Roadmap to Enrolling Diverse Law School Classes

VOLUME 1: Five Tactics for Increasing Racial, Ethnic, and Socioeconomic Diversity

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"In an increasingly diverse society, maintenance of the rule of law requires a legal profession that reflects the people."[1]

The United States is an amazingly diverse country. Almost 40 percent of the population identify as people of color.[2] Unfortunately, however, the legal profession does not reflect this diversity. People of color account for only about 15 percent of the estimated 1.2 million lawyers in the U.S.[3]

Moreover, two-thirds of Americans do not hold a college degree, but in a recent survey only 28% of law students indicated that they were first-generation college graduates.[4] The dearth of racial and socioeconomic diversity we see in legal education today reflects this statistic and makes evident that pathways to law school and legal practice remain constrained for many racial, ethnic and economically disadvantaged groups. Subsequently, the legal profession fails to reflect the people it serves. This should change, and can.

The purpose of this document is to provide law schools with strategies that can serve as a roadmap for increasing the racial and ethnic diversity of their student bodies — effectively changing the face of the legal profession. This roadmap will focus on five tactics:

Tactic 1: Assess current diversity efforts.

Tactic 2: Devise diversity goals and objectives.

Tactic 3: Design enrollment management practices with diversity goals in mind.

Tactic 4: Redesign the application form.

Tactic 5: Measure the impact of admission factors on student outcomes.

1   Aaron N. Taylor, Suspicious diversity at law school (2015), http://www.nationaljurist.com/national-jurist-magazine/suspicious-diversity-law-schools
2   United States Census Bureau, *Quick Facts,* Retrieved from https://www.census.gov/quickfacts/fact/table/US/PST045217
3   ABA National Lawyer Population Survey, *10-Year Trend in Lawyer Demographics,* Retrieved from https://www.americanbar.org/content/dam/aba/administrative/market_research/national-lawyer-population-10-year-demographics-revised.authcheckdam.pdf
4   Law School Survey of Student Engagement, Law School Scholarship Policies: Engines of Inequality, Annual Report, Retrieved from http://lssse.indiana.edu/annual-results/; United States Census Bureau, Quick Facts, Retrieved from https://www.census.gov/quickfacts/fact/table/US/PST045217

This is the first volume of a multi-part series of guides focused on providing meaningful and actionable tactics for increasing law student diversity.

Other volumes in the Roadmap to Enrolling Diverse Law School Classes series include, Developing a Diversity Plan, Assessing Recruitment Efforts, Contextualizing Admissions Factors, and Leveraging Scholarships. The series will be released in its entirety by early 2019.

To materially increase the number of law students from underrepresented backgrounds, we must commit to researching, implementing and evaluating varied means of achieving this goal.

"If it is true that racial diversity is crucial to quality legal education and to an effective legal profession, then the right thing to do is to consider whether our current admissions practices can be changed for the better."[5]

As with the legal profession, one of the most salient characteristics of legal education is its lack of student racial diversity. From the time of legal education's origins in racial exclusion, law student demographics have always failed to correspond with the racial and ethnic diversity of the country. In 2017, students of color made up 30 percent of law school enrollments.[6] However, if you remove Asian and Asian American students (who are statistically overrepresented among law students) from the totals, the proportion of students of color falls to 20 percent, when they compose about one-third of the population.

Interestingly, legal education is more diverse today than it has ever been. This milestone, though, is less a reflection of progress and more a reflection of vast enrollment declines among white and Asian students. In 2017, there were about 30,000 fewer white law students than in 2011—a 30 percent decline.[7] The number of Asian students fell by a third, or more than 3,400.[8] At the same time, the number of Latino/a students rose 9 percent (about 1,000 students).[9] The enrollment of black students fell 12 percent (or about 1,200 students), but their *proportion* of total enrollments increased. Overall, the enrollment of underrepresented students of color has remained relatively flat during this timeframe, highlighting the fact that in spite of what appears to be a favorable trend, work still needs to be done, Figure 1.

