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## SHANARA GILBERT: A ZEALOUS ADVOCATE

*Susan Bryant\**

Because they shared so many common experiences and commitments to social and racial equality, I often find myself saying Haywood and Shanara in one breath. They were of course unique people but their shared death—along with their shared commitment to CUNY Law, criminal justice, and racial justice more broadly—often causes me to summon the memory of one when I recall the other. They died together in South Africa, a country they both loved and wanted to help achieve a new beginning. Highly educated at elite schools, they had many opportunities but chose to put their talents and knowledge in service of justice and equality both in the United States and abroad. They were each an important force in CUNY Law School and played different roles in the School's success. Many others in this volume will identify the contributions that Haywood made; in this essay, I focus on Shanara's unique contributions to the Law School and to social change.

In legal education, two annual awards honor Shanara and recognize her special contributions. Very few awards are given to or by law professors; to have two awards given annually in her name indicates the unique contributions Shanara made to legal education and justice. The Shanara Gilbert Human Rights Award is given by the Society of American Law Teachers (SALT) and honors "individuals who have made major contributions to the search for equality, equal access to legal education, the legal profession and legal services."<sup>1</sup> SALT is an organization of over 700 progressive law faculty who work within the academy and the legal arena on issues like affirmative action, the Solomon Amendment, and judicial appointments. The award is usually given to a lawyer whose legal work represents a significant contribution and commitment to equality.<sup>2</sup> The other award, from the Association of American

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<sup>1</sup> Society of American Law Teachers AALS Convention Events, <http://www.saltlaw.org/aals.htm> (last visited Jan. 27, 2007).

<sup>2</sup> In January 2007, it was awarded to Josh Rosencranz and his legal team at Heller, Ehrman, White & McAuliffe, the lawyers who represented SALT before the U.S. Supreme Court in *FAIR v. Rumsfeld*, 390 F.3d 219, 230 (3d Cir. 2004), *rev'd*, 126 S. Ct. 1297 (2006). *Save the Date: SALT Annual Awards Dinner at the AALS Annual Meeting*, SALT EQUALIZER (Soc'y of Am. Law Teachers, St. Paul, Minn.), Sept. 2006, at 19,

Law Schools (AALS) Section on Clinical Legal Education, is the Shanara Gilbert Award, which is given to a clinical teacher who has made substantial contributions to social justice and is a relative newcomer to the academy with fewer than ten years of teaching.<sup>3</sup>

Each of these awards tells us something important about Shanara. First, she was deeply committed to the human rights struggle at home and abroad. From her early years in college, where she began her life-long work in ensuring the rights of prisoners, to her work as a lawyer at the District of Columbia Public Defender Service, Shanara brought an inspired vision of what society owed those who were accused of or who actually broke the law. She understood the human rights challenges embedded in a system that over-charges and incarcerates people of color. She was an intense, dedicated, and excellent lawyer in her individual representations and in her work challenging systemic injustices. She was a zealous advocate in the true meaning of the word. In describing how she as a woman and African American could represent a person charged with rape, she said the following:

By my very deliberate choice of profession as a criminal defense lawyer, I have chosen my stance beside this man, charged with this crime. It matters not whether I “like” him, whether I am repulsed by the facts of the case, or whether I believe he is guilty or innocent. There is no qualification, no compromise to my loyalty to my client. The code of professional responsibility does not say, “only if the lawyer believes in the innocence of her client.” The client’s interest is paramount to every other concern, including that of a distraught and ravaged women, who, but for fortune, may have been myself, my sister, or my friend.<sup>4</sup>

Of course, those of us who saw Shanara interact with clients knew

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available at <http://www.saltlaw.org/EQ-Sep2006.pdf>. See also *infra* Caitlin Daniel-McCarter, *Homophobia Through the First Amendment: A Critique of FAIR v. Rumsfeld*, 10 N.Y. City L. Rev. 199 (2006).

<sup>3</sup> The factors used for this award include:

1) a commitment to teaching and achieving social justice, particularly in the areas of race and the criminal justice system; 2) an interest in international clinical legal education; 3) a passion for providing legal services and access to justice to individuals and groups most in need; 4) service to the cause of clinical legal education or to the AALS Section on Clinical Legal Education; and 5) an interest in the beauty of nature (desirable, but not required).

Clinical Legal Education Association—Awards, <http://cleaweb.org/awards/gilbert.html> (last visited Jan. 29, 2007).

<sup>4</sup> Charles J. Ogletree, Jr., *A Tribute to W. Haywood Burns and M. Shanara Gilbert: Revolutionaries in the Struggle for Justice*, 2 CLINICAL L. REV. vii, xii (1996) (quoting M. Shanara Gilbert, *Representing an Accused Rapist: Reflections on the Dilemmas of Duty* (July 10, 1989) (unpublished speech on file with author)).

that she had a great deal of affection for most of them as well. She corresponded with those imprisoned, and she connected with clients and their concerns on many levels.

