

2014

On the Receiving End of Influence: Helping Craft the Scholarship of My Students and How Their Work Influences Me

Angela Mae Kupenda

Mississippi College School of Law, akupenda@mc.edu

Follow this and additional works at: <http://dc.law.mc.edu/faculty-journals>



Part of the [Legal Education Commons](#), and the [Legal Writing and Research Commons](#)

Recommended Citation

JOTWELL (2014), Proceedings of the Fourth Annual Conference, <http://jotwell.com/wp-content/uploads/2014/07/Kupenda-Personal-essay-on-influence.pdf>.

This Article is brought to you for free and open access by the Faculty Publications at MC Law Digital Commons. It has been accepted for inclusion in Journal Articles by an authorized administrator of MC Law Digital Commons. For more information, please contact walter@mc.edu.

**Personal Essay--On the Receiving End of Influence:
Helping craft the scholarship of my students and how their work influences me**

By

Angela Mae Kupenda*

Introduction

We all have the power to influence others. We affect others' ideas and thoughts by how we live, what we say, and especially what we write. Our influence endures for many generations altering futures in ways we acknowledge, visibly see, and often try to measure,¹ but also in ways

* Professor of Law, Mississippi College School of Law. I appreciate the publication grants provided by my school to support faculty scholarship and the travel support provided for faculty and student presentations of their works. Although this paper is about the influence on me of the work of my law school students, I dedicate this paper to three of my undergraduate mentees: Brenda Johnson, Monica Moore, and Jessica Giles.

Brenda Johnson is the Executive Assistant to the Dean, in the College of Science, Engineering and Technology at Jackson State University. Brenda is working full time and studying to complete her college degree. I appreciate Brenda for inviting me to participate in a brainstorming session for her paper, *Structuring Strategies to Increase Female Influence in Science, Technology, Engineering and Mathematics (STEM) at Jackson State University*. Brenda's paper focuses on increasing female influence in her college. We shared a wonderful conversation about influence, how it is measured, and the impact of minimized female influence on female and male students, entire institutions and even disciplinary fields.

Monica Moore is a Junior Psychology major at Jackson State University. In early 2013 when I took a number of law students to a conference to present their research papers, Monica was very curious about their research and their scholarly presentations. She said she wanted to do the same. I served as advisor of Monica's excellent and creative presentation and paper, *Black Female Contortionists Learning from Fiction, Examining the Psychological Mindsets, and Aiming to Untwist and Stand up Straight, in Fact, in STEM*. Monica won a financial award, placing in the undergraduate student research and writing competition of the 2014 National Association of African American Studies & Affiliates Conference, Baton Rouge, Louisiana. Monica's paper will be published in the conference's forthcoming monograph series. Jessica Giles is also a Junior Psychology major at Jackson State University. Jessica attended the academic conference with Monica and me. Engaging with Monica and Jessica about the various academic presentations of other conference presentations we attended rekindled my joy of learning and academic curiosity in subject areas from science, to history, to the arts, to the law. Thank you to Brenda, Monica, and Jessica, for having such a positive influence on all of my research to come.

¹ Many articles discuss various ways of measuring influence. See, e.g., Mitu Gulati and Veronica Sanchez, *Giants in a World of Pygmies? Testing the Superstar Hypothesis with Judicial Opinion in Casebooks*, 87 IOWA L. REV. 1141 (2002) (measuring influence by citation in casebooks); Ross E. Davies, *Law Review Circulation 2011: More Change, More Same*, J.L. PERIODICAL LABORATORY OF LEG. SCHOLARSHIP 179 (2012) (by publication in law reviews with larger circulation numbers); Colin Starger, *Exile on Main Street: Competing Traditions and Due Process Dissent*, 95 MARQ. L. REV. 1253 (2012) (by doctrinal development); Richard A. Posner, *The Learned Hand Biography and the Question of Judicial Greatness*, 104 YALE L.J. 511 (1994) (by citation counting).

only time will tell.² I will confess here: one of my goals in my academic pursuits is to influence our society in a quest toward equality for all. Maybe this comes from my growing up in the Deep South³ where often, not just the impact of my voice but, my voice itself was suppressed because of others' attempts to silence me as they acted out of their issues with my race, gender, and economic circumstances. Perhaps some of these who oppressed feared that allowing voices similar to mine their full impact challenged racial and gender misconceptions and historically and ongoing perpetuated biases.