5   Marjorie M. Shultz, & Sheldon Zedeck, *Predicting lawyer effectiveness: Broadening the basis for law school admission decisions.* 36 Law & Social Inquiry, 620 (2011).
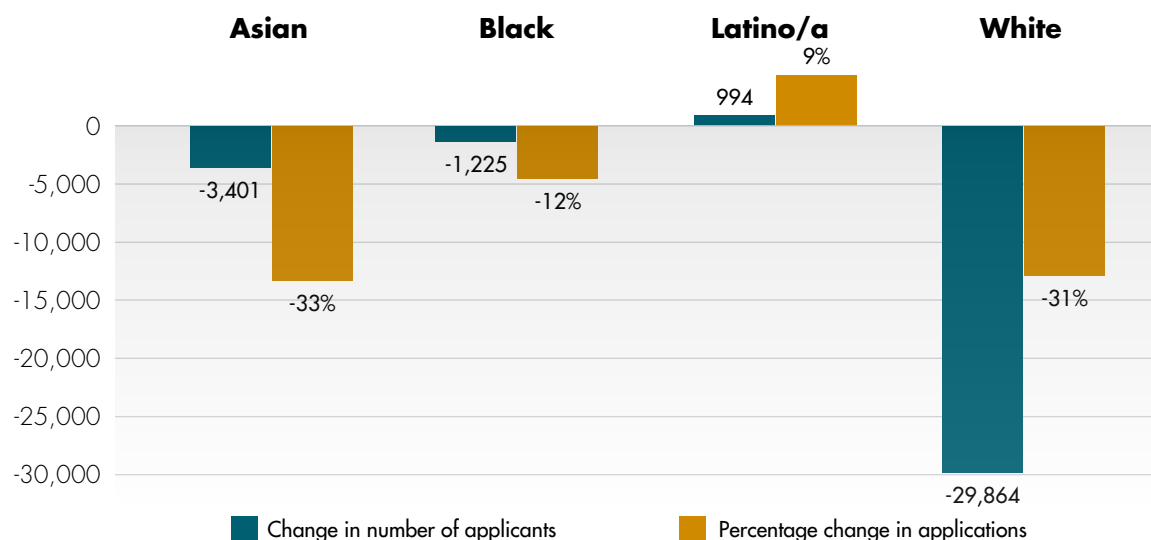6   Law School Admissions Council, Applicants by Race/Ethnicity & Sex, Statistics, Retrieved from https://www.lsac.org/lsacresources/data/ethnicity-sex-admits/archive-1
7   In 2011, there were 96,893 white law students. In 2017, that number had declined to 67,029. The counts do not include the three law schools in Puerto Rico. ABA data
8   In 2011, there were 10,234 Asian law students. In 2017, that number had declined to 6,833. The counts do not include the three law schools in Puerto Rico. ABA data
9   In 2011, there were 11,054 Latino/a law students. In 2017, that number had increased to 12,048. The counts do not include the three law schools in Puerto Rico. ABA data
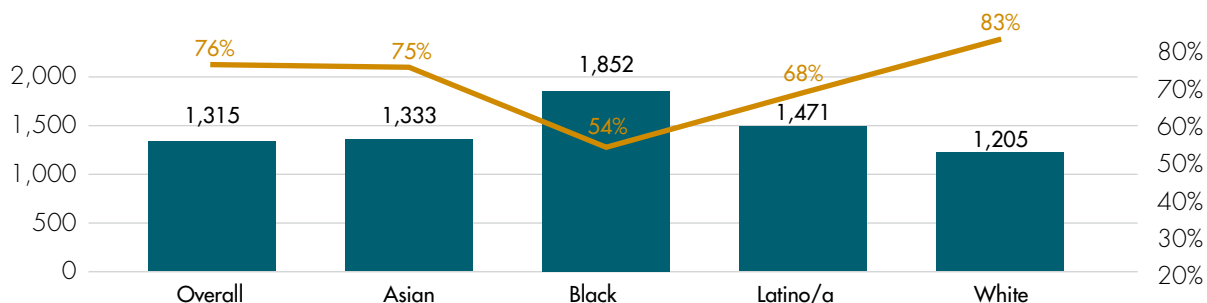
Figure 1: Volume and Percentage Change in Applications by Race/Ethnicity

	Asian	Black	Latino/a	White
Change in number of applicants	-3,401	-1,225	994	-29,864
Percentage change in applications	-33%	-12%	9%	-31%

The lack of racial diversity among entering law school cohorts reflects the narrow conceptions of merit that typically underlie law school admission processes. The prominence of the Law School Admission Test (LSAT) is especially impactful. Like most every standardized admission test, the LSAT is typified by racial and ethnic score disparities. The average score for black LSAT-takers is 142—eleven points lower than the average for white and Asian test-takers of 153.[10] Latino/a test-takers score an average of 146.[11] Racial and ethnic trends in admission rates loosely track with these score disparities.

