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## The Latcrit task force recommendations: Findings and recommendations of a self-study of the latcrit board, 2009.

Marc-Tizoc González

Yanira Reyes

Belkys Torres

Charles R. Venator-Santiago

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AFTERWORD:

THE LATCRIT TASK FORCE  
RECOMMENDATIONS: FINDINGS AND  
RECOMMENDATIONS OF A SELF-  
STUDY OF THE LATCRIT BOARD, 2009

MARC-TIZOC GONZÁLEZ,<sup>1</sup> YANIRA REYES,<sup>2</sup> BELKYS TORRES,<sup>3</sup> AND  
CHARLES R. VENATOR-SANTIAGO<sup>4</sup>

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Like any complex organization, LatCrit has grappled with complex cleavages that have challenged the cohesiveness of its infrastructure. Over the past decade and a half, LatCrit has engaged a number of internal and external ideological polemics. For example, LatCrit emerged from internal ideological differences that informed some of the debates within the Critical Race Theory Workshops.<sup>5</sup> Participants of the annual LatCrit conference grappled with the complexities of the relationship between critical praxis, coalition building and the multiple legacies and policies of

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1. Chancellors Public Scholar, 2010-11, and Lecturer, Ethnic Studies Department, University of California, Berkeley; Staff Attorney, Alameda County Homeless Action Center; Secretary, LatCrit, Inc.

2. Assistant Professor, Facultad de Derecho, Universidad Interamericana de Puerto Rico.

3. Ph.D. Candidate, University of Notre Dame.

4. Assistant Professor, Department of Political Science and Institute for Puerto Rican and Latino Studies, University of Connecticut.

5. Stephanie L. Phillips, The Convergence of the Critical Race Theory Workshop, with LatCrit Theory: A History, 53 *U. Miami L. Rev.* 1247 (2005).

the Catholic Church.<sup>6</sup> These debates were followed by other engagements with racial essentialism,<sup>7</sup> and gendered relationships of power. In recent years LatCrit engaged a new series of internal debates that amassed new questions of gendered relationships among the board, as well as old questions about strategic essentialism and critical coalition building. In response several board members volunteered to create a committee to engage in an inward-looking and self-critical assessment of the LatCrit board and the organization more generally. This committee, eventually known as the LatCrit Evolution Task Force (hereafter “Task Force”), sought to develop a series of interventions that could enable a better and more democratic understanding of the institutional dimensions shaping LatCrit.

The LatCrit Task Force conducted a yearlong series of interventions that resulted in a restructuring of the LatCrit board and the adoption of several recommendations. The Task Force began to introduce its findings in the *Afterword* for the proceedings of the Thirteenth Annual LatCrit Symposium published by the *Seattle Journal for Social Justice*. In that *Afterword* we began to outline the theoretical arguments that informed our interpretations and perspectives.<sup>8</sup> We now provide the readers with a copy of our findings and recommendations for the LatCrit board, i.e., the Task Force Report itself, as Appendix 1. Our intention has always been to engage in and stimulate a critical self-reflection amongst the board and others who affiliate with LatCrit and to offer ideas on how to create a more democratic environment that fosters more transparency, accountability, communication and the ethical resolution of disputes within the LatCrit community. This *Afterword* is meant to document our institutional memory at a critical crossroad in our organization. LatCrit is currently undergoing a transition process that aims to incorporate new participants in an ongoing vital and critical project of anti-subordination knowledge production and community building with the aim of aiding social transformation. Included in this afterword are explanations of the methods that we used to assess the challenges facing our board, a list of findings and recommendations to facilitate our transition, and an appendix that includes the survey

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6. See for example Reynaldo Anaya Valencia, *On Being An “Out” Catholic Contextualizing the Role of Religion at LatCrit II*, 19 *Chicano-Latino L. Rev.* 449 (1998); Elizabeth M. Iglesias and Francisco Valdes, *Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 *Chicano-Latino L. Rev.* 503 (1998); Margaret E. Montoya, *Religious Rituals and Latcrit Theorizing*, 19 *Chicano-Latino L. Rev.* 417 (1998).

7. See for example Anthony Paul Farley, *All Flesh Shall See it Together*, 19 *Chicano-Latino L. Rev.* 163 (1998); and Dorothy E. Roberts, *BlackCrit Theory and the Problem of Essentialism*, 53 *U. Miami L. Rev.* 855 (1999).

