

Stanford Law's Federalist Society Event Falls Flat: Associate Dean Deems Exchange Unproductive



According to an associate dean, an event held by the Federalist Society at Stanford Law School took an unproductive turn. The exchange involved a guest speaker, Judge Stuart Kyle Duncan of the 5th U.S. Circuit Court of Appeals at New Orleans, who members of the audience bullied. A video linked to Duncan's opinion piece shows the audience shouting at him. In an opinion piece for the Wall Street Journal, Tirien Steinbach, the associate dean for diversity, equity, and inclusion at Stanford Law School, explained her perspective on the event. Steinbach claimed that she intended to deploy de-escalation techniques that she had been trained in, which included getting the parties to look past conflict and see each other as people.

Steinbach also wrote that the "heated exchange" was not helpful or productive. She argued that "whenever and wherever we can, we must de-escalate the divisive discourse to have thoughtful conversations and find common ground. Free speech, academic freedom, and work to advance diversity, equity, and inclusion must coexist in a diverse, democratic society." Steinbach previously served as the executive director of the East Bay Community Law Center.

In response to the event, Stanford Law School students are now required to attend a half-day education session on free speech, according to a letter from Jenny Martinez, the law school's dean. Steinbach is currently on leave from law school.

Duncan reportedly requested an administrator during the event because the heckling would not stop. Steinbach, who is Black, responded to Duncan's request by telling him she was an associate dean. She also addressed the audience, stating that Duncan's work as a lawyer and a judge "land as absolute disenfranchisement" of the rights of people in the Stanford Law community. Additionally, she argued that Duncan's work caused harm to many people at the event.

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"If you do choose to stay here," Steinbach said, "I do think we should give space to hear what Judge Duncan has to say, and I hope that also you will take the question and answer and comments section to say what you need to say and ask the questions you need to ask. I'm grateful to be in this institution. I look out and don't ask, 'What is going on here?' I look out, and I say, 'I'm glad this is going on here.'"

After Steinbach returned to her seat, many audience members walked out. Another person then asked the group to turn "down the heckling slightly, so he can get to our questions, which we so very much want to hear a response."

Before becoming a judge, Duncan was in private practice. During that time, he represented a Virginia school board that prohibited a transgender student from using school bathrooms that matched his gender identity. As a 5th Circuit judge, Duncan wrote for the majority in *United States v. Varner*, a 2020 opinion involving a federal inmate who identified as transgender and asked for a name change and is addressed with female pronouns. In the majority finding denying the motion, Duncan wrote that Varner's request didn't fall into the recognized categories of post-conviction motions. Additionally, he argued that no authority supported the proposition that the appeals court may require litigants, judges, court personnel, or others to use pronouns matching gender identities.