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# THE DOOR TO LAW SCHOOL

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CHRIS JOHNSON\*\*

“Democracies die behind closed doors.”<sup>1</sup> Judge Damon Keith wrote these words while ruling in favor of public

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access to government information. His words apply to the door to law school because if that door continues to remain only partially open for students of color, the increasing disparity between the diversity of the legal profession and the population it serves will result in a crisis of confidence in our democracy, our businesses, our leadership, and our justice system. For us as lawyers, this should be *the* civil rights issue of our generation.

One of the legal bastions of the civil rights movement, the NAACP Legal Defense and Education Fund, has opened many doors in its history. It commissioned African American lithographer Elizabeth Catlett in the year 2000 to produce “The Door to Justice” to commemorate its 60<sup>th</sup> anniversary. Catlett was born in 1915 and was raised by her widowed mother and her grandparents, both of whom had been slaves.<sup>2</sup> She was harassed by the United States government in the 1950’s for her membership in an artists’ printmaking collective in Mexico, which was thought at the time to be a “Communist Front” organization.<sup>3</sup> As a result, she became a Mexican citizen in 1962.<sup>4</sup>

The work she produced for the Legal Defense Fund was “*The Door to Justice*,” which portrays those who suffer and fight social injustice and inequality. This print shows an African American man and woman lifting the door to justice off its hinges, as those who seek justice wait solemnly on the other side for admission. While most of those waiting are people of color, an older white woman and a blonde child remind viewers that age and gender, too, are obstacles to equal treatment under the law.

While the door to America’s law schools are not completely closed to racial and ethnic minorities, it is not open equally to all who seek admission. The goal of this article is to document these inequalities, discuss their social

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<sup>1</sup> Detroit Free Press v. Ashcroft, 303 F.3d 681, 683 (6th Cir. 2002).

<sup>2</sup> Paul Janczewski, *Opening Statement-Cooley Opens “Door to Justice”*, OAKLAND COUNTY LEGAL NEWS, <http://www.legalnews.com/oakland/67330> (last visited Jan. 18, 2011).

<sup>3</sup> *Id.*

<sup>4</sup> Valerie Gladstone, *Art/Architecture; Strong Enough to Keep On Till She Got Her Due*, N.Y. TIMES, Apr. 7, 2002, at AR33(L).

and economic costs, and suggest a blueprint for action to open the door to law school.

### I. DISPARATE SHUT-OUT RATES

The Law School Admissions Council (LSAC) keeps publicly available statistics on the number of students who apply to, are accepted by, and matriculate at America's ABA-approved law schools.<sup>5</sup> This data makes it possible to determine the percentage of each racial and ethnic group that is totally shut-out from admission to law school by comparing the total number of students in that group who apply for admission to the number who secure at least one offer of admission. For example, if 100 students apply to law school and only 50 receive an offer of admission, the shut-out rate for that group is 50%.

Representative Stephanie Tubbs-Jones invited Dean Nussbaumer to present data on these shut-out rates in September 2007 at the Congressional Black Caucus Foundation's Annual Legislative Conference in Washington, D.C. Dean Nussbaumer continues to present updated data at various programs, including the January 2009 Annual Meeting of the American Association of Law Schools. The current data published by the LSAC covers ten law school entering class years, starting with the Fall 2000 entering class and ending with the Fall 2009 entering class.

The total number of applicants tracked during this ten-year sample is 819,250, of which 571,300 were Caucasian, 95,870 were African American, 71,240 were Asian American, 42,460 were Hispanic, 17,880 were Puerto Rican, 13,540 were Mexican American, and 6,960 were Native

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<sup>5</sup> <http://www.lsac.org/LSACResources/Data/volume-summary-ethnic-gender.asp> (follow "Applicants by Ethnic and Gender Group" hyperlink, and follow "Admitted Applicants by Ethnic and Gender Group" hyperlink, and follow "Matriculants by Ethnic and Gender Group" hyperlink). The American Bar Association (ABA) Section of Legal Education and Admission to the Bar is the official accrediting agency for Law Schools and schools that have received such accreditation are referred to as "ABA-approved Law Schools".

American. The shut-out rates for these groups during this period were as follows:

Of the 571,300 **Caucasian applicants**, 392,630 or 69% received at least one offer of admission, yielding a shut-out rate of **31%**

Of the 95,870 **African American applicants**, 38,240 or 40% received at least one offer of admission, yielding a shut-out rate of **60%**.

Of the 71,240 **Asian American applicants**, 44,710 or 63% received at least one offer of admission, yielding a shut-out rate of **37%**.

Of the 42,460 **Hispanic applicants**, 23,180 or 55% received at least one offer of admission, yielding a shut-out rate of **45%**.

Of the 17,780 **Puerto Rican applicants**, 8,570 or 48% received at least one offer of admission, yielding a shut-out rate of **52%**.

Of the 13,540 **Mexican American applicants**, 7,740 or 57% received at least one offer of admission, yielding a shut-out rate of **43%**.

Of the 6,960 **Native American applicants**, 4,060 or 58% received at least one offer of admission, yielding a shut-out rate of **42%**.

The Law School Admissions Council also tracks the mean LSAT scores for these racial and ethnic groups.<sup>6</sup> The most comparable data set available appears in LSAC Technical Report 08–03, which profiles LSAT performance by racial and ethnic groups for seven of the ten years analyzed above, from the 2001–02 testing year through the 2007–08 testing year. This data shows that the mean LSAT scores for each group during this period averaged as follows:

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<sup>6</sup> Susan P. Dalessandro, Deborah A. Suto & Lynda M. Reese, *LSAT Performance with Regional, Gender, and Racial/Ethnic Breakdowns: 2001–02 through 2007–08 Testing Years* (Law School Admission Council, Oct. 2008).

**Caucasian applicants** had an average mean LSAT score of **153**.

**African American applicants** had an average mean LSAT score of **142**.

**Asian American applicants** had an average mean LSAT score of **152**.

**Hispanic applicants** had an average mean LSAT score of **146**.

**Puerto Rican applicants** had an average mean LSAT score of **138**.

**Mexican American applicants** had an average mean LSAT score of **148**.

**Native American applicants** had an average mean LSAT score of **148**.<sup>7</sup>

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<sup>7</sup> *Id.* at 13.