8. Marc-Tizoc González, Yanira Reyes-Gil, Belkys Torres and Charles R. Venator-Santiago, *Afterword: Change and Continuity: An Introduction to the LatCrit Taskforce Recommendations*, 8 *SJSJ* 303 (2010).

instrument used garner the opinions of our board members. We conclude with a brief description of those changes actually implemented as the new governance model of LatCrit, Inc., namely the restructuring of the board officers from a more traditional US non-profit model (Co-Chairs, Chair Emeritus, Treasurer, Secretary) to a Latin American inspired concilio or consejo model of six coordinators overseeing multiple and thematically connected LatCrit project teams and/or internal self-governance duties, e.g., Publications Coordinator or Praxis Coordinator (a graphic illustration of this model is also included in the appendix).

#### PART I: OF METHODS AND APPROACHES

In order to engage in this process of self-reflection, the LatCrit board began to organize a series of meetings to assess the scope and nature of the debates that arose during the board meeting following the Thirteenth Annual LatCrit Conference held at Seattle University School of Law. Acting to address an internal dispute that arose amongst the board and during a period when several longtime as well as relatively new board members were resigning from the LatCrit board, from the late Fall of 2008 through January 2009, the LatCrit board organized several special meetings, which ultimately led to the creation of the Task Force, i.e., a group of board volunteers to imagine, design and implement a critical self-study of the LatCrit board, plus the broad agreement of the board to support the Task Force members and process.

During our early conversations, we agreed to develop a survey instrument that could enable us to develop a baseline of attitudes and opinions of the Board members. We developed and conducted a qualitative survey that contained thirty-two questions (see Appendix 1) divided into five general areas of concern that had been raised during prior Board meetings. The Task Force sent out the survey to every member of the Board and requested follow-up meetings with each member in order to provide an additional opportunity for the respondents to clarify their answers and to provide additional information during a semi-structured interview. The Task Force received fourteen responses out of a possible twenty-three board members or about 61% of the Board.

This information was aggregated into an Excel spreadsheet, which the Task Force used to identify frequencies or patterns based on the responses. The Task Force validated responses in two ways—namely by identifying majority responses, and the consistency of responses to similar questions throughout the survey. The Task Force discarded several questions because in retrospect they appeared poorly worded or biased. Having identified initial patterns, the Task Force then met for three days to develop an analysis of the findings, as well as an executive summary of apparent

organizational problems and data-driven recommendations, which we sent to the entire board. At subsequent special, regular and annual board meetings, the Task Force proceeded to discuss our findings at length. In sum, LatCrit board members were provided with at least four formal opportunities to share their opinions, a survey, a follow-up interview, and two additional board meetings to discuss the findings, emergent concerns and recommendations for organizational change. The findings included in this *Afterword* reflect our efforts to incorporate the voices of all of our fellow Board members and to integrate their ideas into a list of recommendations that reflect our collective thoughts and perspectives.

## PART II: FINDINGS

The information below reflects the Task Force's general interpretation of board members' opinions in the following three areas:

- Organization, board structure, leadership and participation;
- Communication and publications; and
- Scholarship and LatCrit principles.

The findings and recommendations below are an edited version of the original LatCrit Evolution Task Force Recommendations, which the Task Force completed on July 27, 2009 and thereafter submitted to the board for review and discussion at a special board meeting in Seattle, Washington that occurred in August 2009.

### *Section I. Organization, Board Structure, Leadership, and Participation*

No respondent felt that LatCrit's current board structure works well. While some board members expressed that the current structure works within constraints, others noted a varying degree of functionality within the current structure. Specifically, respondents listed two main solutions to these concerns. Board members noted that there was little accountability and unequal distribution of labor among fellow Board members. Some Board members simply assumed significantly more responsibilities than others. In addition, Board members noted that the lack of an institutional structure, and the increased amount of projects, made it difficult for the Board to meet all of its obligations in a timely manner.<sup>9</sup>

Based on these findings, the Task Force recommended implementing the following structural changes:

### **RECOMMENDATION 1: HONOR POLICIES AND PROCEDURES.** The

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9. A third recommendation we garnered from survey responses and interviews on the topic of proposed structural changes to the board points to a need for improved communication. For further insights and recommendations on this topic, please see the "Communications" section of this report.

board should adopt the solutions posed in Item 4 of **“Items for Board Discussion (and Possible Action) at Board Meeting on Sat., Jan. 10, 2009,”** submitted by LatCrit Co-Chairs, Nancy Ehrenreich and Bob Chang, at our most recent board meeting. The recommendation established two-year terms for the co-chairs, requested that the co-chairs enforce the meeting attendance policies outlined in the By-Laws, requested the creation of a stronger pipeline to foster the recruitment of new Board members, and provided the co-chairs with the power to make determinations on the status of Project Teams.