Personally knowing the unrealized value of discounted voices, my desire to use my scholarship and teaching to further equality partly manifests in a desire to enhance the power of each individual to effectuate positive change, regardless of the individual's race, gender, economic circumstances, age, political affiliation, societal labeled status, and so on. Promoting individual voices means encouraging processes for many who lack hierarchical rooted statuses to share their honest and powerful voices. This also means opening minds and hearts to the ways others, regardless of how we self conceive their status, can positively influence us. These "others," whose influence we might underestimate, include our students. Hence my essay, discussing the influence my students' work has had on me, tells a different story about influence than some of the other articles included in this journal issue.

My essay is divided into two parts. In part one I share about the struggle I had to endure to even allow myself the opportunity to be influenced by my students. Institutional struggles and

² One of my favorite writers, Zora Neale Hurston, is reported as having died in poverty. Yet, she is now regarded as a great, influential, literary genius. During my first winter in law practice in Washington, D.C., I learned about her and then read many of her works. Her writings had a great influence on me as a young Black female attorney trying to find and hear voices that affirmed the dignity of my own voice.

³ See Angela Mae Kupenda, *Loss of Innocence*, in *LAW TOUCHED OUR HEARTS: A GENERATION REMEMBERS BROWN V. BOARD OF EDUCATION* 36 (Mildred Wigfall Robinson & Richard J. Bonnie eds., 2009).

professorial expectations as to how the academy should operate were hurdles I had to clear.

Also, I had personal hurdles of making the commitment that I did for over five years. In part two, I primarily focus on some of my law students' scholarship over the past five years and reflect on the life changing influence they have had on me. Their work and dedication have influenced me in my work ethic and increased my joy in my work. Mainly these students have influenced me to approach my work with creativity and ingenuity, bringing all of who I am and what I discover to my efforts.

I. A Struggle to Situate Myself to be Influenced

As teachers and scholars, we place much emphasis and value on how we as academics impart knowledge to: our students, the future legal professionals who will become practicing attorneys; other professors and teachers; the bar at large; the bench; the media; and, other leaders in the greater community. However, as law professors we would do well to learn that knowledge and influence are not one directional. Especially for those of us law professors who plan to teach for many decades, we have much to learn (and then incorporate and impart) from the bright student minds we seek to likewise inform and expand. Often however, as is discussed in Part A below, institutional barriers hinder our learning from, and being influenced by, our students. Once these hurdles are cleared, we still must examine the personal conflicts that may limit this engagement. Some of these personal conflicts are discussed in Part B below.

A. Institutional struggles

Given the great intellectual and societal benefits of knowledge sharing and exchange, I was quite disheartened to learn that I had to engage in an institutional struggle to even benefit from the influence from student scholarly work. Not anticipating pushback, as a beginning law school professor I co-authored several papers with my students.

I did this because, first, I enjoyed working with students and discussing constitutional law and other race and the law topics we researched and explored. Second, I naively thought what I was doing would be welcomed in legal education, as it was in other disciplines where professors regularly seemed to co-author with their graduate students. Third, I collaborated with students as I found I had more ideas for timely essays and articles than I had time to research and write. Hoping to be egalitarian, I thought that a student should receive co-authorship credit if a student contributed greatly to research or ideas for an article idea that I had envisioned and that, without the student help, would continue to sit in a stack of interesting future research on my bookshelf. And fourth, I had joined the law faculty after a large law firm, appellate law practice, where I enjoyed working on written briefs with other lawyers and saw the great value, and fun, in collaborative authorship.

The collaborative faculty/student projects with my students were likewise beneficial for my student co-authors. For my students, the co-authored publications were helpful in developing their writing skills, were regularly a point of interest by hiring attorneys in the students' job interviews, and were an opportunity for students to develop a close mentor/mentee relationship with a professor.

With all of these perceived benefits of professor/student scholarship collaboration, I was unprepared for the strong resistance from tenured professors at my law school when they learned about what I was doing. Some professors could not understand why I would want to work on a co-authored work with anyone, and certainly not with a student. Several faculty thought that ownership of intellectual work should belong to one person, and only one person. These thought that either the student was stealing from me or that I was stealing from the student. I had to

document for my promotion and tenure files calculated percentages of how much each co-author contributed to the work for it to even count in my promotion and tenure file.