In 2015, only 54 percent of black applicants received one or more offers of admission to law school.[12] The Latino/a rate was 68 percent.[13] The rates for Asian and white applicants were 75 percent and 83 percent respectively.[14] In more tangible terms, it took 1,852 black applicants to yield offers of admission to 1,000 members of that group, compared to 1,471 Latino/a applicants, 1,333 Asian applicants, and 1,205 white applicants.[15] The socioeconomic backgrounds of applicants are not systematically captured and tracked, but there is reason to believe comparably disparate admit rate trends also exist. We often talk about diversity in terms of pipelines, when perhaps sieves may be a more apt metaphor (Figure 2).

Figure 2: The number of applications it took to yield 1000 offers of admission in 2016 (overlaid with admit rate).

	Overall	Asian	Black	Latino/a	White
Number of applications	1,315	1,333	1,852	1,471	1,205
Admit rate	76%	75%	54%	68%	83%

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10   Susan P. Dalessandro, Lisa C. Anthony & Lynda M. Reese, LSAT Technical Report Series: LSAT Performance with Regional, Gender, and Racial/Ethnic Breakdowns: 2005–2006 Through 2011–2012 Testing Years, LAW SCH. ADMISSION COUNCIL (Oct. 2012), http://www.lsac.org/docs/default-source/research-(lsac-resources)/tr-12-03.pdf.

11   *Id.*

12   *Compare* calculations by author (listing admitted applicant stats by race and ethnicity) (on file with author), *with Applicants by Ethnic and Gender Group* (listing applicant stats by race and ethnicity) (on file with author).

13   *Id.*

14   *Id.*

15   Law School Admissions Council, Applicants by Race/Ethnicity & Sex, Statistics, Retrieved from https://www.lsac.org/lsacresources/data/ethnicity-sex-admits/archive-1

Below are five tactics for enrolling more students from underrepresented racial and ethnic backgrounds and thus creating a more diverse student body at your institution.

Tactic 1: Assess current diversity efforts.

- What efforts has your law school made to foster student diversity?

- Have you engaged in targeted recruitment efforts?

- Has your law school hosted and/or sponsored programs aimed at engaging prospective students from underrepresented backgrounds?

- Is your admission process structured with the goal of properly contextualizing relevant admission factors?

- Are your scholarship policies rooted in equity and the consideration of the financial needs of the student?

These are among the many questions that could underlie an assessment of current efforts. But all the questions should be premised on answering one fundamental question:

Does your institution have a commitment to diversity and, if so, how does that commitment manifest, in terms of human and financial resources?

After the consideration of efforts, the next step is to assess impact.

- What is the current state of student diversity at your law school?

- Are targeted recruitment efforts yielding applications from targeted groups?

- Has student diversity increased since the introduction of new diversity initiatives?

- How are applicants from underrepresented groups faring in the admission and scholarship awarding processes?

The consideration of impact is critical, as the expectation should be that tangible efforts will yield tangible results.

Your law school's current efforts and their impact will serve as a baseline for devising and undertaking new efforts aimed at increasing student diversity. Having a good sense of your starting point is essential to developing a plan for moving forward.

Tactic 2: Devise diversity goals and objectives.

Efforts to increase diversity should begin with the consideration of goals and objectives. What do we want to achieve and how will we know if we are making progress towards that achievement?

Goals tend to be broad and are often relatively easy to set. A law school diversity goal could be something as simple as, *"Increase the number of students from underrepresented racial, ethnic, and socioeconomic groups."*

While goals are broad, objectives are specific, tangible and measurable. As such, objectives often require in-depth thought and deliberation. They should be designed to help achieve the goal; in fact, there will often be numerous objectives that pertain to a single goal. Objectives associated with the goal above could be:

- Conduct at least twelve law school admission workshops during the current admission cycle at colleges and universities serving underrepresented students.

- Provide at least 1,000 application fee waivers to prospective students from underrepresented groups.

- Develop a framework for reviewing admission applications that properly contextualizes "objective" factors, such as the LSAT.[16]

- Develop a nuanced means of assessing student financial need and increase funding for need-based scholarships by 50%.

Your new diversity goals and objectives will spring from your current, baseline diversity efforts and impacts. If current efforts are not yielding desired outcomes, then renewed goals and objectives should be designed to yield better results.

Tactic 3: Design enrollment management practices with diversity goals in mind.

Law schools are increasingly relying on enrollment management models to maximize their enrollments and leverage their financial aid budgets most efficiently. Enrollment management encompasses everything from admission to scholarship awarding. These models include embedded priorities that greatly influence the composition of the class. Therefore, models should also be embedded with means of pursuing and achieving diversity goals.