Table 1 below pulls the LSAT scores and shut-out rates for these groups into chart form, listing the different groups in order from the lowest to highest shut-out rates:

**Table 1—LSAT Scores and Shut-Out Rates by Applicant Group**

<b>Applicant Group</b>	<b>Average Mean LSAT Score</b>	<b>Shut-Out Rate</b>
Caucasian	153	31%
Asian American	152	37%
Native American	148	42%
Mexican American	148	43%
Hispanic	146	45%
Puerto Rican	139	52%
African American	142	60%

This data shows that while less than one-third of all Caucasian applicants are shut-out from America's ABA-approved law schools, the shut-out rates for every applicant group of color are higher, even for groups like Asian Americans whose LSAT scores are statistically indistinguishable from their Caucasian counterparts. Furthermore, out of the two largest applicant groups of color, Hispanics and African Americans, nearly one-half and two-thirds of all applicants, respectively, never got the chance to prove through performance that their LSAT scores are not the best measure of their ability to succeed.

Except for Puerto Rican applicants, a group's LSAT score appears to determine its rank-order shut-out rate position—the lower a group's LSAT score, the higher its shut-out rate. The exception for Puerto Rican applicants may be explainable in part by the existence of three Puerto Rican law schools that admit substantial numbers of Puerto Rican students.<sup>8</sup>

## II. ENROLLMENT TRENDS AND LOST GROUND

This section analyzes enrollment trends among the different racial and ethnic groups tracked in the publicly available data published by the ABA Section of Legal Education and the Law School Admissions Council since the 2000–01 academic year.

### *A. African American Enrollment Trends*

In the 2000–01 academic year, 9,354 African Americans were enrolled as J.D. students at America's ABA-approved law schools.<sup>9</sup> By the 2009–10 academic year, African

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<sup>8</sup> Inter American University School of Law, Pontifical Catholic University School of Law, and University of Puerto Rico School of Law. Together, these three schools enrolled 2,284 students in the most recent data compiled in the *ABA-LSAC Official Guide to ABA-Approved Schools*, of which all but 44 were Puerto Rican students.

<sup>9</sup> Law Sch. Admin. Council, *A.B.A.—L.S.A.C. Official Guide to A.B.A.- Approved Law School*, 2011 A.B.A. SEC. OF LEGAL EDUC. & ADMIN. TO THE B. app. A 870, 872 (2011).



American enrollment had grown to 10,173 students, an increase of 819 students, or 9%, during that ten-year period.<sup>10</sup> During the same period, the enrollment of all students of color grew from 25,753 students in 2000–01 to 32,505 students in 2009–10, an increase of 6,752 students, or 26%.<sup>11</sup> Further, the enrollment of all students grew from 125,173 in 2000–01 to 145,239 students in 2009–10, an increase of 20,066 students, or 16%.<sup>12</sup>

The 9% growth in African American enrollment lagged 15 percentage points behind the 26% growth in all students of color, and 6 percentage points behind the 16% growth in all students. African Americans thus lost ground and fell further behind in proportional representation during this period.

### *B. Asian American Enrollment Trends*

In the 2000–01 academic year, 8,173 Asian Americans were enrolled as J.D. students at America’s ABA-approved law schools.<sup>13</sup> By the 2009–10 academic year, Asian American enrollment had grown to 11,327 students, an increase of 3,154 students, or 39%, during that ten-year period,<sup>14</sup> compared to the 26% growth in the enrollment of all students of color and the 16% growth in the enrollment of all students.

The 39% growth in Asian American enrollment exceeded the 26% growth in all students of color by 13 percentage points, and exceeded the 16% growth in all students by 23 percentage points. Asian Americans thus gained ground and closed the gap in proportional representation during this period.

### *C. Hispanic Enrollment Trends*

In the 2000–01 academic year, 4,177 Hispanics were enrolled as J.D. students at America’s ABA-approved law

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 870.

<sup>12</sup> *Id.* at 874.

<sup>13</sup> *Id.* at 871.

<sup>14</sup> *Id.*

schools.<sup>15</sup> By the 2009–10 academic year, Hispanic enrollment had grown to 6,514 students, an increase of 2,337 students, or 56%, during that ten-year period,<sup>16</sup> compared to the 26% growth in the enrollment of all students of color and the 16% growth in the enrollment of all students.

The 56% growth in Hispanic enrollment exceeded the 26% growth in all students of color by 30 percentage points, and exceeded the 16% growth in all students by 40 percentage points. Hispanics thus gained ground and closed the gap in proportional representation during this period.

#### *D. Mexican American Enrollment Trends*

In the 2000–01 academic year, 2,417 Mexican Americans were enrolled as J.D. students at America’s ABA—approved law schools.<sup>17</sup> By the 2009–10 academic year, Mexican American enrollment had grown to 2,592 students, an increase of 175 students, or 7%, during that ten-year period,<sup>18</sup> compared to the 26% growth in the enrollment of all students of color, and the 16% growth in the enrollment of all students.

The 7% growth in Mexican American enrollment lagged 19 percentage points behind the 26% growth in all students of color, and 9 percentage points behind the 16% growth in all students. Mexican Americans thus lost ground and fell further behind in proportional representation during this period, even more so than African Americans.

#### *E. Native American Enrollment Trends*

In the 2000–01 academic year, 952 Native Americans were enrolled as J.D. students at America’s ABA-approved

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<sup>15</sup> Law Sch. Admin. Council, Am. B. Ass’n Section of Legal Educ. & Admin. to the B., *A.B.A.—L.S.A.C. Official Guide to A.B.A.- Approved Law School*, 2011 A.B.A. SEC. OF LEGAL EDUC. & ADMIN. TO THE B. app. A 870, 873 (2011).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 872.

<sup>18</sup> *Id.*

law schools.<sup>19</sup> By the 2009–10 academic year, Native American enrollment had grown to 1,273 students, an increase of 321 students, or 34%, during that ten-year period,<sup>20</sup> compared to the 26% growth in the enrollment of all students of color and the 16% growth in the enrollment of all students.

The 34% growth in Native American enrollment exceeded the 26% growth in all students of color by 8 percentage points, and exceeded the 16% growth in all students by 18 percentage points. Native Americans thus gained ground and closed the gap in proportional representation during this period.

