

January 2018

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### Recommended Citation

Jacqueline M. O'Bryant & Katharine T. Schaffzin, *First-Generation Students in Law School: A Proven Success Model*, 70 Ark. L. Rev. 913 (2018).

Available at: <http://scholarworks.uark.edu/alr/vol70/iss4/3>

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# FIRST-GENERATION STUDENTS IN LAW SCHOOL: A PROVEN SUCCESS MODEL

Jacqueline M. O'Bryant\* & Katharine Traylor Schaffzin<sup>+</sup>

## I. INTRODUCTION

High school graduates whose parents did not themselves graduate from college are now entering undergraduate institutions in overwhelming numbers.<sup>1</sup> They represent a significant constituency on college campuses across the country and undergraduate programs are investing resources to study and facilitate the academic success of these students as they work towards an undergraduate degree.<sup>2</sup> Those students have been graduating in greater numbers and many are now pursuing

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1. U.S. DEP'T OF EDUC., NAT'L CTR. FOR EDUC. STATISTICS, NCES No. 2012-045, THE CONDITION OF EDUCATION 2012, at 86 (2012) (finding that in 2010, 46% of 12<sup>th</sup>-grade students whose parents attained education of "high school completion or less" "had definite plans" to graduate from a four-year institution).

2. See, e.g., JENNIFER ENGLE & VINCENT TINTO, PELL INST., MOVING BEYOND ACCESS: COLLEGE SUCCESS FOR LOW-INCOME, FIRST-GENERATION STUDENTS 25-27 (2008), <http://files.eric.ed.gov/fulltext/ED504448.pdf> [<https://perma.cc/YEC7-D7ES>] (collecting research on various methods of first-generation student development).

graduate degrees, including law degrees.<sup>3</sup> To grow student retention and graduation rates, law schools should be proactive in addressing the needs of this growing body of students.

First-generation college students bring with them to law school both tremendous skills and unique challenges.<sup>4</sup> They bring with them life experiences, interdependent life skills, and work ethics that position them well to grit and grind their way through the challenges of law school. But they also often lack the social, cultural, and financial capital that more traditional law students utilize in pursuing academic success.<sup>5</sup> As with undergraduate institutions, it would behoove law schools to invest resources to aid first-generation college students matriculating to law school.

Very little research has been conducted on the experiences of first-generation college students in law school. The research that has been done demonstrates that many of the strengths and challenges facing first-generation college students in the pursuit of their undergraduate degrees persist throughout law school.<sup>6</sup> Law schools can benefit these students, and themselves, by implementing the many approaches proven to work at the undergraduate level.

For over two decades, the University of Memphis Cecil C. Humphreys School of Law has offered an alternative admissions program, called the Tennessee Institute for Pre-Law (“TIP”). This program aims to facilitate the admission, academic success, and graduation of diverse law school applicants who are denied admission through the regular application process. Among the diverse students TIP serves are first-generation college students. Over the years TIP has guided numerous first-generation college

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3. See, e.g., LAW SCH. SURVEY OF STUDENT ENGAGEMENT, LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 8, 10-11 (2014), [http://lsse.indiana.edu/wp-content/uploads/2016/01/LSSSE\\_2014\\_AnnualReport.pdf](http://lsse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf) [<https://perma.cc/W3AX-8YVT>] [hereinafter LOOKING AHEAD] (examining first-generation population in nationwide survey of law students).

4. See *infra* Part II.B.

5. See, e.g., Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 76 J. HIGHER EDUC. 276, 290 (2005); Kenneth Oldfield, *Humble and Hopeful: Welcoming First-Generation Poor and Working-Class Students to College*, ABOUT CAMPUS, Jan.-Feb. 2007, at 2, 3; Ricardo D. Stanton-Salazar & Sanford M. Dornbusch, *Social Capital and the Reproduction of Inequality: Information Networks Among Mexican-Origin High School Students*, 68 SOC. EDUC. 116, 119 (1995).

6. See, e.g., LOOKING AHEAD, *supra* note 3, at 10-11 (reporting lower grade performance, higher student loan debt, more time spent working, and lower participation rates for co-curricular activities compared to other students).

students to achieve law school admission, succeed academically, graduate, and ultimately pass the bar exam. TIP implements many strategies that benefit first-generation college students and should serve as a model for law schools interested in investing in the success of this growing population.

