

TEACHING EVALUATIONS FROM UC BERKELEY LAW

IAN HANEY LÓPEZ

[The following is from an internal promotion memo submitted by the Dean's Office to the UC Berkeley central campus, dated January 22, 2010. It covers Prof. Haney López's teaching from Spring 2007 through Spring 2009.]

Professor Haney López is one of the most committed and effective teachers on a law faculty known for its superior teaching. While his primary teaching subjects are in the area of race and the law, he has offered much needed public law courses in constitutional law. He was on sabbatical leave in academic year 2007-2008.

Professor Haney López offered a course in Constitutional Law Basic: Liberty and Equality (4 units) in Spring 2007 and Spring 2009. This course served as an introduction to Constitutional Law that focused on the notions of liberty and equality under the Constitution, often located in the Commerce Clause as well as the Fifth, Thirteenth, and Fourteenth Amendments. Given recent trends, this course also touched upon the new federalism. The aim of the course was not limited to studying the Supreme Court's doctrinal assertions, but included assessing the forms and politics of constitutional reasoning, with special attention given to the role of the Court in constitutional interpretation.

Students rated the course 6.25 (faculty mean: 5.74) on a "7-point scale" in Spring 2007, and 6.31 (faculty mean: 5.96) in Spring 2009. Student comments both semesters were laudatory: "The course was by far the most interesting I've taken at Boalt. The course provided me with an in depth understanding of Constitutional Law and I'd recommend it to anyone. Sometimes the reading was a little heavy or the conversation became too theoretical or complicated, but it was definitely a worthwhile class"; "Professor Lopez is a brilliant and fascinating instructor"; "He was amazing and a great professor. He's a keeper"; "[His] teaching style is mesmerizing and energizing"; "[His] presentation was always clear and organized"; "This was the best class that I have had to date in law school. This class is not simple application of black letter law, but rather a stimulating and challenging analytical look at the history, logic, and future implications of constitutional law. I feel like I have had to rise to the level of the professor rather than having the course content simplified for easy consumption"; "[He] is the kind of professor that makes you look back fondly on law school. He has high expectations and encourages students to think critically and deeply. He has a great sense of humor, and is so smart that the air around him kind of crackles."

Professor Haney López offered a course in Race and American Law (3 units) twice, in Spring 2007 and Spring 2009. This is an introductory course on race and American law. Students in this course argued some of the most important contemporary

questions regarding race and law. Using a debate format and working together in teams, students prepared and delivered statements on topics that included: the intent standard in Equal Protection doctrine; affirmative action; reparations for slavery; color blindness; whether a class analysis should supplant a focus on race; identity politics and the elevation of race over gender; whether antidiscrimination laws should be repealed; open borders and civil rights for undocumented immigrants; and whether the “separate but equal” doctrine should be resurrected.

Students rated the course 6.08 (faculty mean: 5.74) on a “7-point scale” in Spring 2007, and 6.44 (faculty mean: 6.17) in Spring 2009. One student said: “This has been the best and most stimulating class that I have taken here at UC Berkeley thus far. We engaged a broad range of topics and maintained a nice balance of breadth and depth. The instructor’s engaging pedagogical styles was one of the many strengths of the course. He challenged our assumptions, raised provocative points and helped students develop their ideas. There were no weaknesses in the class.” Another: “[He] consistently offered cogent and clear points and demonstrated a superior understanding of the relationship between race and the law. He led us as we engaged in theoretical, doctrinal and practical questions while deftly considering various vantage points. His in-class presentation was excellent. [He] was very attentive to students concerns and demonstrated a clear commitment to his students, regularly making himself available to students outside of class. His lectures were always coherent and engaging and he offered useful intellectual insights as well as professional advice. Our debates were intellectually stimulating and the readings covered a broad range of topics that was useful for the novice student unfamiliar with the course themes as well as people with a more sophisticated knowledge of race and law. The readings were also diverse and entailed a nice variety of law review articles, newspaper articles and social science articles from different perspectives. The workload was fair and had a great analytical and intellectual payoff. This was an excellent class.”

Professor Haney López offered a seminar in Equal Protection and Race (3 units) in Spring 2007. This seminar explored competing and evolving understandings of the Equal Protection Clause’s role in responding to racial subordination. The approach was both historical and theoretical, as the seminar proceeds by reading the leading theorists on race and Equal Protection from the late 1950s to today, including several authors associated with critical race theory. Students rated this seminar 6.50 (faculty mean: 6.02) on a “7-point scale.”