#### *F. Puerto Rican Enrollment Trends*

In the 2000–01 academic year, 680 Puerto Ricans were enrolled as J.D. students at America’s ABA-approved law schools.<sup>21</sup> By the 2009–10 academic year, Puerto Rican enrollment had shrunk to 626 students, a decrease of 54 students, or -8%, during that ten-year period,<sup>22</sup> compared to the 26% growth in the enrollment of all students of color and the 16% growth in the enrollment of all students.

The 8% decline in Puerto Rican enrollment lagged 34 percentage points behind the 26% growth in all students of color, and 24 percentage points behind the 16% growth in all students. Puerto Ricans thus lost ground and fell further behind in proportional representation during this period, even more so than African Americans and Mexican Americans.

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<sup>19</sup> *Id.* at 871.

<sup>20</sup> *Id.*

<sup>21</sup> Law Sch. Admission Council, Am. B. Ass’n Section of Legal Educ. & Admin. to the B., *A.B.A.—L.S.A.C. Official Guide to A.B.A.-Approved Law School*, 2011 A.B.A. SEC. OF LEGAL EDUC. & ADMIN. TO THE B. app. A 870, 873 (2011).

<sup>22</sup> *Id.* at 873.

*G. Enrollment Trends and Lost Ground*

Table 2 below summarizes this data into chart form. For each applicant group, it shows the net enrollment change for that group, the net enrollment change for all students of color, and the net enrollment change for all students.

**Table 2—Enrollment Trends and Lost Ground**

<b>Applicant Group</b>	<b>Net Enrollment Change</b>	<b>Net Enrollment Change Among All Students of Color</b>	<b>Net Enrollment Change Among All Students</b>
<b>African Americans</b>	<b>+9%</b>	<b>+26%</b>	<b>+16%</b>
<b>Asian Americans</b>	<b>+39%</b>	<b>+26%</b>	<b>+16%</b>
<b>Hispanics</b>	<b>+56%</b>	<b>+26%</b>	<b>+16%</b>
<b>Mexican Americans</b>	<b>+7%</b>	<b>+26%</b>	<b>+16%</b>
<b>Native Americans</b>	<b>+34%</b>	<b>+26%</b>	<b>+16%</b>
<b>Puerto Ricans</b>	<b>-8%</b>	<b>+26%</b>	<b>+16%</b>

This analysis shows that three groups lost ground in proportional representation during this ten-year period—African Americans lagged 15 percentage points behind the growth in all students of color and 6 percentage points behind the growth in all students; Mexican Americans lagged 19 percentage points behind the growth in all students of color and 9 percentage points behind the growth in all students; and Puerto Ricans lagged 34 percentage points behind the growth in all students of color and 24 percentage points behind the growth in all students.

This occurred despite a substantial increase in the number of available law school seats during this same period, from 125,173 in 2000–01 to 145,239 in 2009–10,<sup>23</sup> and slightly increasing or stable entrance credentials (i.e., LSAT scores and undergraduate GPA), at least among African American and Mexican American applicants.<sup>24</sup> So, despite better entrance credentials, African American and Mexican American candidates still lost ground in proportional representation.

These numbers, however, do not tell the whole story. For example, although Hispanic enrollment grew by 56% during this period, which sounds substantial, there were still only 6,514 Hispanic students enrolled in all ABA-approved schools by the 2009–10 academic year, compared to a total of 145,239 enrolled students. Hispanics thus comprised only 4.5% of all students, despite their recent growth among America's general population.

### III. SOCIAL AND ECONOMIC COSTS

In April 2010, the American Bar Association Presidential Initiative Commission on Diversity published *Diversity in the Legal Profession: The Next Steps*. This report outlines the following four rationales why creating greater diversity in the legal profession is a pressing priority:

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<sup>23</sup> *Id.* at 874.

<sup>24</sup> Soc'y of Am. Law Teachers & Columbia Univ. Sch. Of Law, *A Disturbing Trend in Law School Diversity*, <http://blogs.law.columbia.edu/salt/>.

The ***Democracy Rationale***: America's lawyers and judges have a unique responsibility for sustaining our political system with broad participation by all our citizens. A diverse bench and bar create greater trust in the mechanisms of government and the rule of law.

The ***Business Rationale***: Business entities are rapidly responding to the needs of global customers, suppliers, and competitors by creating workforces from many different backgrounds, perspectives, and skill sets. Ever more frequently, clients now expect and sometimes demand lawyers who are culturally diverse. Much of the corporate call for diversity can be traced to the so called "*Harry Pearce Letter*" written in 1988 by Pearce, General Motors' (GM) General Counsel at the time, to its 900 outside law firms demanding diverse representation in handling GM matters. Under Pearce's successor, Thomas A. Gottschalk, GM would be the first corporation to file an *amicus* brief in support of the University of Michigan Affirmative Action cases and then helped to lead over 60 other corporations to do the same. Professor Johnson joined GM in 1988 shortly after Pearce's letter was written and participated in the follow-up to the letter. Later, as GM's North American General Counsel, he led many of GM's efforts to continue to not only diversify GM's outside counsel, but the legal profession as well, including having GM be among the first Corporations to sign the "*Call to Action*" initiated by Rod Palmore, then General Counsel of Sarah Lee.

The ***Leadership Rationale***: Individuals with law degrees often possess the communication and interpersonal skills and the social

networks (i.e. contacts with influential people) needed to rise into leadership positions, both in and out of politics.

The ***Demographic Rationale***: Our country is becoming diverse along many dimensions, and with regard to America's racial and ethnic populations, the Census Bureau projects that by 2042, a majority of America's citizens will be citizens of color.<sup>25</sup>

These rationales provide a good overall summary of the social and economic costs we face if we fail to achieve diversity in our lifetimes. Only about 10% of the legal profession are currently lawyers of color, and this figure has not changed significantly in the past decade.<sup>26</sup> If we as lawyers fail to diversify our own ranks, as America becomes a country of color, we face the very real prospect of becoming the "apartheid" profession.

The experience of the U.S. military during the Vietnam War is chronicled in the *amicus* brief filed by Retired Generals H. Norman Schwarzkopf, Wesley Clark, Hugh Shelton, and other retired distinguished military leaders. They argued in support of the University of Michigan in its affirmative action cases, which provides an instructive comparison. The brief points out that during the Vietnam era, racial difficulties in the army were common, exacerbated by the fact that racially diverse enlisted ranks were "commanded by an overwhelmingly white officer corps."<sup>27</sup> The situation became so acute that "[t]he military's leadership 'recognized that its racial problem was so critical that it was on the verge of self-destruction.'"<sup>28</sup>

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<sup>25</sup> Am. B. Ass'n Presidential Initiative Comm'n on Diversity, *Diversity in the Legal Profession: The Next Steps*, at 9–10 (2010).