#### **RECOMMENDATION 2: REINSTATE BOARD COMMITMENT FORMS.**

When asked to list three specific roles of LatCrit’s leadership, respondents listed a number of responsibilities, rarely coinciding or repeating a given task. The majority of board members mentioned responsibilities that they felt fall under the Co-Chairs’ or Steering Committee’s responsibilities, yet rarely spoke of board members’ duties to the organization. While it is evident that respondents demanded a lot of “LatCrit leadership,” we suspect that board members did not directly identify themselves as “LatCrit leadership.” Instead, respondents seemed to ascribe the label of “leader” to the Co-chairs and Steering Committee, often conflating the two; the distinction between the Co-chairs and Steering Committee’s duties is apparently not clearly understood.

We agreed to consistently remind the Board members that they constitute the “LatCrit leadership.” The survey results underscore a renewed call for holding board members accountable for their participation as leaders, and suggest reinstating the yearly “Board Commitment Form” – which asks members to describe the work they foresee completing during a given year. Furthermore, the Task Force asks the Co-Chairs to “check-in” with board members regarding this form at least twice per year to aid in each board member’s successful completion of their goals and aspirations for that year. The Task Force challenges all board members to own the sense of responsibility, care and empowerment that come with a seat on this board and to actively attend and participate in board meetings and all LatCrit programming with the passion and conviction with which we initially began our trajectory as members of this collective.

#### **RECOMMENDATION 3: REMEMBER AND HONOR JOB DESCRIPTIONS.**

Whenever board members have questions about their role within the organization or have difficulties understanding the functions required of a particular position within our organizational structure, they should refer to “Operationalizing LatCrit, Inc.: A Summary of the Formal Operations and Functions of the LaCrit Officers and Board,” which is currently posted

online on our website and available for immediate access. Based on that document and the survey / interview process, the Task Force:

- A. encourages anyone fulfilling the challenging responsibility of the Co-Chair to understand this position as one of moderator, facilitator, coordinator and leader.  
**N.B.** This recommendation was subsequently abandoned when the board voted to abolish the position of co-chair and instead to institute a consejo / concilio / Steering Committee model of governance.
- B. invites the Steering Committee to open the lines of communication with the rest of the board, offering more transparency about decisions taken within this smaller group, whose task is to attend to the administrative and time-sensitive issues that arise between board meetings.
- C. asks all board members to commit to the timely completion of our responsibilities, to communicate within the board timely, and to rely on LatCrit colleagues when any task becomes overwhelming and requires the aid of helping hands.

**RECOMMENDATION 4: CREATE A SOCIAL JUSTICE COMMITTEE/PROJECT TEAM.**<sup>10</sup> While respondents were quite clear about LatCrit's value as a scholarly organization whose core focus is on critical theory, members also voiced a desire to engage in more LatCrit praxis. The Task Force recommends creating a Social Justice Committee or Project Team whose work will include:

- A. researching and implementing activities during LatCrit events where participants can volunteer with a local organization whose visions resonate with LatCrit's,
- B. researching the hotel sites and places where we purchase goods for meetings/event, to ensure that we are not funneling our resources to organizations whose mission directly counter LatCrit's commitment to anti-subordination, equal rights and social justice,
- C. this committee, then, should also be responsible for coordinating our "Hospitality Suites" and/or doing the research and advising folks who are purchasing goods for any and all LatCrit functions.

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10. The Task Force makes a distinction between "Committees" and "Project Teams" that we hope the board will discuss during the retreat. The Task Force recommends that the new "committees" focus on administrative or institutional dimensions of the LatCrit organization while recognizing that the Project Teams will focus on the projects included in the Portfolio of Projects.