In Part II of this article, we identify first-generation students.<sup>7</sup> We provide a working definition of this group of students<sup>8</sup> and discuss the strengths and challenges they bring with them to higher education.<sup>9</sup> We review efforts colleges and universities have taken to benefit first-generation students on their path to academic success at the undergraduate level.<sup>10</sup> Finally, we summarize the findings of the only study done on the experiences of first-generation college students who matriculated to law school.<sup>11</sup>

Part III of this article focuses on a unique program of academic success implemented at the University of Memphis Cecil C. Humphreys School of Law.<sup>12</sup> We describe the Tennessee Institute for Pre-Law (TIP) program, its goals, and its functions.<sup>13</sup> Relying on data collected since 2012, we reveal the academic outcomes for first-generation college students who have enrolled in the TIP program, including the completion of the program, admission to law school, outperformance of admission index scores,<sup>14</sup> graduation rate, and bar passage rate.<sup>15</sup> We explain the reasons the TIP program is so successful in helping first-generation college students succeed in law school.<sup>16</sup> Finally, in Part IV of this article, we conclude that the TIP program should be replicated at law schools throughout the country as the number of first-generation college students pursuing law degrees rises.<sup>17</sup>

## II. FIRST-GENERATION STUDENTS

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7. *See infra* Part II.

8. *See infra* Part II.A.

9. *See infra* Part II.B.

10. *See infra* Part II.C.

11. *See infra* Part II.D.

12. *See infra* Part III.

13. *See infra* Part III.A.

14. *See infra* Part III.B.

15. *See infra* Part III.B.

16. *See infra* Part III.C.

17. *See infra* Part IV.

While the ranks of first-generation college students are swelling, getting a handle on who exactly qualifies as “first-generation” is quite important for tracking success, as well as for determining eligibility for programming and resources. Additionally, identifying the challenges these students face in academics is key to devising solutions for their success. Perhaps paramount is recognizing the unique skills that first-generation college students bring to campus. Only then can universities help those students capitalize on those strengths to tackle the challenges they face.

### A. Defining “First-Generation”

There exists no definitive standard describing a “first-generation student.” Narrowly defined, a first-generation student is a student whose parents have not ever enrolled in post-secondary education.<sup>18</sup> At its most broad, the definition includes those students whose parents have never earned a bachelor’s degree.<sup>19</sup> Some define first-generation students somewhere in the middle to include individuals whose parents have enrolled in some post-secondary education, but who have not earned any post-secondary degree.<sup>20</sup> However one defines a first-generation college student, institutions of higher learning are beginning to recognize the value in this growing contingent of students.<sup>21</sup>

The ranks of first-generation students entering college are vast and growing.<sup>22</sup> The U.S. Department of Education conducted a study in 2010 reporting that first-generation students

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18. See Ryan D. Padgett et al., *First-Generation Undergraduate Students and the Impacts of the First Year of College: Additional Evidence*, 52 J.C. STUDENT DEV. 243, 250 (2012) (defining first-generation status to mean that “neither parent has [received] any college education”).

19. See Robert K. Toutkoushian et al., *Talking ‘Bout My Generation: Defining “First-Generation Students”* in Higher Education Research 9 (Oct. 14, 2015) (unpublished paper), [https://www.insidehighered.com/sites/default/server\\_files/files/Talking%20Bout%20My%20Generation%20Fall%202015%20ASHE.pdf](https://www.insidehighered.com/sites/default/server_files/files/Talking%20Bout%20My%20Generation%20Fall%202015%20ASHE.pdf) [<https://perma.cc/Q2FS-YKBJ>] (explaining that “[f]irst-generation status [can] be based on whether” one or both parents attended college, but did not graduate).

20. See, e.g., *First Scholars® Program: Eligibility*, UNIV. MEMPHIS, <http://www.memphis.edu/firstscholars/applicants/index.php> [<https://perma.cc/2D6V-9NAE>] (defining a first-generation college student as one of whom “neither parent earned more than two years of education beyond high school” and neither parent earned a post-secondary degree).