<sup>26</sup> *Id.* at 12.

<sup>27</sup> Consolidated Brief of Lieutenant General Julius W. Becton, Jr., et al. as Amici Curiae Supporting Respondents at 14, *Grutter v. Bollinger*, 539 U.S. 982 (2003) (No. 02–241, 02–516), 2003 WL 1787554 at \*13.

<sup>28</sup> *Id.* at 7, 2003 WL 1787554 at \*7 (quoting Lieutenant Colonel Elmer James Mason, *Diversity: 2015 and the Afro-American Army Officer 3* (Apr. 6, 1998) (unpublished United States Army War College

To address this problem, the armed services moved aggressively to increase the number of minority officers and to train officers in diverse educational environments. West Point, where minority representation rose from 30 in 1968 to almost 100 in 1971, was the first program that succeeded in increasing minority representation.<sup>29</sup> The Class of 2014 was 26% minority, and 17% female.<sup>30</sup> Professor Johnson, co-author to this work, was part of this beginning. When he entered West Point in 1969, he was part of both the largest class in the history of the Academy and the largest class of African American entering cadets.

The lesson that this military experience teaches us is that a great disparity of the kind experienced by the Vietnam era military and the present day legal profession can be extremely damaging to the ability of any profession to maintain its effectiveness and credibility, and that when the will to change exists, change can be accomplished.

#### IV. LOST OPPORTUNITY COSTS

The United States Bureau of Labor Statistics provides readily accessible data that allows us to compute the detrimental financial impact that the denial of law school admission has on various candidates of color, their families and their respective communities because lawyers have a greater earnings potential than many other professions. We will refer to this as “lost opportunity costs” and will compute it by comparing the difference between the lifetime earnings of the average lawyer and the lifetime earnings of other occupations. As previously mentioned, Dean Nussbaumer first presented data on these costs in September 2007 at the

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Strategy Research Project) (on file with the Defense Technical Information Center)).

<sup>29</sup> *Id.* at 18–19, 2003 WL 1787554 at \*18–19 (citing THEODORE J. CRACKEL, WEST POINT: A BICENTENNIAL HISTORY 238 (2002)).

<sup>30</sup> Press Release, *Class of 2014 to Enter West Point*, West Point News Release Number 41-10 (June 21, 2010) available at [http://www.westpoint.edu/Dcomm/PressReleasesbd/nr41-10class\\_of\\_2014\\_RDay.html](http://www.westpoint.edu/Dcomm/PressReleasesbd/nr41-10class_of_2014_RDay.html).



Congressional Black Caucus Foundation's Annual Legislative Conference in Washington, D.C. at the invitation of Representative Stephanie Tubbs-Jones.

Table 3 below provides updated data from the most recent figures available from the Bureau of Labor Statistics,<sup>31</sup> assuming a forty-year career for each occupation for which data is provided.

**Table 3—Lost Opportunity Costs**

<b>Occupation</b>	<b>Median Annual Earnings</b>	<b>Lifetime Earnings</b>	<b>Lost Opportunity Cost</b>
Lawyer	\$110,590	\$4,423,600	-----
Personal Financial Advisor	\$69,050	\$2,762,000	-\$1,661,600
Accountant/Auditor	\$59,430	\$2,377,200	-\$2,046,400
Human Resources Specialist	\$55,710	\$2,228,400	-\$2,195,200
Public Relations Specialist	\$51,280	\$2,051,200	-\$2,372,400
Social Worker	\$46,220	\$1,848,800	-\$2,574,800
Law Clerk	\$37,130	\$1,485,200	-\$2,938,400

<sup>31</sup> The United States Department of Labor Bureau of Labor Statistics, Databases and Tables, Selected Occupational Projections Data, based on 2008 median incomes, *available at* <http://data.bls.gov/oep/noeted/empoptd.jsp>.

Therefore, on an individual case basis, by comparing a lawyer's lifetime median earnings to the lifetime median earnings of, for example, a human resources specialist in Table 3, yields an individual lost opportunity cost of \$2,195,200. That is, the impact of the denial of law school admission has a potential cost to each denied applicant of \$2,195,200 in potential lifetime earnings, which would dramatically impact the lives of these individuals. And the cumulative cost to the affected racial and ethnic communities is even greater. For example, the data available from the LSAC for the Fall 2000–Fall 2009 entering classes shows that 95,870 African Americans applied to ABA-approved law schools during those ten entering class years, but only 38,240 received at least one offer of admission, meaning that 57,630 of those applicants were shut out from the opportunity to attend law school.<sup>32</sup> If just 10% of those rejected applicants would have succeeded in law school, passed the bar, and entered the profession, the net lost opportunity cost to the African American community from these 5,763 rejected applicants in this ten-year period alone, at \$2,195,200 each, would be approximately \$12.6 billion dollars.

In debates about increasing access to law school, it is common for opponents of increased access, whether motivated by their opposition to affirmative action policies or by their concern for students who fail to graduate or pass a bar exam, to cite the cost to these failing students in terms of the law school debt they may be saddled with as a result of their failure.<sup>33</sup> But those costs, while not insignificant, pale in

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<sup>32</sup> See KIMBERLY DUSTMAN & PHIL HANDWERK, LAW SCH. ADMISSION COUNCIL, ANALYSIS OF LAW SCHOOL APPLICANTS BY AGE GROUP: ABA APPLICANTS 2005–2009 (Oct. 2010), <http://www.lsac.org/LSACResources/Data/PDFs/Analysis-Applicants-by-Age-Group.pdf>.

<sup>33</sup> Phoebe A. Haddon & Deborah W. Post, *Misuse and Abuse of the LSAT: Making the Case for Alternative Evaluative Efforts and a Redefinition of Merit*, 80 ST. J. L. REV. 41, 50 (2006). See also William P. LaPiana, *Merit and Diversity: The Origins of the Law School Admissions Test*, 48 ST. LOUIS U. L.J. 955, 960 (2004); Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367 (2004).

comparison to the millions of dollars of lost opportunity costs for the individuals who are denied the chance to become a lawyer, and to the greater cumulative costs experienced by their affected community.