Professor Haney López developed and successfully offered a new Colorblindness seminar (3 units) in Spring 2009. Students rated this seminar 6.63 (faculty mean: 6.17) on a “7-point scale.” One student commented: “I found both the subject matter and the format of this course to be wonderful. This was my favorite course this semester, both because I am keenly interested in colorblindness ideology and because the directed discussion format allowed an excellent format to parse through these issues. I also appreciated Prof. Haney-Lopez's insights on the materials as well as larger issues, such as arguments in the public and legal spheres and those who make them. I liked how [he] used both student and his own observations to make sense of the materials and the larger

arguments about this issue. It was wonderful to be part of a conversation where we were all ‘digging’ for answers, and I also loved hearing [his] observations. I particularly liked how [he] was open and receptive to students' views. Thanks for a great class! The class was excellent in every respect.”

[The following is from an internal promotion memo submitted by the Dean’s Office to the UC Berkeley central campus, dated February 1, 2007. It covers Prof. Haney López’s teaching from Spring 2004 through Spring 2006.]

Professor Haney López is a dynamic instructor. Whether one looks to the reception of his teaching by his students in his regular law courses or to the audiences of the various lectures in which he appears, the response is extraordinarily enthusiastic in every case. He is gifted with capacities for clarity, energy, charm, humor, and a blend of rigor and compassion which is very special.

Professor Haney López’s teaching expertise is one that fulfills a great demand at Boalt. His classes were heavily oversubscribed. He is a very rigorous thinker and demands the same from his students. Students were impressed by his intellect and the breadth of his knowledge.

Professor Haney López offered a course in Property in Spring 2004. This course provided an introduction to the law of property, including adverse possession, marital property, trespass, public accommodations law, easements, covenants and servitudes, estates in land, future interests, eminent domain, zoning, land-use planning, landlord-tenant laws, and fair housing laws.

Professor Haney López received a rating of 6.39 on a “7-point scale.” This rating is especially notable for Property, a required course that students traditionally find dry if not boring. Not so, in Professor Haney López’s class. Some sample student responses: “Excellent teaching – he is extremely organized, always engaging, provokes very thorough analysis and deep thought about cases. Within the first week of class, I noticed that I was better at reading and analyzing and making legal arguments;” “Excellent teacher (as opposed to just an excellent professor);” “His presentation was very clear;” “I loved this class – this is the type of class I would expect at Boalt. Thank you.”

Professor Haney López significantly modified and successfully offered a seminar in Critical Race Theory in Spring 2004. This seminar focused on recent literature regarding Latinos and the law. This seminar introduced students to established debates in Critical Race Theory and explored new developments in the field, giving special attention to questions surrounding Latino identity and law. CRT originates in critiques of antidiscrimination law and in reactions to Critical Legal Studies. These intellectual

influences are traced through topics including: the nature and intractability of racism; conceptions of race and racism in antidiscrimination law generally and contemporary calls for legal colorblindness particularly; and the importance of rights rhetoric in struggles for racial equality. CRT's focus on the relationship between race and law increasingly draws connections between race and other social markers such as gender, class, and immigrant status. These concerns were discussed, for instance in topics covering race, gender, and essentialism; race, class, and law breaking; and immigration law. The last third of the seminar focused on topics related to law and Hispanics, including such issues as identity, language, colonialism, and the relationship between race, ethnicity, and national origin.

Students rated the seminar 6.31 on a 7-point scale. Students appreciated his "excellent mastery" of the subject matter and his "passion for the material which stimulated discussion." He encouraged "critical thinking" and he is "very responsive and available" to students. This is an "amazing" class.

Professor Haney López offered a course in Race and American Law twice, in Spring 2004 and Spring 2006. This is an introductory course on race and American law. Students in this course argued some of the most important contemporary questions regarding race and law. Using a debate format and working together in teams, students prepared and delivered statements on topics that included the following: the intent standard in Equal Protection doctrine; affirmative action; reparations for slavery; color blindness; whether a class analysis should supplant a focus on race; identity politics and the elevation of race over gender; whether antidiscrimination laws should be repealed; open borders and civil rights for undocumented immigrants; and whether the "separate but equal" doctrine should be resurrected.

Students rated the course 6.19 on a "7-point scale" in Spring 2004, and 6.42 in Spring 2006. Students comments in both years were very enthusiastic: "This is [the] best law class I have ever taken;" "You're brilliant, rhetorically and analytically;" "Very accessible;" "Great class;" "Professor Haney Lopez is a treasure at Boalt Hall."

Professor Haney López developed and successfully offered a new seminar in Equal Protection and Race Theory in Spring 2005. This seminar explored competing and evolving understandings of the Equal Protection Clause's role in responding to racial subordination. The approach is both historical and theoretical, as the seminar proceeds by reading the leading theorists on race and Equal Protection from the late 1940s through to today, including several authors associated with critical race theory. He substantially modified this seminar in Spring 2006 to compile a new set of readings and by shifting the structure of the seminar to emphasize student writing, including by designing an interactive component wherein students read and commented on each other's papers.