**RECOMMENDATION 5: RESTRUCTURE THE BOARD.**

- A. **Decrease Board Size:** The majority of respondents agreed that the current board size was too large and suggested trimming the number of board members to about 20-25. Given the resignation of several board members, we are currently at 22 board members. The Task Force recommends either trimming or maintaining the size of the board to represent members who are actively participating in meetings, managing Project Teams which are active and productive, coordinating events/activities, and who have shared an interest in continuing to commit to the Job Descriptions and By-Laws which describe the active board member's role within LatCrit.
- B. **Multilayered System:** Respondents also shared a concern regarding a perceived inequality in work distribution and contribution. While some members felt they could take on added responsibilities, others noted feeling overburdened with the work they are currently completing. In addition to honoring current policies and procedures, as described above, the Task Force also suggests adapting the responsibilities of the board so that board members fulfill the duties of Project Team coordinators (i.e. coordinating group communication, enacting project timelines, discussing matters with the board as needed), but also recruit non-board members to join each team and share the work load. Board member Project Team coordinators would still perform the role of liaison between the Project Teams and the board, without the burden of also having to contribute in two Project Teams in ways that might appear overwhelming.
- C. **Consider Restructuring Current Board Model:** our current board structure mirrors a corporate model that may or may not always work within an organization that seeks an egalitarian and anti-essentialist distribution of labor and power. Possibilities include:
  - a. **Co-chairs who run as pairs** for this leadership position and work in this capacity, which some have referenced as the SALT model. [This recommendation is also mentioned in item 4 of App3]
  - b. **Constitute a “council” or “concilio” or “consejo” model.** Rather than placing the administrative burden on two members who act as Co-Chairs, this model seeks to offer the shared responsibilities of what we currently envision as “Co-chairs” to a larger group of board



members (6-7) who act as a larger version of our Steering Committee. This council/*concilio/consejo* would fulfill the duties of administrators, facilitators, moderators, coordinators of the organization. Each member of this council will be assigned a list of responsibilities regarding a particular branch of our organization (i.e. activities/events, publications, student programs, finance, social responsibility) and will work directly with Project Team coordinators whose work falls under one of these categories. (This model was adopted following our annual meeting in October 2009.)

**D. Activate a Membership Program:** Create a LatCrit membership to acknowledge community members who are dedicated to LatCrit theory and willing to work on our Project Teams. In the first year, the Task Force envisions free membership to all who register and participate in the LC Conference. The yearly renewal of \$25.00 will include a digital copy of the latest issue of CLAVE (an annual LatCrit affiliated publication by students of the Inter-American University of Puerto Rico). The benefits of a LatCrit membership program include:

- a. Formalizing LatCrit affiliation of people who need some formal service credit vis-à-vis their tenure track.
- b. Renewing people's commitments to the organization.
- c. Creating an avenue whereby scholars can work on Project Teams without having to become board members.
- d. Normalizing transitions of members to and from the board. This will allow previous board members who transition out of their positions a space where they can continue working on LatCrit projects without board obligations.
- e. This pool of members will also give the board greater insight into future board members, who would be invited to consider self-nomination at each annual LatCrit conference and have the opportunity to demonstrate their commitment to LatCrit as a Project Team member.
- f. Members of the Finance Committee would monitor the recordkeeping responsibilities (i.e. collecting dues, monitoring who has (not) paid, etc.).

**E. Expand LatCrit membership to include scholars and activists from multiple disciplines and other continents.** It is

important to consider ways in which we might encourage higher levels of participation from activists and academics around the globe who apply LatCrit values and principles in their projects and work. The Task Force recommends exploring alternative institutional or organizational mechanisms that would encourage further participation from non-US based, non-legal scholars and activists from all continents. One example might include asking our International Advisory Board to meet during SNX (LatCrit's annual South North Exchange on Theory, Law & Culture, a relatively small convening of scholars and activists, typically held in Puerto Rico but also in Brazil, Columbia and México) to work on this project.

- F. **Change Project Team Structure:** As mentioned above, the Task Force recommends encouraging non-board members to actively participate in Project Teams, as some people already do. The Task Force envisions board members as Project Team Coordinators of at least one, but no more than two, Project Teams. The hope is that this will allow board members more time to participate in board-related administrative responsibilities such as attending meetings, completing and abiding by commitment forms, attending LatCrit-sponsored events and mentoring new board members.
- G. **Improve Meeting Facilitation:** In light of our anti-subordination principles, the Task Force recommends focusing less on unresolved personal tensions while at board meetings, and funneling our energies toward the work of this organization. Board members have voiced a need for greater accountability, communication and transparency. The Task Force suggests inviting a board member who does not have to present an agenda item at that meeting to act as Meeting Facilitator. Ideally this person is someone already working within the Conflict Resolution Committee (see **RECOMMENDATION 16** below). This person will ensure that the group respects the agenda and remains faithful to the time allotted for discussion to each agenda item.
  - a. The Task Force asks that the Secretary diligently distribute the board meeting minutes to improve board member accountability between meetings.
  - b. Finally, the Task Force suggests making room for social bonding activity for board members before we meet at official board meetings. We may want to program a group meal or outing for the sake of "catching up" with

everyone and solidifying the personal bonds which initially attracted members to LatCrit. (See **RECOMMENDATION 7**.) This is in no way meant to encourage exclusivity from other LatCrit members, but to allow time for board members to get to know each other as a community.