The SALT award also identified Shanara's work in ensuring access to education and the profession. At CUNY, Shanara was a strong faculty voice for creating and nurturing a student body that reflected the racial diversity of the society. She was attuned to what students needed to be successful, and she demanded that we as a faculty deliver on our mission. She also was very demanding of the students, understanding that to be zealous advocates for the underserved they needed to be not just good but excellent. She expected no less of herself.

Shanara's commitment to access to education and the profession extended to South Africa as well. With the ending of apartheid, law schools in South Africa were addressing issues of access for formerly excluded groups. Once admitted, these graduates would need sites for mandatory, post-law school placements to gain acceptance to the bar. Shanara went to South Africa on behalf of the Ford Foundation to study how law schools might increase access for placements to prospective Black lawyers. She also connected this issue to the importance of creating a bar that saw public interest as an important part of its work.

Ultimately, Shanara's work contributed to the development and enhancement of clinical legal education programs in South Africa. As she traveled to a number of law schools, she saw the potential of clinical education to respond to the need for lawyers and create prospective sites for post-graduate internships for Black lawyers. She brought clinical law teachers from South Africa to the United States, and she engaged everyone in looking at how services are provided and who provided them. She introduced them to legal aid and legal service providers who were struggling with similar issues of maintaining quality while facing high need. She also introduced them to other clinical teachers who were designing post-graduate fellowships because she envisioned this U.S. model as a way to accomplish all three goals: providing service, expanding clinics, and providing internship sites.

The AALS Clinical Legal Education Award honoring Shanara recognizes contributions to international clinical education. Shanara was one of the first of what is now a large number of clinical teachers who help design clinics and lawyering programs in

other countries.<sup>5</sup> She recognized early that U.S. clinical education did not translate neatly, and, therefore, we needed to tread lightly in our recommendations for change. She also learned that the teachers in other countries have as much to teach us about public interest practice and instruction as we do them. She shared her insights when she returned and later proudly introduced her CUNY clinical colleagues to her South African colleagues, promoting this learning exchange.

Her visits to South Africa changed her vantage point in many ways.<sup>6</sup> The one I remember vividly was her description of the contrasts of the resources that we—as teachers and students—enjoyed at CUNY compared to the faculty and students in South Africa.<sup>7</sup> She celebrated the South African students' desire to learn despite lack of sufficient textbooks and very large classes. She reminded us of this when we thought something was not possible because of insufficient resources.

The AALS Clinical Legal Education Award is given to an “emerging” clinical faculty member in recognition that, while Shanara was very accomplished, she was still a relatively new faculty member at the time of her death. She helped develop CUNY's nationally recognized clinical program by starting the criminal defense clinic at CUNY and contributing to the overall clinical program. She was recognized as a demanding, excellent teacher. I had the office next to hers and saw the endless hours she worked helping her students become the excellent zealous advocates she wanted them to be.

Those of us who loved and appreciated Shanara were touched by the realization that, at the time of her death, she was really coming into her own. She had recently gotten tenure. Her work in South Africa was bearing fruit. She was comfortable at CUNY—even as she challenged us to develop and grow. She bought her

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<sup>5</sup> In April 2006, it was awarded to Michael Pinard, Assistant Professor of Law at the University of Maryland School of Law, for his Re-Entry of Ex-Offenders Clinic, which attacks the collateral consequences of criminal convictions. *Professor Michael Pinard Earns National Recognition for Clinical Excellence*, IN PRAC. (Univ. of Md. Sch. of Law, Baltimore, Md.), Fall 2006, at 1, available at <http://www.law.umaryland.edu/specialty/clinic/documents/ClinicFall2006.pdf>.

<sup>6</sup> To honor Shanara and introduce CUNY students to South Africa, the faculty started a fellowship in Shanara's honor to send a CUNY student each summer to South Africa. Penny Andrews, a CUNY professor, friend of Shanara's, and a South African native, has kept this fellowship alive. Through it, students are introduced to public interest practice in South Africa and given an opportunity to learn something about Shanara and her commitments.

<sup>7</sup> Perhaps this is most vivid because as a publicly funded law school we are used to seeing ourselves, in the American context, as comparatively resource-poor.

first home in Brooklyn and proudly showed off a newly planted garden. She had a world of service and opportunity ahead of her as well as a peaceful place to retreat, too. She was gone way too soon. Each year when these awards are given out, I am reminded of that fact.

Finally, I would be remiss if I did not end this essay with memories of Shanara's beautiful smile and her warm laugh. They added a gentleness to this warrior for justice.