Students rated the course 6.18 on a "7-point scale" in Spring 2005, and 6.50 in Spring 2006. Student comments were even more enthusiastic: "He obviously knows this field extremely well. His ability to draw out the main concepts from sometimes unintelligible readings was much appreciated;" "I'm instantly amazed by his ability to

tease out students' thoughts in a respectful way;" "This was a great class;" "Outstanding;" "Thanks for a great semester and a great three years. You are truly brilliant and one of Boalt's treasures;" "[This is] a wonderful learning experience."

Professor Haney López devised and offered for the first time a course in Constitutional Law: Basic Issues in Spring 2005. He offered this course again in Spring 2006, though under a more accurate heading, Constitutional Law: Liberty and Equality. This course served as an introduction to Constitutional Law that focused on the notions of liberty and equality under the Constitution, often located in the Commerce Clause as well as the Fifth, Thirteenth, and Fourteenth Amendments. Given recent trends, this course also touched upon the new federalism. The aim of the course was not limited to studying the Supreme Court's doctrinal assertions, but included assessing the forms and politics of constitutional reasoning, with special attention given to the role of the Court in constitutional interpretation.

Even in the first year Haney López offered the course, student evaluations were strong, with a ranking of 5.80 on a "7-point scale." Most student comments were strongly positive – for example: "I really enjoyed the course. Professor Haney López was animated and made the class enjoyable;" "Excellent course;" "The class was well organized;" "Best class I've had at Boalt;" "Awesome. I loved the classroom debates and discussions." Criticisms focused on the workload, which some students thought too heavy.

Student evaluations of this course in Spring 2006 increased markedly to 6.32 on a "7-point scale." Student comments were again extremely enthusiastic. One student in particular extolled several of Professor Haney López's strengths: "It's only after completing the class that I've become aware of its truly important meaning. I feel that I now have a certain grasp on the interplay between temporal political forces, historically and legally-driven social hierarchy, and their manifestation (even in their absence) in law. This is quite a complex concept, and can only really be patiently arrived at through incremental yet persistent reference to it. This indicates a real strength in the professor, and true lucidity piercing through each class to realize this end. That Haney López chose to construct a course in a way that centralized these incredibly relevant themes – which are remarkably absent even when their presence is felt in a great number of law classes – is commendable, especially insofar as it was done with great precision. However, I wish to most heavily emphasize the effectiveness of his pedagogy. First, the classroom environment that he created was permissive to exchange, friendly, and yet simultaneously confrontational, which promoted an unreserved engagement with the issues. Second, his direction of discussion directed us to what I agreed were the most interesting issues and points of contention in the material. Third, his engagement with the academic discussions surrounding the issues discussed I felt to be incredibly well-informed and aware of the most current debates. Fourth, I welcomed Haney López elimination of any myth of personal neutrality, the judicial model that so many law professors appear to take. Such a model would be false, as the 'erasure' of social issues is a political position in itself. In the end, I found Haney López to be the most effective professor that I have had at Boalt. He is incredibly coherent in his analyses and explanation and sensitive to

whether he is being understood. As a person who hopes to one day teach law, I look to him as a model to emulate.”

[The following is from an internal promotion memo submitted by the Dean’s Office to the UC Berkeley central campus, dated May 6, 2004. It covers Spring 2001 through Spring 2003.]

Classroom Teaching

It is unusual that several outsider reviewers commented on their sense of Haney López’s abilities as a teacher, but anyone who has observed his cogent, eloquent presentation style would share this conclusion. Reviewer I had seen a seminar presentation at his campus. “Here his lecture was rich and complex, provocative and challenging, producing a sustained conversation that lasted more than an hour and that could have gone on much longer. I can only imagine that his teaching skills are just as exemplary before his law students as they were before my graduate students in history, sociology, and anthropology.” Reviewer M said, “I would like to note that Haney Lopez is a very eloquent speaker...I have been struck by the intellectual clarity with which Haney López is able to speak. I imagine that he would be a very effective teacher and engaging colleague.” And Reviewer E said, “I might add that he is a wonderful lecturer and speaker, and while I cannot attest to his teaching, I imagine that he must be a great teacher. He certainly has taught all of us who listened to him speak at scholarly and professional meetings.”

These reviewers imagined correctly. Haney López is one of the most committed and effective teachers on a law faculty known for its superior teaching. While his primary teaching subjects are in the area of race and the law, he also regularly teaches a large first year basic class in property law. During the review period he revamped his course on Race and American Law with remarkable results. Each year he revised the syllabus for his Critical Race Theory seminar to keep up with important new work, so that “each year perhaps half of the articles are the same, and half new” (see Self Evaluation). He also responded to a perceived need and designed and taught an entirely new year-long class, the Social Justice Writing Seminar. I will discuss both his pedagogy and the student evaluations in each of the courses taught.