An initial step in devising enrollment management models is to analyze past application and enrollment trends. In the context of diversity, you should assess the racial and ethnic composition of the applicant pool, paying close attention to how applicants from underrepresented groups fared in the admission process. Where were the leakages in the pipeline? Did applicants from underrepresented groups not apply? Among those who did apply, were they admitted? If admitted, were they offered scholarships? If so, how much? Did they enroll? How did all these trends compare to applicants from other groups?
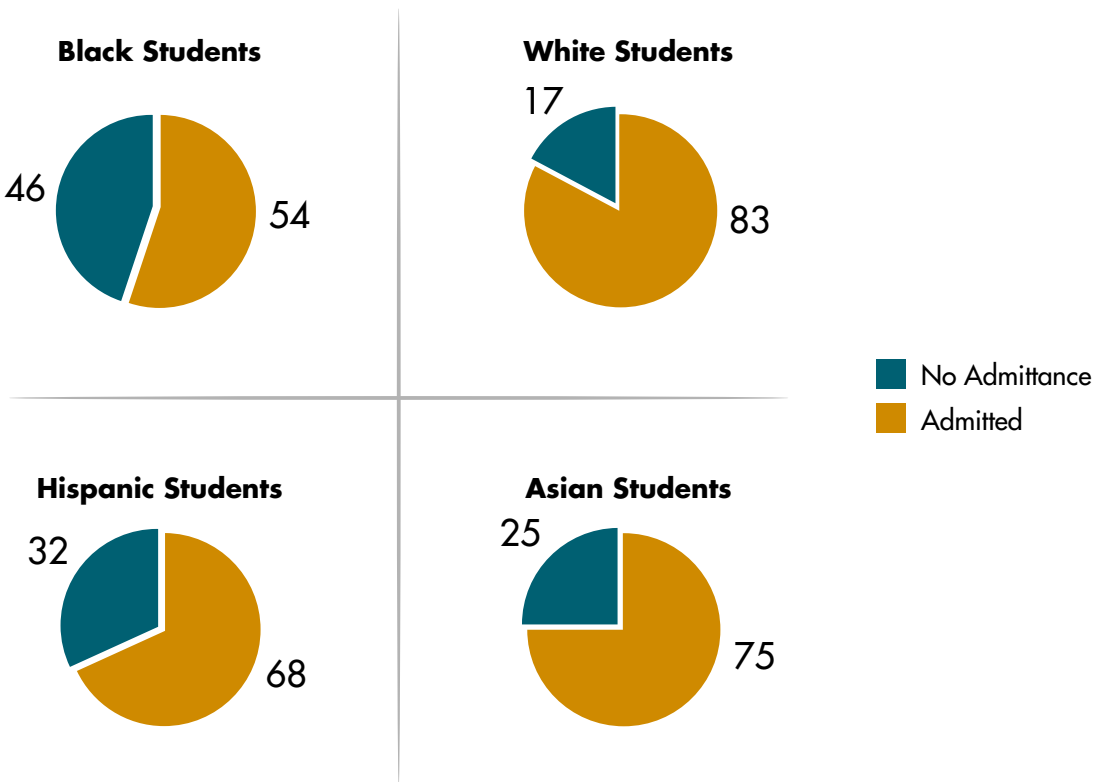
The answers to these questions (and others) will yield useful information in devising new strategies for achieving diversity goals:

- If sufficient numbers of underrepresented prospects are being admitted, but not enrolling, then the effects of admission policies, scholarship policies, and post-admission recruitment strategies should be closely scrutinized. In the same way students apply to stretch, target and safety schools, perhaps schools should view prospective students in a similar manner. At times, it may be necessary to admit students with less traditionally attractive credentials, particularly given that small variations in admission indicators rarely have tangible impacts on student performance. Are scholarship offers sufficient to induce enrollment? How are underrepresented recruited *after* an offer of admission? Recruitment does not end until orientation.

- If sufficient numbers of underrepresented prospects are applying, but not being admitted, then admission policies should be scrutinized. How do admit rates for underrepresented applicants compare to other applicants? If they are noticeably lower, why? Are admission factors relevant and properly contextualized? Is implicit bias a potential roadblock? What about a hyper-focus on rankings?

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16   William C. Kidder, *Does the LSAT Mirror or Magnify Racial and Ethnic Differences in Educational Attainment: A Study of Equally Achieving Elite College Students,* 89 Calif. L. Rev. 1055, 1124 (2001)

- If the law school fails to receive a sufficient number of applications from underrepresented prospects, then recruitment efforts should be examined. An effective diversity recruitment strategy requires substantive, multi-faceted, and consistent engagement. Sometimes structural factors will come into play. For example, interest among underrepresented prospects varies based on law school location. Overcoming such factors may require enhanced efforts (Figure 3).