So, I learned, unfortunately, that my ideas of publishing with students were outside the culture of legal academics, generally, and at my school, specifically, at that time. I was already outside the culture by being the first professor at my law school to write about race and gender and by being only the second Black professor to be hired at my law school. So after a while, I abandoned this collaborative publication idea, at least pre-tenure. Still, several co-authored works with my students were published prior to my retreat.⁴

B. Struggles with voice and commitment

Of course after tenure, the evaluative institutional problems with collaborative faculty/student work were no longer as daunting. I returned to co-authoring with students after I was promoted and tenured.⁵ I presently have one final article in process remaining, where I am

⁴ See Angela Mae Kupenda, Angelia Wallace, Jamie Travis, Brandon Dorsey and Bryant Guy, *Aren't Two Parents Better than None, part II: Contractual and statutory basics for a "new" African American coparenting and joint adoption model*, 9 TEMPLE'S POLITICAL AND CIVIL RIGHTS L. REV. 59 (1999) (this co-authored work was part two of an earlier paper I had published alone, see Kupenda, *Aren't Two Parents Better than None: Whether Two Single African American Adults (who are not in a traditional marriage or a romantic or sexual relationship with each other) should be allowed to jointly adopt and coparent African American children*, 35 U. LOUISVILLE J. FAM. LAW 703 (Fall 1997)); Kupenda, Adam Thrash, Jennifer Riley-Collins, Lashondra Dukes, Stephany Lewis, and Rodney Dixon, *Law, Life and Literature: Using literature and life to expose transracial adoption laws as adoption on a one-way street*, 17 BUFF. PUBLIC INT. L.J. 43 (1998); Kupenda, Leslie Barry and Mark Fijman, *A New Standing Requirement for First Amendment Litigants?: Bar Owners Resting on Their own Bottoms or still Resting on the Bare Bottoms of Nude Dancers*, 8 BOSTON U. PUBLIC INT. L.J. 81 (1998).

⁵ See Angela Mae Kupenda, Evelyn Holden and Ke Yuan, *Donning Judicial Robes, Cloaking Racial Views: Judicial Speech on Matters Involving Race, Especially on the Jena Six*, 36 S. U. L. REV. 207 (2009). I also co-authored with former students or with junior academics that were interested in writing and publishing and wanted to help with one of my ongoing papers. See Angela Mae Kupenda, Letitia Simmons Johnson and Ramona Seabron-Williams, *Political Invisibility of Black Women: Still Suspect but No Suspect Class*, 50 WASHBURN L.J. 109 (2010); Kupenda and Tiffany R. Paige, *Why Punished for Speaking President Obama's Name within the Schoolhouse Gates? And can educators constitutionally truth-en marketplace of ideas about Blacks?*, 35 THURGOOD MARSHALL L. REV. 57 (2009); Kupenda and Jacqueline M. Jackson, *Reversing White Flight and Reversing Black Flight: Legal Integrative (In)Voluntary Movements Post PICS*, 34 THURGOOD MARSHALL L. REV. 93 (2008).

Additionally, I recently co-authored an article with a friend and who is a political scientist. See Michelle D. Dearnorff and Angela Mae Kupenda, *Negotiating Social Mobility and Critical Citizenship: Institutions at a*

working with two of my former students on a project we started five years ago when they were my students.⁶

Co-authoring with students, or anyone, meant working to negotiate a voice and viewpoint for the article with which all of the authors were comfortable. I found this increasingly difficult as I became older, and my students seemed to become younger. The difference in experiences, and the extent to which we believed in the existence of continuing, and the continuing impact of historical, discrimination especially differed between us as related to issues of race, gender, and class. My students' and my stated perspectives generally seemed to intersect less frequently than, say twenty years ago when I was in my late thirties and my students in their twenties.

Thus, at some point I decided that rather than negotiating a middle voice where my voice differed with that of my collaborating students, I should help my students articulate their own solo voices and fully claim their own independent voices, especially on issues like race, gender, class, the constitution and so on. So, along with my own solo work, primarily over the past five years I have facilitated my students' and former students' independent work to help them assert with clarity, and publish, their unique viewpoints.

These independent law student works are the focus of the remainder of this essay. Their independent voices have influenced me greatly, perhaps even more than our collaborative work.

This is easy for me to say today. But, I did not easily arrive at this point. Two seemingly

Crossroads, 22 U. FL. J. L. & PUBLIC POL'Y 335 (2011) (recognized as one of the best works of recent scholarship relating to Equality by Dean Camille Nelson of Suffolk University Law School, Boston, published in the October 1, 2012, review in Jotwell: The Journal of Things We Like (Lots), <http://equality.jotwell.com>).