Haney López’s student evaluation scores in his seminar on Critical Race Theory, always very good, have continued to progress over the years he has taught the course. During the review period he received 6.31 on a 7-point scale (faculty average 5.95) and 6.44 (faculty average 6.20; 9 students). In this course, Haney López introduces students

to some of the classics in the field, and explores new material in a wide range of topics such as race, gender and laws regulating reproduction to the legal construction of race to relations among non-white groups. Students described his classroom presentation as “very organized, thoughtful, thought provoking and clear.” Many agreed with the assessment of his interactions with students as “more approachable than any other professor at this school...brilliant, but not arrogant, which allows students to engage with him intellectually;” “treated students as colleagues in the discussion, while advancing our nuanced understanding of the material.” A few students, on the other hand, found he was at times “confrontational” or “downright disrespectful.” Some students found the reading heavy for a 2-unit class. In general, many commentators would agree with the students who wrote, “great instruction from an admirable prof;” “Professor Haney López is brilliant and highly educated. He is one of my favorite professors, and Boalt would be a difficult place without him.”

Haney López completely restructured his course on Race and American Law after the first year of the review period. In an article in the *Chronicle of Higher Education* published after the review period, Haney López explains that this is his “favorite class to teach” and “the most challenging.” As he says, and as resonates with anyone who has taught lecture courses in controversial areas that touch students’ lives, “the students come to class certain they already know all about race, though they also hold strongly divergent views, and in any event resist participating in discussions for fear that they may misspeak.” Instead of lectures, he now structures the class around formal debates between student teams. By using role playing to debate some of the most contentious contemporary racial problems, students are freed “to articulate and advocate for, or challenge and critique, racial bromides they may or may not accept...[S]tudents learn both to think critically and to speak publicly about race in the United States.” The course covers less material, and is limited to a smaller number of students, but students are learning more. Course evaluation ratings went from 5.05 (faculty average 5.73) under the old structure to 6.50 (faculty average 6.20) the first time under the new format, and 6.44 (faculty average 5.58) the second time. Student comments under the debate format were universally enthusiastic, “I loved this class. It was intellectually rigorous, stimulating, critical, and above all, mentally rowdy;” “Haney López is clearly a brilliant thinker and an amazing communicator;” “the highlight of my first year of law school...challenging, intellectually stimulating, and conducive to critical inquiry and discussion;” “the debate format worked well -- it provided an opportunity to get different ideas out in a safe way;” “a VERY successful experiment.”

Haney López taught four sections of the first year Property class during the three years of the review period, with close to 100 students in each section. His student evaluation scores varied, from an extraordinarily high score for a large basic required class of 6.55 (faculty average for all classes with over 20 students, 5.85) in Spring 2002 to an above average score of 5.90 (faculty average 5.30) in Spring 2001, to average and below average scores in Spring 2003 when he offered two sections back to back -- 5.54 and 5.17 (faculty average 5.58). Students found him “articulate, challenging and clear,” but some felt he made “too many ‘smart-alec’ comments.” Enthusiastic comments like the following were not atypical: “Without doubt, this has been the single most exciting,

informative, engaging and memorable class I have experienced throughout my post-secondary education.”

Finally, Haney López designed and taught the Social Justice Writing Seminar in 2002-03. Perceiving a need to encourage students who might eventually become law teachers, he created the seminar to help students develop their writing skills, and eventually to write a publishable paper. During the fall, enrolment was open, but neither students nor Haney López received credit for the course. Admission to the 2-unit spring component was by permission only, and limited to nine students. Students wrote several drafts and took responsibility for critiquing each others’ work, much like in a dissertation seminar. Three of the nine have had their articles accepted for publication in the *California Law Review*. Students rated the course extremely highly, with an average score of 6.75 (faculty average 6.22), and with exuberant comments (see attached) like:

This was by far the best class I have taken at Boalt...Professor Haney López’s preparation and level of feedback on student papers was simply unparalleled. I never thought I would get that much engagement from a professor at Boalt. Moreover...even if your paper was not up that week, you learned an incredible amount from Professor Haney López’s comments to others.

Two of the students in the class wrote to me to express their enthusiasm for the class (see attached letter):

As 3Ls, we have begun to reflect on our experiences at Boalt. We wanted to take a moment to share with you one of the true gems of our time here...the Social Justice Writing Seminar taught by Professor Ian Haney López. At no other point in law school have we received so much feedback on our writing or been encouraged to work so hard on the development of our legal ideas...

Professor Haney López was an extraordinary seminar leader. He poured over our drafts...We were amazed by the amount of time and effort Professor Haney López put into the class and into our projects. He struck the ideal balance between challenging critic and nurturing mentor.