- H. **Research Hiring an Administrative Assistant.** We should look within and outside of the U.S. legal academy for possible collaborations to institutionalize LatCrit by affiliating with a Latina/o Studies Center, which may or may not be part of a law school, in order to sustainably hire an administrative assistant / executive director, perhaps at a 70 / 30 pay distribution (institution / LatCrit). Not being based at a US law school could reduce the cost of the employee and increase the interdisciplinarity of LatCrit discourse. [Since our last meeting LatCrit began to develop a relationship with the Institute for Puerto Rican and Latino Studies (PRLS) at the University of Connecticut. The PRLS has agreed to host our website, to provide LatCrit with a physical space and to provide a personnel to support some of our projects.]

**RECOMMENDATION 6: COMPLEMENT CURRENT NOMINATIONS PROCEDURES.** The Task Force suggests allowing for a process of self-nomination/application to complement our current system of selecting future board members. Having enacted the membership program, folks who work as members of a Project Team for at least a year, can work up to board member status if desired and fill out a self-selection application online whenever a board seat becomes vacant.

## *Section II. Communication and Publications*

Board members disclosed in the survey and interviews that:

- A. The collective sense of community is what folks find most appealing about LatCrit. (See finding # 2)
- B. People are also drawn to LatCrit due to their personal relationships with LatCrit folks. (See finding # 2)
- C. The least appealing aspect of the organization is the existence of personal conflicts. (See finding # 2)
- D. In order to improve our current leadership, respondents recommend greater communication, more transparency, critical reflection and another meeting during the year. (See finding #22)
- E. The Board should address conflicts arising within its governing structure as follows: greater communication, more transparency,

self-critical reflection, desire for a vehicle for conflict resolution, and perhaps an extra meeting during the year. (See finding # 31).

**RECOMMENDATION 7: CONSTITUTE A COMMUNICATIONS COMMITTEE.** As a result of these findings, the Task Force recommends constituting a Communications Committee. This committee will be responsible for the design, maintenance and administration of:

- A. Website (board members only section, posting minutes, etc.)
- B. Google group
- C. Electronic Syllabi Bank
- D. Newsletter
- E. Clave online
- F. Conference calling (online and phone)
- G. Make recommendations for budget allocations regarding their work
- H. Others

As part of the efforts to improve communication, the Task Force revisits **RECOMMENDATION 6, SECTION B** regarding board-only social bonding activities during LatCrit meetings or events.

For example, we may want to organize dinners, lunches and/or breakfasts before we meet at official board meetings.

Additionally, we might include excursions, gatherings and/or “hanging out” time in the schedule at all/most LatCrit events and meetings (aside from the Hospitality Suites, which are open to all of the LatCrit community).

**RECOMMENDATION 8: INCREASE FACE-TO-FACE MEETINGS.** On December 31, 2008, the Co-chairs submitted a document to the Board entitled **Items for Board Discussion (and Possible Action) at Board Meeting on Sat., Jan. 10, 2009**. The Task Force recommends adopting and implementing the following provision “The Board commits to finding ways to increase the number of face-to-face meetings we have together, as necessary to facilitate effective communication and efficient completion of our work.”

To implement this goal, the Task Force suggests either one or a combination of these alternatives:

Add a third meeting to be held at a location in the Global South (to facilitate participation of board members from the South) and during the summer (to give continuity to our work, since we already meet at the beginning and end of each year).

Alternate our regular Board Meeting between the AALS (January) and

the SNX (May). This is to facilitate participation of board members outside US legal academia and give support to the SNX.

Hold a Board and Friends retreat every other year, during the summer and in the Global South. We may want to consult with our Finance Committee to discuss the viability of helping board members with travel costs.

**RECOMMENDATION 9: ADOPT A “COMMUNICATION PROTOCOL.”**

We recommend that LatCrit adopt a “Communication Protocol” to be added to the Board Members’ Orientation Materials, along with the Basic Board Commitments and Responsibilities form. The Task Force supports this recommendation, and adds that the Communications Committee should identify ways to implement and monitor these suggestions.

**RECOMMENDATION 10: ESTABLISH A PUBLICATIONS COMMITTEE.**

Internal communication is a very important issue, but external communication with the LatCrit community and society in general is also important. For that reason, the Task Force recommends to integrate past and ongoing efforts into a new Publications Committee. Such efforts include the ALS (Annual LatCrit Symposium) Committee, Scholarship Committee, Paradigm Book Series Project, SSP (Student Scholar Program), ICC (International & Comparative Law Colloquium), SSS (Study Space Series), SNX. Also, this Publications Committee should revise all Publication Submission Guidelines to require greater engagement with LatCrit scholarship.