21. See *infra* Part II.C.

22. U.S. DEP’T OF EDUC., *supra* note 1, at 86.

constitute nearly 50% of all college students.<sup>23</sup> Although the population of first-generation students enrolling in college is growing, the percentage of those students graduating is much smaller.<sup>24</sup> Considering how significant first-generation students are to college graduation rates, universities are beginning to invest in their academic success.<sup>25</sup>

First-generation college students share many commonalities. They are more likely than continuing-generation students to be ethnically diverse.<sup>26</sup> First-generation students are more likely to be older than traditional college students, who typically matriculate shortly after high school.<sup>27</sup> In light of their statistically older age, it is not surprising that first-generation students are more likely than continuing-generation students to have dependent children.<sup>28</sup> Socioeconomically, these “students are more likely to come from low-income families.”<sup>29</sup> Perhaps relatedly, first-generation students are more likely than their continuing-generation counterparts to live off-campus.<sup>30</sup> They are more likely than continuing-generation students to attend college on a part-time basis and work while attending classes.<sup>31</sup>

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23. Malar Hirudayaraj, *First-Generation Students in Higher Education: Issues of Employability in a Knowledge Based Economy*, 5 ONLINE J. FOR WORKFORCE EDU. & DEV., Fall 2011, at 3, <http://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1098&context=ojwed> [<https://perma.cc/RZ3Z-CCE8>].

24. U.S. DEP’T OF EDUC., *supra* note 1, at 86; LINDA DEANGELO ET AL., COMPLETING COLLEGE: ASSESSING GRADUATION RATES AT FOUR-YEAR INSTITUTIONS 9 (2011). Only 27.4% of first-generation students graduated within four years compared to 42.1% of continuing-generation students. *Id.* Only 44.8% of first-generation students graduated within five years, while 59.7% of continuing-generation students did so. *Id.* at 9 fig.4. And 50.2% of first-generation students graduated within six years, although continuing-generation students did so at a rate of 64.2%. *Id.* at 9.

25. See *infra* Part II.C.

26. KARA BALEMIAN & JING FENG, COLLEGEBOARD, FIRST-GENERATION STUDENTS: COLLEGE ASPIRATIONS, PREPAREDNESS AND CHALLENGES 9-10 (2013), <https://research.collegeboard.org/sites/default/files/publications/2013/8/presentation-apac-2013-first-generation-college-aspirations-preparedness-challenges.pdf> [<https://perma.cc/D694-LYUR>]; Patrick T. Terenzini et al., *First-Generation College Students: Characteristics, Experiences, and Cognitive Development*, 37 RES. HIGHER EDUC. 1, 8 (1996).

27. BALEMIAN & FENG, *supra* note 26, at 10.

28. Terenzini et al., *supra* note 26, at 8.

29. *Id.* at 16; see also BALEMIAN & FENG, *supra* note 26, at 3; Ernest T. Pascarella et al., *First-Generation College Students: Additional Evidence on College Experiences and Outcomes*, 75 J. HIGHER EDUC. 249, 253, 280 (2004).

30. BALEMIAN & FENG, *supra* note 26, at 10; Pascarella et al., *supra* note 29, at 265.

31. BALEMIAN & FENG, *supra* note 26, at 10; Pascarella et al., *supra* note 29, at 265.

These common characteristics may be related to statistically significant findings evidencing less successful outcomes in college for first-generation students than continuing-generation students. Once enrolled in a post-secondary institution, first-generation students typically earn lower grades than continuing-generation students.<sup>32</sup> Additionally, these students take fewer courses and earn fewer credits than their peers.<sup>33</sup> First-generation students are more likely to drop out of college or to suspend their studies than continuing-generation students.<sup>34</sup> Because of the positive correlation between courses taken, credits earned, and degree completion, it is not surprising that first-generation students are less likely than continuing-generation students to earn a bachelor's degree.<sup>35</sup> If they do graduate, it typically takes first-generation students longer than their peers to earn their degrees.<sup>36</sup> Considering the added pressures facing first-generation students at home and at work, these outcomes are not surprising. Identifying these first-generation students before they even step foot on campus is the first step in helping them achieve academic success.

### B. The Strengths & Challenges of First Gen Students

Many first-generation students share unique challenges, but they also bring with them a distinctive set of skills and strengths that, once understood, can be harnessed to the students'

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32. Sanjay S. Mehta et al., *Why Do First-Generation Students Fail*, 45 C. STUDENT J. 20, 28 tbl.4 (2011); U.S. DEP'T OF EDUC., NAT'L CTR. FOR EDUC. STATISTICS, NCES NO. 2005-171, *FIRST-GENERATION STUDENTS IN POSTSECONDARY EDUCATION: A LOOK AT THEIR COLLEGE TRANSCRIPTS* vii (2005).