## V. A BLUEPRINT FOR ACTION

This section provides a blueprint for action to open the door to law school to make the profession one that is more representative of the society that it serves.

In broad general terms, there are at least three main ways to increase access to law school for applicants of color—one is to increase the entering credentials of those applicants, so that they are not shut-out from existing law school programs; another is to change the way that law school admissions decisions are currently made, by rejecting the elitist pursuit of applicants with the highest entering credentials and instead basing admissions decisions on performance-based statistics on academic attrition, bar-passage rates, and aptitude in skills and ethics; and the third is to create magnet law schools that provide those students with meaningful opportunities to succeed in law school, pass the bar examination, and enter the profession. The following subsections provide an overview of how these three goals can be achieved.

### *A. Increasing the Entering Credentials of Applicants of Color*

Achieving this goal requires the short-term strategy of leveling the LSAT preparation course playing field, and the long-term strategy of creating integrated pipeline systems that identify, mentor, and challenge promising applicants of color from at least the point at which these students enter their middle school years in the sixth, seventh, and eighth grades. Together, these strategies can make a difference in our lifetimes to increase the representation of lawyers of color in the legal profession.

### 1. Leveling the LSAT Preparation Course Playing Field

While the extent to which LSAT preparation courses can raise the scores of individual applicants is open to reasonable debate, the proliferation, and profitability of these courses is a testament to the fact that most students who can afford such courses choose to take advantage of them. Furthermore, for applicants who are on the admissions bubble, there is no question that these courses can provide a sufficient boost to move them up the LSAT ladder, enough to open the door to law school.

The problem that disproportionately affects applicants of color is money, or more accurately the lack thereof. And the solution is a concerted effort by corporations, bar associations, law firms, and individual lawyers to provide funding, either in the form of scholarships to promising applicants, or in the form of financial support for programs targeted at such applicants. This may require not only direct funding for the cost of these programs, but also indirect funding in the form of cost-of-living stipends for students who lack the parental or other resources necessary to support themselves during the time required to participate in these programs.

For those who are impatient with progress, and feel the need to do something now, this is the strategy of choice. What is crucial, however, are first, that this not be the sole strategy pursued, because of the limits on how much these programs can boost an applicant's score; and second, that we develop a transparent assessment process that measures the success rate of these programs and provides both funders and applicants with accurate consumer information to base their decisions on over time.

### 2. Creating Integrated Pipeline Systems

This is both the more promising and more difficult strategy; and only for those who are in this struggle for the long haul, and who can live on faith with deferred gratification that may take years for concrete results to materialize.

There are literally hundreds of “pipeline” programs around the country that focus on the pre-law school stages of the educational process, which have as their goal improving the quality of the applicants who want to enter the door to law school.<sup>34</sup> What is lacking, however, is the coordination of these programs into integrated pipeline systems that start at least as early as middle school, and that then help promising applicants move through each of the successive educational stages, from middle school to high school to college to law school. This lack of coordination and integration also makes it almost impossible to follow these students as they progress (or not) up the educational ladder, which in turn makes it almost impossible to track and assess the ultimate success of these programs.

The solution to this problem is the development of local, coordinated pipeline programs that work together to form an integrated system that connects all of the major stages of the educational process and shepherds promising applicants through from start-to-finish. The beauty of this approach is that we do not need to start from scratch, since quality programs and models for individual parts of the educational process already exist, at least at the high school and college level.

What is lacking, however, is similar programming at the middle school stage, and the development of cooperating agreements and coordinating councils to connect these different components into cohesive, integrated pipeline systems. One of the entities that hopes to fill that gap is the ABA Council on Racial and Ethnic Diversity in the Educational Pipeline, which supports pipeline programs around the country.

What any such system must do to be successful is to first identify promising applicants. This can be a challenge, particularly as far back as middle school, and especially given that many students of color in distressed school systems may

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<sup>34</sup> *Pipeline Diversity Directory-All Programs*, AM.B. ASS’N, <http://www2.americanbar.org/PipelineDiversity/Pages/AllPrograms.aspx> (last visited Jan. 22, 2011).

have limited horizons of what careers they might realistically pursue in life. The solution to this problem is to provide interesting and relevant programming that exposes these students to the career opportunities in the law and, perhaps more importantly, exposes them to role models of lawyers and judges who have overcome similar challenges to become members of the legal profession.

A second essential ingredient is character mentoring programs that help these potential applicants avoid the pitfalls that many of them face, including drugs, alcohol, gangs, violence, criminal activity, and teen pregnancy, among others.

The third essential ingredient is programming designed to constantly challenge these potential applicants academically, setting high expectations and standards for them to aspire to, but to do so in an environment that balances this academic rigor with support, encouragement, and positive reinforcement.

#### *B. Changing the Way that Law School Admissions Decisions are Made*

We have spoken much about the LSAT and about the lower scores that racial and ethnically diverse candidates on average achieve on the exam than their Caucasian counterparts.<sup>35</sup> This impacts law school admissions in two critical ways.

First, the current American Bar Association Standards for Approval of Law Schools, (“Accreditation Standards”) require that as part of the admissions process students take an admissions test,<sup>36</sup> and that if a test other than the LSAT is used, a variance must first be approved by the ABA Section of Legal Education.

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<sup>35</sup> See Table 1-LSAT Scores and Shut-Out Rates by Applicant Group, *supra* note 6, at 6.

<sup>36</sup> Standards & Rules of Procedure for Approval of Law Schools Standard 503 (2010), *available at* [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html) (follow “Chapter 5: Admissions and Student Services” hyperlink).

Second, the LSAT profile of a school's incoming class is a significant portion of the U.S. News and World Report Rankings, which unfortunately have a disproportionate impact on how the legal community and prospective candidates view the "quality" of a law school.

The difficulty with so much reliance on the LSAT is that it is not designed to measure many of the things that make successful lawyers, such as judgment, values and ethics, composure, creativity, team-building, innovation, and the ability to interact with and influence others. As a result, this test is not a good measure of whether the person taking it will be a successful lawyer. The LSAC itself recognizes this fact and warns against law schools misusing the test in the admissions process. The ABA Accreditation Standards similarly contain a page of warnings about misuse of the test,<sup>37</sup> yet such misuse persists, including the negative impact that the U.S. News and World Report Rankings have on the composition and diversity of entering classes.