⁶ Presently I am working on a co-authored project on United States Supreme Court Justice Clarence Thomas with two of my former students, Stephen Parks, who is currently a law librarian at my home school, and Carlyn Hicks, who is currently a staff attorney at the legal aid clinic at my home school. We expect to complete and publish by early 2016, as our country approaches the 25th anniversary of Justice Thomas' confirmation hearings held in 1991.

unrelated sad experiences prepared me to be open to helping give volume to my student's solo voices and prepared me to allow myself to be open to learning from them, in other words to be influenced by them.

First, several years ago one of my law students Crystal Welch, who is now an attorney and director of our adoption clinic, expressed great passion about law journal opportunities, especially for a journal addressing many of the issues that we in the state of Mississippi, and the country as a whole, are mightily affected by. I served as Crystal's faculty advisor for her student special project as she prepared an excellent and comprehensive proposal for the law school to add a law review/journal open to more students and with an emphasis on addressing issues of race, gender, class, social justice, etc. Her proposed journal would have been an amazing opportunity for our school. Unfortunately, a majority of our faculty declined this opportunity, saying that they doubted the journal could garner quality student work on these topics. Several of us faculty who truly believed in the project were unable even to get a majority faculty vote for a lower cost, online journal. Although such a journal was not formally established at our school, Crystal's work was not in vain. Her work motivated me to informally supervise the work of many law students who have worked diligently to research, write, present at academic conferences across the country, win writing competitions, and publish on cutting edge and critical social justice issues over the past five years.

Supervising this student scholarly work did not come easily for me, nor would it likely come easily for any fulltime tenured or tenure track professor. It is difficult to both cultivate one's own scholarly voice while intensively facilitating the scholarly growth of another. Cooperating students must be carefully selected, and must likewise carefully select this working relationship. Extra-strong work-ethics, love of research and learning, respect, honesty,

trustworthiness, and time and personal commitment are all required, along with the ability to meet deadlines, be self evaluative, and have a love of footnotes!

Participating students, generally from several of my courses and seminars,⁷ routinely dubbed themselves students in “the Underground Law Review” or in the “Kupenda Finishing School.” Importantly, the “enrollment criteria” did not include: certain high grade point averages; law review membership; particular political affiliations; or certain race, gender, class, orientation and other requirements. Over five years I guided, mentored and encouraged the scholarship of many law students and other mentees who have had immense success in publishing, presenting, winning writing competitions, and finding and asserting their own authentic and powerful voices. Many of these students were not in the top ten percent of their graduating classes, or on law review, or moot court. Though, some were. It can be very unusual in legal education for law students to write law review articles, make academic presentations, publish their own work, and win student writing competitions. This also rarely happens when the students are not White, or are not in the top 10% of the class, or are not a legacy admit, or are not on law review or moot court. Fortunately, my experiences with my students have been different. I have had many of the students I mentor and advise to publish, present and win competitions.⁸ Furthermore, most of these students are not in the top 10% of the class and most are not on law review.

⁷ As I had taught these students in courses prior to advising their scholarship, I was no doubt more open to being influenced by them given the positive views I had formed about them. The more we respect others, the more influential we are likely to find them. *See, e.g.,* David Klein and Darby Morrisroe, *The Prestige and Influence of Individual Judges on the U.S. Courts of Appeals*, 28 J. LEGAL STUD. 371, 372-73 (1999).

⁸ I advised and mentored: published scholarly works, authored or coauthored, of 23 (twenty three) different law students or alumni from 1998-2014, and one undergraduate mentee publication in 2014; eight law student writing competition wins from 2009-2014 and one undergraduate mentee competition win in 2014; twenty seven different student/mentee academic conference presentations of scholarship from 2009-2014; many other student

The students influenced me with their diligence. Carrying heavy course loads, keeping work commitments, and maintaining their own scholarly agendas was a lot of work. I admired them greatly, especially knowing that when I was a law student I struggled through my own law review case note, did not publish, and did not present. So, in other words, my students influenced me that a do-over, though not personally done by me,⁹ could be carried out through the work of my students. All are exceptionally committed lawyers and lawyers-to-be, energetic scholars, and many are Black or other students of color or soon to be first generation lawyers.

Admittedly, I found that helping others find their voices in their scholarship may make it challenging to maintain my own pace with publications and presentations. I made this term commitment, though, to work with them in honor of Crystal's investment in trying to establish the second journal and after a second very sad occurrence in my personal life. My mother passed away in 2008. She was my mother, my mentor and my friend. So, after she passed away, in honor of my mother's life and commitment as a mentor and educator, I committed these past years to mentoring and facilitating the voices of these young people. What I received in return to my commitment was invaluable. These young people have tremendously influenced both my work and my whole life. Several of the specific influences of their work are discussed in the next part.