Figure 3: 2015-2016 ADMISSIONS PERCENTAGES BY RACE

Black Students
46   54

White Students
17   83

Hispanic Students
32   68

Asian Students
25   75

■ No Admittance
■ Admitted

Tactic 4: Redesign the application form.

"Selective admissions have always been the preserve of the advantaged."[17]

The law school application process can be daunting and intimidating, particularly for underrepresented students who are more likely to be first-generation law students and less likely to have insight into the process. And there are nuances of which historically underrepresented applicants may be unaware. For instance, applications submitted well before the published deadlines give many students their best chance at being admitted and receiving scholarship funding. At some law schools, the application process itself may unwittingly be acting as an impediment to diversity. However, with some small but mindful modifications, the application process can instead be used as a

17   Michael A. Olivas, Constitutional Criteria: The Social Science and Common Law of College Admissions Decisions 12 (U. OF HOUS. LAW CTR., INST. FOR HIGHER EDUC., Monograph 97-1, 1997) http://www.law.uh.edu/ihelg/monograph/97-1.pdf

driving force behind diversity efforts.

The law school application form is a potent tool for actualizing and signaling a commitment to diversity. The application should be reviewed to assess whether each question and prompt serves the aims of the process, giving reviewers information they need to make the best admission decisions. If a question or prompt does not serve a useful purpose, remove it.

New questions and prompts can be added. Applicants can be encouraged to write about aspects of their background that would contribute varied and nuanced perspectives in the classroom. Or they could be prompted to write about what the notion of diversity means to them, and how it influences their interest in legal education. There are numerous possibilities, and there is evidence that the application is being underutilized by schools. For example, only 30 percent of schools ask applicants if they are first-generation college graduates.[18] This is an important diversity and merit factor that most law schools are not considering in a systematic way.

The overarching aims of enhancing the law school application form would be to signal to the applicant that diversity is important; and give the admission committee useful information in their efforts to achieve diversity goals and objectives.

Tactic 5: Measure the impact of admission factors on student outcomes.

Law schools consider a range of factors in making admission decisions. The most prominent factors include LSAT scores, undergraduate GPA (UGPA), personal statements, and letters of recommendation. But what do these factors predict, and how well do they predict them? Given the roles these factors play, these are important questions to ask.

It is critical that the criteria upon which we make admission decisions are justified and contextualized. Otherwise it threatens the legitimacy of the entire process. The predictive impact of admission factors should be measured and admission processes designed accordingly, based on findings.

A recent report found that barely half of the undergraduate institutions surveyed had conducted validity studies of the factors they considered when reviewing applications.[19] This means that the other half had little to no insight into how their admission criteria translated into student performance. Similar trends may exist among law schools.

The first step in measuring the impact of admission factors is to identify the outcomes against which factors will be assessed. A range of outcomes can have relevance in this context, including first-year grades/class rank, bar exam performance, and employment. Once outcomes (or dependent variables, in research parlance) have been identified, the next step is to identify factors that need to be measured. In this context, these factors (or independent variables) will be LSAT scores and UGPAs. This type of analysis requires variables to be quantitative; therefore, the impact of non-quantitative factors (e.g. personal statement) cannot be measured, unless the law school develops a means for scoring them.

Once variables have been identified, the predictive value of admission factors should be measured using regression analyses. Regressions estimate the extent to which change in one variable (say, LSAT score) predicts change in another variable (say, bar performance). Regression analyses are a powerful tool for not only informing admission policies and procedures, but also designing academic support programs, bar passage interventions, and means of identifying students early on who may be at risk of unfavorable outcomes. In other words, the potential benefits of having this information are vast and transcend just the admission process.

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18   Calculations by author (law school applications) (on file with author),   Law school applications can be accessed through the Law School Admissions Council website; https://os.lsac.org/Logon/Access.aspx

19   National Association for College Admission Counseling, *Use of Predictive Validity Studies to Inform Admission Practices,* Retrieved from https://www.nacacnet.org/globalassets/documents/publications/research/testvalidity.pdf

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Conclusion

When we talk about increasing law student diversity, the discussions tend to focus on the pros and cons of applicants. But it is important to look at diversity efforts as bilateral undertakings. Law schools that are open to continuously evaluating their admission processes to accurately assess applicant ability and likelihood of success can have a tremendous impact on the diversity of their enrolling classes.

This first volume in a five-part series is just the starting point on a roadmap to achieving the ultimate goal—diversity in legal education, and in turn the legal profession. *Volume 2: Developing a Diversity Plan* will focus on strategic planning around diversity goals and objectives, and identifying diversity outcome measures.

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