Moreover, the LSAT only tests the knowledge component of legal education, rather than emphasizing the skills and ethics in the MacCrate Report,<sup>38</sup> Best Practices by Stuckey,<sup>39</sup> and the Carnegie Foundation Report.<sup>40</sup> This has led the ABA Section of Legal Education Standards Review Committee to undertake a substantial revision of the ABA accreditation standards to include more requirements for skills and ethics based instruction in law school.

Professor Johnson is a member of the Standards Review Committee of the ABA Section of Legal Education, which is undertaking a comprehensive three-year review of the

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<sup>37</sup> Standards & Rules of Procedure for Approval of Law Schools app. 2 (2010), *available at* [http://www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html) (follow "Appendix 2: LSAC Cautionary Policies" hyperlink).

<sup>38</sup> TASK FORCE ON LAW SCHOOLS AND THE PROFESSION, AM. B. ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM (1992).

<sup>39</sup> ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007).

<sup>40</sup> WILLIAM M. SULLIVAN ET AL., THE CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

Accreditation Standards. Standard 503 of the ABA Law School Accreditation Standards, which requires the LSAT, is presently under review to determine if it should continue to be a required part of the law school admissions process. Among the chief concerns is the fact that the LSAT is an input standard at a time when the Section of Legal Education is moving towards an outcome measures methodology.

### 1. Experimenting with New Alternatives

Professor Johnson is also looking at some alternatives to using the LSAT. Recently, the ABA Section of Legal Education has issued some waivers of the requirement that the LSAT must be used as part of the admissions process, permitting some schools to rely on other criteria such as the undergraduate Grade Point Average (GPA) of the candidate at the law school's undergraduate institution.

Building off of this trend, Professor Johnson is working with the ABA Council of Legal Education Opportunity to apply for a waiver of the LSAT requirement for students who successfully complete any one of a number of college pre-law programs, such as CLEO's Six Week Summer Institutes or the St. John's University Ronald H. Brown Preparation Program, which provide a rigorous test of a student's ability to be successful in law school by simulating the law school environment. Given that many of the students in these programs have lower LSAT scores, the fact that a school does not have to report the student's LSAT score should help to give schools an incentive to admit a student with a less elitist score because it will not have an adverse impact on the school's U.S. News and World Report Ranking.

Because providing meaningful employment for these additional graduates is essential, another alternative conceived by Professor Johnson is to create greater job opportunities in the legal marketplace. Particularly, the difficult economic times that the country is currently facing had a significant impact on the employability of new



lawyers.<sup>41</sup> Those opportunities could be in the legal services arena for the underserved, whose needs by current estimates are only being met 20% of the time.<sup>42</sup> The idea is to take the new lawyers who are unemployed or underemployed and train them to handle cases for legal services entities, using experienced lawyers nearing the end of their careers to provide training, mentoring, and supervision.

Another variation on this theme would be to train lawyers more effectively in opening their own practices and then find compensation for them in taking legal services cases. This compensation, which could work in either the pure legal services or solo practitioner model, could take the form of student loan forgiveness.

### C. *Creating Magnet Law Schools*

The concept of magnet schools has been used for many years at the elementary, middle, and high school levels as one way of remedying *de facto* racial segregation in public school districts.<sup>43</sup> This concept can and should be embraced by legal education to create magnet law schools that provide students with less elitist entering academic credentials, regardless of race or ethnicity, with meaningful opportunities to succeed in law school, pass the bar examination, and enter the

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<sup>41</sup> See NAT'L ASS'N FOR LAW PLACEMENT, MARKET FOR LAW GRADUATES CHANGES WITH RECESSION: CLASS OF 2009 FACES NEW CHALLENGES, available at [http://www.nalp.org/uploads/Class\\_of\\_09\\_Jobs\\_and\\_JDs\\_Report\\_Press\\_Release.pdf](http://www.nalp.org/uploads/Class_of_09_Jobs_and_JDs_Report_Press_Release.pdf).

<sup>42</sup> See STATE BAR OF MICH. JUDICIAL CROSSROADS TASK FORCE, ACCESS TO JUSTICE COMMITTEE, MICHIGAN'S BLUEPRINT FOR JUSTICE 38 (2010). See also Legal Services Corp., *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans* (2009), available at [http://www.lsc.gov/pdfs/documenting\\_the\\_justice\\_gap\\_in\\_america\\_2009.pdf](http://www.lsc.gov/pdfs/documenting_the_justice_gap_in_america_2009.pdf). See generally *Civil Justice*, Brennan Center for Justice at New York University School of Law, [http://www.brennancenter.org/content/section/category/civil\\_justice](http://www.brennancenter.org/content/section/category/civil_justice) (last visited Jan. 29, 2011).

<sup>43</sup> U.S. DEP'T OF EDUC., OFFICE OF INNOVATION AND IMPROVEMENT, SUCCESSFUL MAGNET HIGH SCH.: INNOVATION IN EDUCATION 1 (2008), available at <http://www.eric.ed.gov/PDFS/ED504190.pdf>.

profession. These magnet schools can be either new schools, existing schools that embrace the magnet school principles outlined in the subsections that follow, or branch campuses of existing schools that embrace those principles.

The ten key principles for these magnet schools are reasonable admissions requirements, low tuition, generous scholarships, flexible scheduling, geographic proximity to target applicants, academic support, externship programs, bar preparation support, career placement support, and employer recruitment support. The following subsections elaborate on these different components.

### 1. Reasonable Admissions Requirements

Magnet schools must ignore the elitist pursuit of the highest entering academic credentials and instead focus on performance-based statistics on academic attrition, bar passage rates, and aptitude in skills and ethics to set their admissions requirements. As noted in previous sections, the new learning outcomes methodology being developed by the ABA Standards Review Committee places a greater emphasis on skills, ethics, and values in addition to knowledge or academics.

These schools must be prepared, however, for the invidious discrimination they will suffer from those who mistakenly believe that less elitist entering academic credentials must necessarily mean that the school offers an inferior educational program, or that the school's graduates are not competent to practice law.

One key to establishing these admissions requirements is defining what constitutes an acceptable level of academic attrition for accreditation purposes. Currently, this is not defined by the ABA Accreditation Standards. As a result, schools cannot predict what will or will not be considered acceptable for accreditation purposes, and they are reluctant to venture into uncharted waters. This gap in the standards must be addressed in order for us to move forward, and the process for setting an acceptable attrition rate must take into account the impact of whatever rate is chosen on the

willingness of schools to take more risks on less elitist-credentialed students.