II. Life Changing Influence

In this part of the paper, I will examine the major ways the scholarship of some of my students' has influenced me. In evaluating the influence we may have, we may be encouraged to

papers that were beneficial to the students as writing samples and also submitted to competitions, journals and conferences.

⁹ For an interesting similar reflection by another law professor, see John W. Teeter, Jr., *Perils and Pontifications: Reflection on the Failures and Joys of a Law Teacher*, 37 S. ILL. U. L.J. 53 (2012).

look outside ourselves as to whether courts will cite to us or other scholars will rely on what we have said. These things are indeed important, and are important measures of influence.

However, citations and SSRN downloads are not the only measure of influence. My students influenced me, that at the inception of a project, to consider that we make a bigger impact, certainly to ourselves, when we write about what interests and affects us. In other words, we have greater influence when we seek to produce work that will influence, or affect, ourselves to our own core.

A. Learning from students—influence from facing our inner and outer critics

My students taught me that this may not be an easy task. Several of my students who wanted to learn more about an area and examine their own preconceptions were challenged by their classmates who argued they should not pursue that work as the classmates found even the inquiry offensive. Last fall, one of my students, a Taiwanese male named Jou-Chi Ho, was greatly interested in writing about the experiences of Asians in the Deep South. He was especially interested in whether there was a place for an Asian lawyer in Mississippi. Several of the Black students in our Race and the Law seminar, tried to discourage him from this project. I remember their arguing that since a small percentage of Mississippians are Asian, an Asian lawyer has no calling to the Deep South. I was fascinated by Jou-Chi's topic and encouraged him to not be silenced by others but to follow his own inner voice calling out to him. I also looked forward to all I would learn myself from his work. Moreover, I knew how important this topic was to Jou-Chi. I knew, though, that as the students in my seminars throughout the semester share their developing work with their classmates, Jou-Chi would have to really believe in his own project and the impact this project would have, especially on him, in order to answer the critics in his classmates.

As stated, part of my encouraging Jou-Chi was related to my own self interest. Several years earlier, one of my Chinese students, Ke Yuan, had conducted much research on racial identity in a national and international context. Many of his White classmates in informal conversations had told him many stereotypical ideas about Blacks. Ke went on his own search about race, White privilege, and Black heritage. The more he learned, and the more comparative inferences he drew, the more I learned and understood about the law, discrimination, spirituality, and even Afro-Asiatic influences in my personal reading of my Bible. So, just as I was influenced immensely by Ke, I knew I stood to learn much from Jou-Chi's work, too.

During the semester, as Jou-Chi and I discussed his work, I shared with him the stories of Ke and others who had received similar silencing attempts by their classmates and peers. In 2009, soon after the inauguration of President Barack Obama, I taught a seminar called Presidential Powers and the Obama Presidency. Toward the beginning of the semester, we had a class session where students discussed their research areas of interest. One student, Stephen Parks, wanted to research and write about the Obama birth certificate controversy. I was fascinated about this issue, and looked forward to learning more about the cases from him and watching him grapple with the constitutional case and controversy doctrine of standing issues and other justiciability considerations. After Stephen pitched his paper to the class, several Obama supporters in the class were outraged. They did not want him to explore this paper as they saw it as disrespectful to the President. More pointedly, some of the students did not think that Stephen who is White should author such a paper. I disagreed with them and thought that Stephen was very suitable to write the paper, which would call for him to examine the issues from multiple perspectives. Stephen did, wrote several papers on this topic, won a Law Faculty of Color paper competition, published his work, and reached well-researched and well-thought

out conclusions that surprised some of his classmates' and challenged their preconceived views about him, and also challenged his own views.¹⁰

In that same classroom, I had watched another student's, Carlyn Hicks', viewpoint on sexual orientation and the military evolve as she completed her research. By the end of the semester, a White student, who had challenged Carlyn's viewpoint at the beginning of the semester, sat in awe and had not a single question at the end of Carlyn's presentation of her research and her well thought out position that reflected many layers in the societal, religious, and legal debate.

So, I shared these stories with Jou-Chi as he tried to decide whether to go forward with his topic about Asian lawyers in the South, in light of his classmates' dissents from his exploration. I wanted to be influenced by Jou-Chi's work the same as I had been influenced by Ke's, Stephen's and Carlyn's, as I watched them critically analyze the various view points and judicial rulings. Their research had made them more open scholars, which greatly influenced my views about scholarship as I saw how our research can open us to growth.

