

MEDIA STATEMENT -- FOR IMMEDIATE RELEASE

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Bar Associations Unite to Demand that the University of Illinois Board of Trustees Act Immediately to Address Race Issues at UIC-JMLS

Several Chicago area Bar Associations are joining together to demand that the University of Illinois Board of Trustees act swiftly to address and eradicate an environment at the University of Illinois at Chicago John Marshall Law School (UIC-JMLS) that has caused students of color to feel mistreated based on race and ignored by the UIC-JMLS administration.

On December 2, 2020, UIC-JMLS Professor Jason Kilborn administered a Civil Procedure final exam, which included the following:

Employer's lawyer traveled to meet the manager, who stated that she quit her job at Employer after she attended a meeting in which other managers expressed their anger at Plaintiff, calling her a 'n____' and 'b____' (profane expressions for African Americans and women) and vowed to get rid of her.

Later, Plaintiff's lawyer served . . . an interrogatory demanding the identity and location of any person with any information related to the termination of Plaintiff's employment at Employer or potential discrimination against Plaintiff by Employer or any agent of Employer.

Can Employer identify the former manager but properly withhold her location, as this is the product of a significant amount of work and expense by Employer's attorney?

Seeing "n____" and "b____" on the Civil Procedure exam shocked students and caused them distress and anxiety while taking the exam.¹ The use of "n____" and "b____", euphemisms for vile expressions used to denigrate Black people and women, on this Civil Procedure exam was highly offensive.

In response to criticism from members of the UIC-JMLS Black Law Students Association (BLSA), Professor Kilborn recently stated that he is "fully prepared to accept responsibility for using a context and first-letter abbreviated reference that caused anyone to feel distressed."

Apparently, Professor Kilborn still misses the point. Replacing a few letters of these words with an underscore did not excuse his extremely poor judgment and lack of empathy. He failed to consider how the unwarranted use of those words pierced the souls of racial minority and female students and others. There is no justifiable use of those words on an exam wherein the objective is to test students' knowledge with respect to the rules of Civil Procedure — the body of law establishing the rules and standards courts follow to adjudicate civil lawsuits. Indeed, as stated by the UIC-JMLS BLSA Executive Board:

The question was culturally insensitive and tone-deaf. It lacked basic civility and respect for the student body, especially considering our social justice efforts this year. . . . The integration of this dark and vile verbiage on a Civil Procedure II exam was inexcusable and appropriate measures of accountability must be executed by the UIC administration.

¹ For clarity purposes, Professor Kilborn used underscores and did not spell out every letter of either word.

Furthermore, “*preparing*” to accept responsibility and actually accepting responsibility are two different things. To date, Professor Kilborn has not issued an unequivocal apology to the students of color at UIC-JMLS (including BLSA).

Instead, Professor Kilborn has displayed unmitigated gall by arguing that *he* is the victim, while lecturing students of color on how *they* should react to racial-based trauma. In a recent Above the Law article, Professor Kilborn stated,

“[T]he right way for BLSA and others to react here is anything other than what they’ve done, and I hope you don’t further this unnecessary, unwarranted, and unconstructive attack on me. If someone inadvertently bumps into you on the street and says “hey, sorry about that” quickly, I hope none of us believes the appropriate response is to pounce on that person, beat them mercilessly, and disseminate all manner of invective about them to their employer and all over the internet. BLSA has actively pursued a campaign against me by contacting (1) central UIC administration, (2) my dean, (3) Instagram, (4) LinkedIn, (5) Channel 2 news, and perhaps to other news outlets, too, and (6) formally filing a complaint with the Office of Access and Equity. This is the office at UIC that deals with instances of alleged discrimination and harassment.”

Equally troubling is Professor Kilborn’s suggestion that his use of “n_____” and “b_____” for the last decade has granted him some sort of immunity from students having standing to challenge the propriety of the use of such words in a law school exam. Indeed, Professor Kilborn recently lamented, “I don’t want to make anyone feel unnecessarily distressed during a high-stakes exam, but I am just flabbergasted at the reaction here for the first time in ten years of consistently administering this very question to classes every bit as diverse as the one that sat for this exam”

If Professor Kilborn truly understood the impact of his actions and genuinely accepted responsibility for them, he would immediately discontinue his equivocal apologies, defensive posturing, and disappointing campaign to paint himself as the victim.

Notwithstanding Professor Kilborn’s inappropriate conduct, which, according to UIC-JMLS students of color, is not isolated to the exam incident, the undersigned bar associations are also aware that students of color have felt ignored and summarily dismissed in other instances by the leadership of UIC-JMLS’s failure to address a culture of racial insensitivity. According to a Black UIC-JMLS student:

[I]t seems that (Professor) Kilborn can act with impunity at UIC Law because the current administration remains recalcitrant in its position; it refuses to publicly sanction or remove faculty members that act in a racially-biased manner and have formal complaints against them. Meanwhile, other UIC Law faculty and staff remain silent bystanders, refusing to hold their colleagues accountable.

Further, some students of color at UIC-JMLS believe that Dean Darby Dickerson has not done nearly enough to address their concerns with respect to this incident and the larger UIC-JMLS culture. During a recent virtual meeting with students regarding the inappropriate verbiage on the Civil Procedure II exam, BLSA students informed Dean Dickerson that Professor Kilborn indicated to a student that he was “*feeling homicidal*” after learning of the students’ complaints. Professor Kilborn was placed on suspension for that remark, despite Dean Dickerson previously informing the BLSA students that she had no authority to sanction or otherwise discipline tenured professors.

The undersigned bar associations share many of the concerns expressed by students of color at UIC-JMLS. The time has come for the University of Illinois Board of Trustees to intervene. Accordingly, the undersigned bar associations hereby demand that the University of Illinois Board of Trustees take the following actions:

- Terminate the employment of Professor Jason Kilborn;
- Allow impacted students, alumni, and the underlying bar associations to be heard at the next Board of Trustees meeting;
- Compel the UIC-JMLS administration and faculty members, including UIC at Chicago Chancellor Michael Amiridis and Dean Darby Dickerson, to host a meeting with impacted students, alumni, and the undersigned bar associations;
- Require the UIC-JMLS Office of Diversity, Equity & Inclusion to be staffed with a Chief Diversity Officer to: 1) oversee diversity, equity, and inclusion (DEI) initiatives, including implementing a mandatory DEI training for UIC-JMLS students, professors, administration, and other personnel; and 2) develop initiatives focused on the substantial increase in admissions of and financial aid for students of color;
- Provide assurance that students of color will be protected from any form of retaliation related to this matter; and
- Assign a new name to the law school. John Marshall was a slave owner and an advocate of slavery. Keeping “John Marshall” in the law school’s name honors this nation’s racist history.



Black Women Lawyers' Association of Greater Chicago, Inc.

BMLA

Black Men Lawyers' Association



Cook County Bar Association



Hispanic Lawyers Association of Illinois