborah Post, we proceeded to gather a group of four additional students who became our founding board. We knew that organizing and beginning the *Journal* was not going to be an easy task, but the end reward would be well worth the time and effort.

We met with many different faculty members and, using their wisdom, we crafted a proposal. This proposal was presented to the Dean of the Law Center, Lawrence Raful, as well as Touro's administration and faculty. We made many arguments as to the importance of having a second journal at the law school. With some reservation, the faculty and administration approved our proposal and we began the arduous journey of building up a staff of writers and searching for submissions to publish in our first issue.

**Why Select an On-line Format for Publication?**

We felt that the internet would be the perfect platform for our new publication. On-line journals are the wave of the future; technology now allows for us to bring our publication to everyone, everywhere at the click of a button. The online format provides flexibility to the staff because the *Journal* is not restricted to a print publication schedule. This format also allows the *Journal* to publish both articles and essays on issues that are topical and the subject of current public discourse with no delay for publication. Authors may submit their thoughts on issues that are at the forefront of the legal community such as the meaning and future of affirmative action, the relationship between race and poverty, and the legal and racial ramifications of the aftermath of Hurricane Katrina.

### **Why Race, Gender, and Ethnicity?**

The mission statement of the *Journal of Race, Gender, and Ethnicity* proclaims a desire to contribute to and enrich the educational experiences of law students, the legal community, and the general public. We aim to do this by providing a scholarly forum for the study of issues surrounding race, gender, ethnicity, and the law.

Critical analysis of race, gender, and ethnicity is an emerging area of legal scholarship. Within the past eight years, law schools and scholars have begun to recognize the importance of these issues. Several journals at a variety of law schools are dedicated to publishing articles in this area. Touro's student demographic, with a population of approximately twenty-five percent minority students and fifty percent female students, suggested that there would be a high level of interest in this topic of study. The number of students who submitted applications for membership on the *Journal*, the numerous authors and students who wish to publish in this area, and the overwhelming attendance at our Spring 2005 symposium, all suggests that we were correct in our assessment. The evidence all points to the conclusion that an arena for the study of legal issues surrounding race, gender, and ethnicity was needed and wanted at Touro Law Center.

### **Our Commitment to a "Living Discussion"**

An important goal that we as the founding board thought was very important was the idea of a living discussion. Through the presentation of an annual symposium, we aim to shape and strengthen our legal scholarship by bringing a myriad of ideas and experiences to legal discourse. Our Spring 2005 symposium on Affirmative Action in the Law School Selection Process topic was one that has been in and out of the forefront of the legal community for years. It most recently made headlines with the Supreme Court decisions of *Gratz* and *Grutter*. When the *Journal* learned Professor Richard Sander would be speaking at Touro Law Center in the Spring of 2005, we seized the opportunity to create a symposium based on the controversial topics that Professor Sander had been voicing in the legal community.

Professor Sander, author of *A Systemic Analysis of Affirmative Action in American Law Schools*, argues that affirmative action programs hurt African-American law students and, in actuality, produces fewer African-American lawyers. He asserts that affirmative action leads to African-Americans attending law schools that are more competitive, which results in such students dropping

out or having trouble passing the bar exam. He concludes that "a race-blind system" will produce more black lawyers.

The topic of Affirmative Action is still very sensitive in American culture and Professor Sander's views are very controversial. While some groups opposed Professor Sander's speaking at the law school, we at the *Journal* thought it would be a good idea to promote free speech principles and use this as our first attempt to promote a living discussion. Presenting balanced views on issues concerning race, gender, ethnicity, and the law is the main goal of this *Journal*, regardless of the dissidence those views create. To that end, we invited Professor Douglas Scherer of Touro Law Center, Professor Deborah Post of Touro Law Center, and Anurima Bahrgava, Esq. of the NAACP Legal Defense Fund to join Professor Sander and present additional views on affirmative action in law school admission policies.

### **Our First Issue**

This first symposium issue is comprised of a summary of the comments made and articles written surrounding our Spring 2005 symposium on Affirmative Action in the Law School Selection Process. The issue includes a piece written by Professor Sander which summarizes his arguments made at the symposium, Professor Scherer's reply to Professor Sander's remarks at the symposium, and a student comment concerning the content of the symposium.

In addition to the symposium pieces, this first issue also includes articles that present views on various issues such as gender problems in the workplace and same sex marriage in New York. Lastly, and perhaps most importantly, we have included student written pieces in an effort to further our goal to provide students a place to expand their scholarship and writing.

As the Editor-in-Chief, it is with great honor that I present this first issue of the *Journal of Race, Gender, and Ethnicity*. The journey has been amazing and I am very proud to have been a part of such an academic adventure.

Sincerely,

*Lenka L. Richards*

*Editor-in-Chief, 2005-2006*