Amidst great inner consternation, Jou-Chi did write about Asians, Asian lawyers, and Mississippi. His final project was well received both inside the classroom and in the broader legal community. Jou-Chi presented at a national conference and had his work accepted for publication in a law journal.¹¹ Moreover, it helped him see more the complexity of his

¹⁰ Stephen Parks' paper, *Dear Mr. Obama: Deliver the Birth Certificate. . . . But Only if*, won Second Place in the 2010 Southeast/Southwest Law Faculty of Color Legal Scholarship Conference National Law Student Writing Competition, March 2010. He also did several follow up papers, one as his Law Review casenote, and published his combined work in another school's law journal. See Stephen Parks, *The Birthers' Attacks and the Judiciary's Article III "Defense" of the Obama Presidency*, 38 S. U. L. REV. 179 (2011).

¹¹ See Jou-Chi Ho, *The Call for, and Role of, Asian Lawyers in the Deep South*, ____ SEATTLE J. SOC. JUST. ____ (forthcoming 2014). As a student, Jou-Chi Ho presented his paper at the October 2013, LatCrit Symposium Conference held in Chicago, Illinois, with his paper subsequently accepted for publication in the symposium journal.

experience as a minority of a minority community and the historical and legal forces that continue to perpetuate racial separation and racial isolation, even among those who seek equality and justice.

One fall, I organized a racially and politically diverse group of students and alumni to present at a very progressive conference. The conference specially recognized them, stating that watching the students' collegiality and mutual respect especially in the midst of their racial and viewpoint differences were motivating and challenged even this diverse conference.¹² My students influenced me by demonstrating that we should not fear our influence on others or on ourselves. One student in particular, Justin Townley, presented a quite provocative paper on fear¹³ that has inspired me to dismantle my fear whenever I place my fears over progress. We should not fear what we will find out about ourselves and our views as we research. I think of these students often when I come to a sentence in a draft that I cannot support with authority. If there is no support, maybe my sentence is incorrect, maybe then it is time to reexamine some of my beliefs that led me to a viewpoint that I cannot substantiate. Hence their work has had a tremendous influence on me in this regard and others.

B. Learning from students—being influential by making our work edgy

One of my students, Ahmad Smith, was almost finished with a paper I had supervised. As I reviewed his work, we started to talk casually about American society, wondering what it was going to be like in the coming years when there is no one racial majority group. He was

¹² Their papers were presented as a, *Working papers session--evolving perspectives from Mississippi*, at University of Denver Sturm College of Law, Denver, LatCrit Conference, October 2010. The panel of papers from MC Law students and recent alumni from my seminars included Carlyn Hicks, Stephen Parks, Ke Yuan, and Justin Townley.

¹³ See Justin Townley, *Is the Color of the Economic Crisis the Color of Presidential Fear?*, 22 BERKELEY LA RAZA L.J. 151 (2012).

concerned with whether life will be fairer for Black men and young Black males like his young nephews, or if the fear of losing White numerical power will lead to more harm for Black men. His paper involved extensive historical research on presidential policies and the use of presidential power in ways that greatly harmed non-Whites. He had written a very well documented paper and we had met regularly to discuss how to improve his work. We read his paper carefully as we sat together often over the semester break at a local coffee shop. Ahmad's paper was pristine and well written.

Ahmad's paper, on what we had thought would be a final read before submission, seemed interesting and perfectly assembled. But we both agreed that something still was missing. We sat for a long time just thinking and talking about his paper, what he learned, and what message his paper communicated. Eventually, we concluded that what was missing was an edgy story that introduced his paper and connected the theme and urgency throughout the entire work. It was then that we conceived the idea of his leading the article with a fictional look into the future and what everyday life could be for Black male youth and men in thirty years. He went back and did this and we knew then that his paper was a winner. His well conceived article was accepted for presentation at a national conference and for publication in its symposium issue,¹⁴ and a shorter version placed in a national law student writing competition.

Thus Ahmad and other of my students influenced me to try to make my work edgy. The edginess of a scholarly piece is an attention getter, impact maker, and influence generator. Here I am using Microsoft Word reference searches from the Encarta Dictionary for explanations of

¹⁴See Ahmad R. Smith, *Saving Jamal to Save America: Presidential Authority to Decriminalize the Future Male Majority*, 49 GONZAGA L. REV. 83 (2013-14). Ahmad also presented his paper at the Gonzaga Law School conference, "The Pursuit of Justice: Understanding Hatred, Confronting Intolerance, Eliminating Inequality Conference," April 2013.

the term “edginess” to refer to work that is energetic, or sets a trend provocatively. Ahmad added to the edginess of his work by using a fictional futuristic story, similar to the work of the esteemed and beloved Professor Derrick Bell, to use a story to illustrate the direction the country was heading if the historical presidential assault on Black males went unchecked. So, he created edginess after the major work was completed on his paper.