**RECOMMENDATION 11: CONTACT PAST BOARD MEMBERS FOR FEEDBACK.** In order to fully understand the issues and challenges we are facing as an organization and to foster good relationships with past board members, the Task Force recommends following up with past Board members to seek their perceptions about LatCrit as an organization.

*Section III. Scholarship and LatCrit Principles*

Board members disclosed through the survey and interviews that:

- A. Most Board members were recruited or introduced to LatCrit by word of mouth. Very few actually learned of LatCrit from our scholarship. (See finding # 1).
- B. Critical theory & praxis is the third most appealing facet of this organization. (See finding # 2).
- C. Most people incorporate the knowledge produced by LatCrit in their teaching and scholarship. (See finding # 3)
- D. The top four tenets of LatCrit are described as: Anti-

subordination, Anti-essentialism, Critical Praxis and Anti-elitism. (See finding # 5)

- E. We need to engage debates that have not been recently emphasized within LatCrit's scholarship (i.e. religion and spirituality, gender, post-identity politics) and develop a greater emphasis on critical theory and the possibility of a book series project. (See finding #7)

**RECOMMENDATION 12: REVISIT, CONTEXTUALIZE AND UPDATE LATCRIT PRINCIPLES.** This could be achieved by:

- A. Encouraging internal discussions of LatCrit values at special meetings or retreats.
- B. Revisiting the Annual LatCrit Conference themes to feature queries like "Do we need LatCrit now?, What is LatCrit?, What is LatCritical praxis?"
- C. Assessing this year's Annual LatCrit Conference organizational process and recommend that a self-critical reflection on LatCrit theory and praxis constitute a larger part of the conference topics and programming in upcoming conferences, beginning with LC XV in Denver. Topics might include: "What is LatCrit Praxis? Why LatCrit Now? What is Strategic Essentialism?" To this end, the Call for Papers should not only emphasize submissions dealing with the conference theme, but those related to an introspective look at LatCrit scholarship.

**RECOMMENDATION 13: INCLUDE AN "INTRO TO LATCRIT" SESSION AT THE START OF THE LATCRIT CONFERENCE.** This would be an event open to all conference participants, but targeted to those unfamiliar or new to LatCrit. While something similar has been included in the FDW agenda, conference participants who do not attend the FDW and are new to LatCrit do not have access to this kind of introductory session. The purpose is to emphasize LatCrit principles and scholarship throughout the conference and to engage all participants in discussions and reflections on these topics.

**RECOMMENDATION 14: REVISE ALL PUBLICATION SUBMISSION GUIDELINES TO REQUIRE GREATER ENGAGEMENT WITH LATCRIT SCHOLARSHIP (SEE RECOMMENDATION 10).**

**RECOMMENDATION 15: ESTABLISH A FINANCE COMMITTEE TO SUPPORT THE TREASURER AND DEVELOP FISCAL LEADERSHIP SKILLS AMONGST THE BOARD.** The Board discussed establishing a Finance Committee at the Board & Friends Retreat in July 2007 at Boulder,

Colorado. The Board again endorsed this idea in 2008 at the Annual Board meeting at LatCrit XII in Seattle, Washington, making the following motions and recommendations:

- A. For the Finance Committee to dialogue and make recommendations to the Board on the “best practices” financial policy for LatCrit money management issues;
- B. Determining the best time to undertake a proactive audit to position LatCrit for grant-writing purposes; and
- C. Pursuing a law school clinic to save costs rather than hiring a private consultant.

While past Treasurers have provided substantial support to the Treasurer, it is unclear to the Board at large whether this committee has been established. Therefore, the Taskforce recommends that the Board help constitute the committee, e.g., by volunteering to join it, and asks the Treasurer to nominate or confirm the members of the committee.

The Taskforce further recommends:

- A. the Finance Committee develop an annual budget, based upon the past several years’ expenditures, to present at the Annual Meeting at LC XIV in Washington, D.C.;
- B. the various Project Team Coordinators to be prepared to evaluate and discuss such proposed budget;
- C. assigning one or more members of the committee to handle all monies received at the registration desk of the several Academic Community events, i.e., the ALC (Annual LatCrit Conference), FDW (Faculty Development Workshop), SNX and SSS;
- D. the Grant Writing and Fundraising project be incorporated into the Finance Committee, since a budget and audit are necessary precursors to writing a successful grant;
- E. investigating grant funding for strategic planning and further exploring the idea of hiring an executive administrator, including how to interact with university or law school-based Latina/o Studies research centers or institutes;
- F. the Finance Committee assign a member to help administer the recommended Membership Program. (See **RECOMMENDATION 5, ITEM C**)
- G. developing and promulgating standard policies, forms, invoices, applications and receipts for Board reimbursement and travel stipends, e.g., for the SNX, SSP, SSS, etc.