The ABA Standards do specifically address what constitutes an acceptable bar passage rate in Interpretation 301-6,<sup>44</sup> and the process for setting this rate did take into account the risk-willingness of schools mentioned above. Interpretation 301-6 is currently under review by the ABA Standards Review Committee, and it may well change as this review unfolds. Any changes must be based on objective data, and take into account the impact any proposed changes will have on the willingness of schools to take more risks on less elitist-credentialed students.

## 2. Low Tuition

The ABA Section of Legal Education keeps publicly available statistics on the annual average tuition and fees at all ABA-approved schools.<sup>45</sup> The most recently available data covers the years 1985-2008, and is broken down by public school resident, public school non-resident, and private school tuition and fees.<sup>46</sup>

In 1985, annual public law school resident tuition and fees at ABA-approved schools averaged \$2,006.<sup>47</sup> By 2008, it had risen to \$16,836, an increase of 233% over this 24-year period, or an average increase of more than 10% per year.<sup>48</sup>

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<sup>44</sup> This interpretation requires schools to demonstrate either that 75% of their graduates in the past five years have passed a bar examination, or that in three or more of the past five years, the school's annual first-time bar passage rate was no more than fifteen points below the pass rate for ABA-approved law schools in the same jurisdictions. *See*, The Council and the Accreditation Committee of the ABA Section of Legal Education and Admissions to the Bar, 2010–11 ABA Standards and Rules of Procedure for Approval of Law Schools 18 (2010).

<sup>45</sup> *See* Legal Education Statistics, [abanet.org/legaled/statistics/stats.html](http://abanet.org/legaled/statistics/stats.html) (follow the “Law School Tuition” hyperlink).

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

Total public school resident tuition and fees for three years of legal education increased from \$6,018 to \$50,508.<sup>49</sup>

In 1985, annual public law school non-resident tuition and fees at ABA-approved schools averaged \$4,724.<sup>50</sup> By 2008, it had risen to \$28,442, an increase of 184% over this 24-year period, or an average increase of 8% per year.<sup>51</sup> Total public school non-resident tuition and fees for three years of legal education increased from \$14,172 to \$85,326.<sup>52</sup>

In 1985, annual private law school tuition and fees at ABA-approved schools averaged \$7,526.<sup>53</sup> By 2008, it had risen to \$34,298, an increase of 156% over this 24-year period, or an average increase of 6.78% per year.<sup>54</sup> Total private school tuition and fees for three years of legal education increased from \$22,578 to \$102,894.<sup>55</sup> Tables 4 and 5 below present this information in chart form.

**Table 4—Annual Average Law School Tuition and Fees**

<b>Law School Tuition Type</b>	<b>Annual Average 1985</b>	<b>Annual Average 2008</b>	<b>Total Percentage Increase</b>	<b>Annual Average Increase</b>
Public Resident	\$2,006	\$16,836	233%	10.13%
Public Non-Resident	\$4,724	\$28,442	184%	8.00%
Private	\$7,526	\$34,298	156%	6.78%

<sup>49</sup> *Id.*

<sup>50</sup> See Legal Education Statistics, [abanet.org/legaled/statistics/stats.html](http://abanet.org/legaled/statistics/stats.html) (follow the “Law School Tuition” hyperlink; then go to “Public School Non-Resident Students” chart).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

**Table 5 – Total Law School Tuition and Fees for Three Years**

<b>Law School Tuition Type</b>	<b>Three-Year Total 1985</b>	<b>Three-Year Total 2008</b>
Public Resident	\$6,018	\$50,508
Public Non-Resident	\$14,172	\$85,326
Private	\$22,578	\$102,894

These numbers do not include any debt incurred to finance a student's undergraduate education, and do not include room, board, and any other living expenses that they must finance during law school.

These costs disproportionately affect all low-income students, regardless of race or ethnicity, but students of color are over-represented among low income students. As a result, low tuition is a key ingredient of any successful magnet school that hopes to increase access to law school for these students.

### 3. Generous Scholarships

It should be obvious from the previous section how important scholarships are to increase the number and percentage of students of color in America's law schools. But what may not be as obvious are the adjustments that are needed in merit-based entrance scholarships, why performance-based merit scholarships are important, why need-based scholarships are also essential, and the importance of offering these scholarships across the board to all students, regardless of race or ethnicity.

Many merit-based entrance scholarships are often based on LSAT scores or a combination of LSAT scores and undergraduate GPA. As Table 1 previously showed, mean LSAT scores for students of color lag behind their Caucasian

counterparts. So to be effective at diversifying the profession, schools must either set these scholarships to start at more reasonable LSAT levels for all students, or develop alternative criteria such as a greater emphasis on undergraduate GPAs, or an emphasis on skills, ethics, and values.

Performance-based merit scholarships are those based not on entering credentials, but instead on actual law school performance. Anyone who has worked with students of color knows that there will be many among them who will outperform their LSAT scores and earn law school grades beyond what their LSAT scores would predict. Performance-based merit scholarships provide both the incentive to work hard and the reward for doing so that positively reinforces this phenomenon. These, again, should be made available across-the-board to all students regardless of race or ethnicity.

Need-based scholarships are those that are not tied to entering credentials or law school performance, but are instead based on other factors. These are required in any effort to diversify the profession because there will be students who do not earn a merit-based scholarship, but who nevertheless achieve acceptable academic results. These scholarships become more important as students progress through their law school years and their total indebtedness continues to grow, in part to avoid situations in which these students are no longer able to secure additional financing, and in part to make sure that as these students approach graduation, they have sufficient funds to finance commercial bar preparation courses. As with the merit-based scholarships discussed above, these need-based scholarships should be made available to all students, regardless of race or ethnicity.

#### 4. Flexible Scheduling

This principle is related to the overall issue of cost discussed in the previous two subsections. To the extent that schools provide flexible scheduling options for their students, with both evening and weekend classes, disadvantaged students, and students of color can either continue to be

gainfully employed or secure employment that can partially finance their legal educations, and reduce their total indebtedness upon graduation. In addition, to the extent that students of color have child-rearing or elder-care responsibilities, which many of them do, flexible scheduling allows them to meet these responsibilities and still meet their law school obligations.