Edginess may come from the nature of the topic¹⁵ or from the unusually shaped remedy that a paper proposes,¹⁶ or from the ethnic familial richness added.¹⁷ Other student works were edgy because the passion for the topic was interwoven into the writing of the work.¹⁸ Other students influenced me to never forget that artistic creation can make a legal work more influential. One student influenced me to use literary license in my work and to make it poetic, even, when possible.¹⁹

¹⁵ Ijeoma Ike’s student paper, *Transforming the American Spirit: Quickening Our Pulse with Presidential Authority through the Arts*, won Second Place in the 2012 Southeast/Southwest Law Faculty of Color Legal Scholarship Conference National Law Student Writing Competition, March 2012. Her paper looked at the impact of the Obama presidency on the arts, and how the arts can inspire equality. She also considered the artistic role of First Lady Michelle Obama.

¹⁶ Theresa (Terry) Neyland’s student paper, *Pardon Me, Mr. Obama: The Presidential Pardon Power and Immigration Amnesty*, won First Place in the 2010 Southeast/Southwest Law Faculty of Color Legal Scholarship Conference National Law Student Writing Competition and was presented at the conference, March 2010. Terry’s paper was about resolving the immigration crises and what the President can do, even without congressional support. Her paper urged a creative use of the President’s pardon power.

¹⁷ Lenderrick Taylor’s student paper, *Racial Stereotype and the more evil cousin of Racial Profiling*, won Third Place in the 2014 Southeast/Southwest Law Faculty of Color Legal Scholarship Conference National Law Student Writing Competition. Lenderrick’s insightful relationship analysis of stereotyping and profiling helped to illustrate how dangerous stereotyping can be as it is a step toward the more evil cousin of profiling.

¹⁸ Talibah-mawusi Smith wrote about the value of public libraries and wrote much of her piece in a public library setting. She also employed a daring reference to a Rap video and incorporated intellectual property issues and poverty concerns in her work. See Talibah-mawusi Smith, *When the well runs dry dig deeper, A case for funding the public library, a necessary resource for the public minority*, 22 BERKELEY LA RAZA L. J. 137 (2012).

¹⁹ La'Toyia Slay’s student paper won First Place in the National Law Student Writing Competition, sponsored annually by the Southeast/Southwest Law Faculty of Color Legal Scholarship Conference, open to all law students. February 27–March 2, 2014, in Houston, Texas. Slay presented her paper, *A Letter to My Nephew: An Overview of the Racial and Legal Impact of Major Cases and Controversies throughout America in 2013*, at the conference held

C. Learning from students—influence from accepting our motivations, even those rooted in pain

Like many professors my motivation affects my writing. My students have helped me see that there is no one pure motivation for writing. They have demonstrated to me that I can write out of discomfort or pain with from the writing process,²⁰ out of the momentum of a recurring idea from a previous work,²¹ from the painful awareness of the implications of a legal ruling,²² from a desire that all sides of an issue are explored with clarity,²³ to urge a specific position,²⁴ out of a desire to add to my resume but then for the sheer joy of writing later.²⁵ One

in Houston, Texas, that year. La'Toyia's paper, written as a letter to her nephew, was applauded by the judges as poetic in its quest for justice.

²⁰ Talibah-mawusi Smith, *The Dilemma of Writing While Black*, 4 *The Crit* 73, University of Idaho Journal (2011). Talibah took her concerns with legal writing to examine how Blackness can make both students and faculty more suspect to some. Her paper makes a most appropriate analogy to driving while Black.

²¹ A recurrent theme in our thoughts as we write is insight—an idea impressing us is an idea that may impress others. Student Jou-Chi Ho wrote a paper titled, *Unfulfilled Promises, Plyler at age 30, Educating to Deport*, that was published in the Conference of the National Association of African American Studies, National Association of Hispanic and Latino Studies, National Association of Native American Studies, and International Association of Asian Studies (NAAAS & Affiliates), Monograph Series (2013). After he wrote that paper, he kept thinking about how undocumented childhood immigrants are treated differently from other childhood actors. This led him to write a paper that won second place in a national writing competition and that was also invited for presentation at the University of Idaho College of Law. His work was titled, *A Fresh Look at Plyler v. Doe: Demanding Special, Consistent, Consideration for Plyler Students, Using Immigration Law, Contract Law, Tort Law, and Criminal Law*.