**RECOMMENDATION 16: DEVELOP CONFLICT RESOLUTION PROCEDURES.** Because the various ad hoc practices developed over the years failed to resolve conflicts that ruptured at and followed the Annual

Meeting at LC XIII, the Taskforce was established. The survey responses showed that personal conflicts were the least appealing aspect of the organization. Moreover, a majority of respondents felt that the Board was unable to address organizational conflicts effectively.

- A. Suggestions from the aggregate surveys for improving the Board's conflict resolution practices focus on increasing communication, transparency, self-critical reflection and meeting a third time per year.
- B. Reflecting a desire for a formal vehicle for conflict resolution, one respondent suggested that the Board members review their home institution complaint procedures and other conflict resolution experiences, and then bring these models to the committee's attention. Therefore, based on due consideration of the aggregate survey results and interview notes, the **Taskforce recommends that the Board establish a committee to research, develop and propose conflict resolution procedures at the Annual Meeting at LC XIV.**

Additionally, the Taskforce recommends that the Board consider establishing the following policies and procedures:

- A. Publicly identify all Board members at the start of all Academic Community events, and emphasize that the broader community should feel free to bring any comments or concerns to any Board member;
- B. Regularly include items in the agenda for all Board meetings to share any complaints or conflicts of which the Board has learned during an Academic Community event;
- C. Create an organizational "complaint committee" by requesting volunteers to form an "ombudsperson" group of Board members to whom any community member or other Board member may speak confidentially about perceived disputes; this Board committee should:
  - a. specify dispute resolution and complaint management policies and procedures for the Board to adopt at the next Board meeting;
  - b. issue a report for the Board's Annual Meeting, reviewing complaints received and making recommendations for improvements in the coming year;
  - c. Post online at the LatCrit website the duly adopted procedures. (*Cf.* LatCrit's policy on disability access).

### PART III: CONTINUITY & CHANGE

As demonstrated above, the LatCrit Task Force collected a significant



amount of critical feedback from the board and distilled it into an insightful set of findings and recommendations about the organization. We present these findings and recommendations to the larger community of sociolegal scholars who either affiliate with LatCrit or are interested in the efforts of a community of scholar activists to organize itself, evolve to contingencies, exigencies and conflict in ways that accord with a particular set of principles and further the mission of cultivating critical sociolegal knowledge for anti-subordination purposes.

After numerous special, regular and annual board meetings, by LatCrit XIV, held in Washington, D.C., the LatCrit board had adopted a number of the Task Force recommendations and established a Transition Team to steward the organization from the old Co-Chair model to the new consejo / concilio / Steering Committee model, which the board formally adopted at its regular meeting at the AALS conference in New Orleans, Louisiana in January 2010. As of the time of this writing, we are now half a year into this new era in LatCrit's evolution, and at the board retreat in May 2010, we began reviewing our new operations self-critically to determine how best to chart our future actions as an organization that exists in order to cultivate a critical community of sociolegal scholars who are committed to developing scholarship that serves concrete anti-subordination struggles in the US and throughout the world.

The concilio / consejo / council model, which the Task Force originally imagined during its three-day meeting in the summer of 2009 appears central to LatCrit's new era, and here we briefly describe its genesis. During a three-day meeting to analyze the Task Force findings and draft our recommendations, the Task Force dialogue focused on the apparently paradoxical finding that most board members appeared not to understand themselves as constitutive of "LatCrit leadership" but rather looked to the officers, in particular the Co-Chairs, for leadership from above.

In our discussion, we found this gesture at odds with LatCrit anti-subordination principles and imagined how to change the situation so that LatCrit's organizational structure engendered a sense of individual agency, empowerment and responsibility to the collective rather than the sense that someone else was responsible for directing the organization. The original consejo / concilio / council emerged in our discussions, when we realized that our personal choices to volunteer to form the LatCrit Task Force reflected the kind of agency, empowerment and responsibility that we believe could improve the organization and sustain its many projects.