### 5. Geographic Proximity

This principle is also related to the overall issue of cost. A disproportionate number of applicants of color as a group have fewer financial resources, moving to a new geographic location, and leaving employment or family care responsibilities behind, or commuting to a more distant location, have a disproportionate deterrent impact on their ability to attend law school. The closer magnet schools are to the populations of color they hope to serve, the more likely they are to be successful in attracting those populations to attend.

### 6. Academic Support

The less elitist entering credentials that some students of color bring to the door to law school are not necessarily of their own making. For many of them, the die was cast when they were born into poverty and attended distressed public school systems that few parents who had a choice would ever choose to send their children to attend. And in some cases, the inadequately financed educations they receive continue on into their college years.

Academic support programs, particularly in the first semester and the first year, are thus a necessary component of any successful magnet school. This requires both a substantial financial commitment on the part of the school, and a culture that recognizes that these programs are the natural remedy for many years of previously substandard education. One way to avoid the stigma often associated with

these programs is to design programs that are either required or available to all students.

### 7. Externship Programs

Externship programs provide students with experiential training and academic credit under the supervision of lawyers, judges, and faculty members. While these programs are valuable educational experiences, they are equally important to providing students at magnet schools with a walk-on tryout opportunity to prove to potential employers that they have what it takes to succeed.

These opportunities are especially important because of the elitist discrimination that many employers practice in their traditional summer associate or other recruitment programs, effectively limiting access to students from the so-called elite schools, even though they themselves may not have attended such schools, apparently forgetting where they and many other successful lawyers have come from. Because these externship placements do not require employers to compensate the students, and do not carry the same expectation of continued obligations by the firm to the student, employers are often more willing to take risks on students in an externship setting that they otherwise would not be willing to take.

### 8. Bar Preparation Support

A large part of the bar exam in nearly every state is the multistate bar exam, a standardized test that has never been validated as a reliable measure of the ability to competently practice law. This makes bar preparation support an important principle for magnet schools whose students are attending the school in part based on their less elitist levels of performance on standardized tests like the LSAT. Bar preparation support is also important because of the financial costs associated with commercial bar preparation courses, which as noted above disproportionately affect lower-income students.



### 9. Career Placement Support

Because of the elitist discrimination that magnet schools will face, they will need to devote substantially more resources to career placement to overcome that discrimination and help their students secure meaningful employment. This does not necessarily mean increased financial resources. For example, one way to provide these students with additional career placement support is through a conscious plan to recruit as faculty members lawyer-educators with strong ties to the legal profession who can use those ties to help place students. In addition, as noted above, if we can develop jobs in the legal services arena, which may be more attractive to students with disadvantaged backgrounds, it may be possible to secure additional financial support for the schools from governmental entities.

### 10. Employer Recruitment Support

This principle refers to the support that employers who profess to care about increasing the diversity of the legal profession must give to magnet schools if these schools are going to succeed. Like the reasonable admissions requirements that magnet schools themselves must embrace, employers must be willing to rethink the elitist precepts that currently limit their recruitment efforts to a closed universe of a few “top” schools which, in turn, have only a finite number of students of color from which to choose. If employers truly believe in diversity, they must look beyond those schools and cast a broader net in their own recruitment efforts.

It is particularly important for the opinion leaders in the profession, such as the managing partners, federal judges, and in-house corporate general counsels, to lead this effort and set the example for others to follow.

## VI. CONCLUSION

The shut-out rate data presented in Section I of this article shows that while less than one-third all Caucasian applicants are shut-out from America’s ABA-approved schools, the

shut-out rates for every applicant group of color are higher, even for groups like Asian Americans whose LSAT scores are statistically indistinguishable from their Caucasian counterparts, and that nearly half of all Hispanic applicants and two-thirds of all African American applicants never get the chance to prove through performance that they have the character and the ability to succeed in law school and become a member of the legal profession.

The law school enrollment data presented in Section II shows that African Americans, Mexican Americans, and Puerto Ricans have all lost ground in terms of proportional representation during the first decade of this century, both in comparison to the growth in enrollment of all students of color and to the growth in enrollment of all students, and that this occurred despite a substantial increase in the number of available law school seats during the same period, and slightly increasing or stable entrance credentials, at least among African American and Mexican American applicants. This data makes unmistakably clear that substantial inequalities exist in terms of access to America's law schools, and that the door to law school is only partly open to certain groups.

As Section III explains, if we as lawyers fail to diversify our own ranks, as America becomes a country of color, we face the very real prospect of becoming an "apartheid" profession and creating a crisis of confidence in our democracy, our businesses, our leadership, and our justice system. For us as lawyers, this should be *the* civil rights issue of our generation.

But beyond these significant negative implications of failing to diversify the legal profession, there is a very concrete dollar cost to the individuals who are denied admission to law school and the profession and the communities they otherwise would represent. These lost opportunity costs presented in Section IV can amount to millions of dollars over their lifetimes for the individuals who are denied admission, and even more for the communities they otherwise would represent. The thousands of dollars lost in failing out of law school for those who do not make the grade pale in comparison, and must be compared to these lost

opportunity costs in order to make a balanced risk-benefit assessment.

The blueprint for action presented in Section V identifies three main ways to increase access to law school for applicants of color:

We should increase the entering credentials of those applicants in the short-term by leveling the LSAT preparation course playing field with financial support for these students, and in the longer-term by creating integrated pipeline systems that identify, mentor, and challenge these students from the beginning to the end of their educational experience.

We should change the way that law school admissions decisions are currently made by eliminating the LSAT as the required admissions test, increasing the consideration of skills, ethics, and values aptitudes, and by experimenting with new alternatives such as the CLEO/Ronald H. Brown variance concept.

We should create magnet law schools that admit students with less elitist entering academic credentials and provide those students with meaningful opportunities to succeed in law school, pass the bar examination, and enter the profession, through programs that have reasonable admissions requirements, low tuition, generous scholarships, flexible scheduling, geographic proximity, academic support, externship programs, bar preparation support, career placement support, and employer recruitment support.

Through these efforts, we can provide students of color with the opportunity to prove through performance that, in the words of Dr. Martin Luther King, their LSAT scores are

not the best measure of “the content of their character”<sup>56</sup> and their ability to become competent and conscientious members of the legal profession.

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<sup>56</sup> Martin Luther King, Jr., Speech given during The March on Washington for Jobs and Freedom, “*I Have a Dream*” (Aug. 28, 1963).