²² See Rasheena Latham, *Who Really Murdered Trayvon? A Critical Analysis of the Relationship Between Institutional Racism in the Criminal Justice System and Trayvon Martin's Death*, 8 *S.J. Pol'y and Just. L.J.* 80 (2014).

²³ An example is a student paper by Tchanavia Bryant, *Bringing the Poor out of the Shadows of the Middle Class*, NAAAS & Affiliates Graduate Research Competition, which received an award of recognition and a financial award, as her paper tied for one of the top three papers in the national competition, February 2013. See also J.D. Cooley, *Baby Girl's Fate: Adoptive Couple v. Baby Girl - Placing a Child's Chosen Parental Path in the Hands of the United States Supreme Court*, 8 *S.J. POL'Y AND JUST. L.J.* 99 (2014).

²⁴ See J.D. Cooley, Casenote, *You've Been Generally Warned--Smoking is Bad: R.J. Reynolds Tobacco Co. v. Food and Drug Administration and the Fight over Graphic Warning Images in the First Amendment Context*, 3 *MISS. COLL. L. REV.* 89 (2014).

²⁵ An example is the growing work of Ahmad R. Smith. See Ahmad R. Smith, "Too Much of a Good Thing?": *Questioning constitutionality of a legislative body requiring DNA testing for all felony arrestees*, 7 *SOUTHERN REGION*

of my former students, Justin Townley, enjoyed the scholarly process so much, I had to require him to sign an agreement that he would not research any more on his paper as the deadline was approaching. He influenced me to receive even law journal editorial comments with joy. When the editing journal wanted even more research on particular issues, he received those requests with excitement and not the way I sometimes groan when I receive similar requests. His work ethic and work joy for his publication²⁶ thus influenced me to work with more humility and joy with the editorial boards that review my work.

Conclusion

My students, through their scholarly pursuits, have influenced me greatly by my engaging with their provocative ideas, observing their work ethic, facilitating their oral and written expression, and watching them develop their own authentic voices of power and passion, even as they develop as future professionals. As one writer noted, “One way to measure the influence of a scholar . . . is to examine how the conversations about the subjects upon which she wrote was different after her articles were published than before.”²⁷ Similarly as I approach the end of this time of focus on their voices, I carry these influences and appreciation with me. My conversations to others, and to myself, are different having been influenced by my students. Other law professors can reap similar benefits by being influenced by student scholarship in ways that empower professors, so as to have our own scholarship further evolve to influence the

BLSA (SRBLSA) L. J. 75 (2013); Ahmad R. Smith, *"Tough on Crime" vs. "Smart on Crime": What's the Difference?*, 6 THE CRIT, CRITICAL LEGAL STUDIES JOURNAL 78 (2013); Smith, *Saving Jamal*, *supra* note 14.

²⁶ Townley, *supra* note 13. Justin is presently employed by a public defender's office in Ohio and enjoying researching and writing criminal law and procedure, and constitutional law issues.

²⁷ Teeter, *supra* note 9, at 204.


pursuit of justice. And, I encourage other academics to make similar commitments and travel similar journeys of being influenced by their students, as it is for our betterment.

Completing this essay is indeed bittersweet. Still, I acknowledge it can be very challenging for a professor to focus on her own scholarship while closely and progressively facilitating the scholarship of another. Shortsightedly, one of my former administrators called my work with student scholarship “intangible work that would not count for salary increases.” Other professors have noted how time spent in helping students learn “outside the classroom” may receive no credit and may cost the professor greatly in certain law school cultures.²⁸

Regardless of any cost, the past five years and before were definitely worth it personally and professionally for me. My students’ works have influenced me greatly in many ways, especially the ways I describe above. So this essay marks the end of my five year adventure with my many student scholars, but hopefully not the end of the marks of their influence on my own scholarship and my life. The tremendous influence of the students I have engaged with on these projects is immeasurable. I encourage all who read this essay to consider similar opportunities for a year, or five, or more. You, too, will grow when you allow yourself to spend some time on the receiving end of influence.

²⁸ Susan Strum & Lani Guinier, *The Law School Matrix; Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515, 533 (2007).

This article was originally accessed at <http://jotwell.com/wp-content/uploads/2014/07/Kupenda-Personal-essay-on-influence.pdf>.

Jotwell content is licensed under a  Creative Commons Attribution-NonCommercial-Share Alike 3.0 License.