Sitting together in a motel in Miami, Florida were three individuals who self-identify in different ways as Latina or Latino, plus two individuals who similarly self-identify but engaged our meeting via telephone or Skype. While the significance of those particular self-identities are open to many

interpretations, it seemed significant to us, as well as the fact that none of us were tenure-track US law professors. Rather we were academics in other disciplines, law professors from other nations or practicing attorneys. In retrospect, these two factors (Latina/o self-identity and not being a US law professor) seemed probative for the recommendation that LatCrit change its organization from one more common in US non-profit organizations to one inspired by various Latin American collectivist political formations.

While to some, the Steering Committee model that ultimately evolved, represented graphically in Appendix 2, may seem only a superficial change, we believe that its origin and potential are significant. In 2004, one of the LatCrit Student Scholar Program recipients asked a provocative question to one of this Afterword's co-authors, "How can progressive political work be done using a regressive corporate organizational model?" We believe that LatCrit, Inc. and many other organizations, e.g., legal services, demonstrate that substantial progressive work can be done using seemingly retrograde corporate organizational models. Arguing otherwise would seem to ignore the countless struggles for justice facilitated by nonprofit legal services and other social services organizations. However, Piven's and Cloward's old critique of how institutions structure, regulate and ultimately control insurgent social movements retains great explanatory power.<sup>11</sup> To be sure, the LatCrit project, its organization, LatCrit, Inc., and always already, the individuals who constitute both the larger political project and the particular organization have striven mightily to build an egalitarian community of people who are dedicated to a multidimensional analysis and praxis in their contributions to critical sociolegal scholarship and anti-subordination struggle. Nevertheless, the demands upon the US law professors who predominate amongst those who affiliate with and direct LatCrit appear to undermine the anti-subordination or post-subordination vision and aspiration.

To us, relatively marginal actors vis-à-vis the US legal academy, the demands of tenure, in particular its socialization to expect judgment from peers and the concomitant need to appear intelligent and authoritative, seem to erode the fundamental trust necessary for any collective endeavor that is premised on an anti-authoritarian anti-subordination politics. Against this situation, we imagine the *consejo* model can militate in favor of the careful individual trust- and community-building that are the necessary prerequisite conditions for LatCrit to flourish. By structuring ahierarchical coordinators rather than hierarchical officers, we hope for the new Steering Committee model to engender from the start and throughout

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11. Frances Fox Piven & Richard A. Cloward, *Poor People's Movements: Why they Succeed, How they Fail* (1977).

board members service on the board, the sense of agency, empowerment and responsibility that we believe manifests best the anti-subordination and critical coalition principles of LatCrit theory, praxis and community.

At the same time, we believe that the new Steering Committee model will help our efforts to address robustly the critiques of recent LatCrit scholarship raised by critical sociolegal scholars who once affiliated with LatCrit but have never been responsible for its organizational governance.<sup>12</sup> We are hopeful that the new organization will enable LatCrit to address these critiques and indeed to synthesize and distill from its large corpus the critical insights that our discourse community has produced over the past fifteen years.

For example, LatCrit has begun to reinvigorate its interdisciplinary and transnational focus on collaborative projects. During the Spring semester of 2010, LatCrit began to migrate its webpage and other archival resources to the Institute for Puerto Rican and Latino Studies at the University of Connecticut. LatCrit has begun to develop an institutional relationship with the PRLS Institute that will foster the renewed production of interdisciplinary knowledge. Central to this collaboration is a focus on the intersection and convergence of LatCrit theory with other disciplinary debates outside of the legal academy. This collaboration also aims to build new research opportunities and expand the intellectual horizons of the LatCrit project while simultaneously expanding the centers of other non-law based disciplines.

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12. Keith Aoki & Kevin R. Johnson, *An Assessment of LatCrit Theory Ten Years After*, 83 INDIANA L.J. 1151 (2008) (critiquing recent LatCrit scholarship as lacking intellectual coherence and impact on mainstream legal scholarship, and suggesting that this effect is predominantly the result of an overly open symposium publication model that lacks meaningful editorial review standards and control). Aoki and Johnson distinguish between “LatCrit, Inc.” (the organization that manages the various projects undertaken in the name of LatCrit) and “LatCrit scholarship,” as manifested in the annual LatCrit symposia and related publications. This is a useful distinction, and we believe that reordering LatCrit, Inc.’s organizational governance will enable the LatCrit board to direct its attention on meaningfully reordering not only our publications but also the other parts of our portfolio of projects, e.g., the annual LatCrit conference, to account for and respond to changes in the intellectual terrain of US sociolegal scholars in 2010. Much more could be written on this subject, but that will have to await a future publication.