33. U.S. DEP'T OF EDUC., *supra* note 32, at v; Pascarella et al., *supra* note 29, at 276; Terenzini et al., *supra* note 26, at 10.

34. BALEMIAN & FENG, *supra* note 26, at 10; U.S. DEP'T OF EDUC., *supra* note 32, at 43; Terry T. Ishitani, *Studying Attrition and Degree Completion Behavior Among First-Generation College Students in the United States*, 77 J. HIGHER EDUC. 861, 873 (2006). First-generation students were at greatest risk of dropping out during the second year of college. Ishitani, *supra*, at 873. First-generation students "were 8.5 times more likely to drop out" than those students whose parents had earned an undergraduate degree. *Id.* Students whose parents had some college education were also at greatest risk of leaving school during the second year. *Id.* These students "were 4.4 times more likely to depart than their [continuing-generation peers] were." *Id.* The risk of dropout for first-generation college students decreased after their second year. *Id.* The likelihood of a first-generation student graduating in 4 and 5 years was lower than that of a continuing-generation student by 51% and 32%. Ishitani, *supra*, at 874 tbl.4.

35. U.S. DEP'T OF EDUC., *supra* note 32, at 49 tbl.16.

36. Terenzini et al., *supra* note 26, at 16.

advantage. On the whole, first-generation students face financial hardships in attending college.<sup>37</sup> They also generally receive less support for their academic endeavors.<sup>38</sup> Collectively, they have lower academic expectations than their peers<sup>39</sup> and they arrive on campus less academically prepared for the challenges of college.<sup>40</sup> In many circumstances, they lack the cultural and social network to effectively support their academic pursuits.<sup>41</sup> Additionally, first-generation college students in many cases are less engaged with the campus community.<sup>42</sup>

Financial difficulties are an underlying challenge for many first-generation students.<sup>43</sup> Financial need is apparent even before first-generation students apply to college, as they request fee waivers for the ACT or SAT college admissions tests at a much higher rate than continuing-generation students.<sup>44</sup> Offers of financial aid tend to have greater influence in the decisions of first-generation college students to attend college and which college to attend.<sup>45</sup> These students are often more hesitant to apply for student loans than continuing-generation students.<sup>46</sup> Once these students matriculate, their retention rates positively relate to the continued availability of financial aid, although it has no similar correlation to the retention of continuing-generation students.<sup>47</sup> To meet their financial challenges, these students are

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37. See *infra* notes 43-48 and accompanying text.

38. See *infra* notes 49-50 and accompanying text.

39. See *infra* notes 58-65 and accompanying text.

40. See *infra* notes 70-72 and accompanying text.

41. See *infra* notes 51-54 and 74-77 and accompanying text.

42. See *infra* notes 84-87 and accompanying text.

43. Mehta et al., *supra* note 32, at 28.

44. BALEMIAN & FENG, *supra* note 26, at 19. From 2008 to 2012, the number of continuing-generation students increased from 8% to 14%, while the percentage of first-generation students requesting fee waivers increased from 32% to 48%. *Id.*

45. See Patricia Somers et al., *Pushing the Boulder Uphill: The Persistence of First-Generation College Students*, 41 NASPA J. STUDENT AFF., RES. & PRAC. 418, 431 (2004) (using the National Postsecondary Student Aid Study of 1995-96 to consider the impact of background, aspirations, achievement, college experiences, and price on the continued enrollment of first-generation and continuing-generation college students at four-year institutions).

46. *Id.*

47. See Mandy Martin Lohfink & Michael B. Paulsen, *Comparing the Determinants of Persistence for First-Generation and Continuing-Generation Students*, 46 J.C. STUDENT DEV. 409, 411-12 (2005) (relying on data from the Beginning Postsecondary Students Longitudinal Survey to compare the determinants of continued enrollment from the first to second year for 1,167 first-generation and 3,017 continuing-generation students at four-year institutions); Somers et al., *supra* note 45, at 431.

more likely to work on a full-time or part-time basis while they attend classes than their continuing-generations counterparts.<sup>48</sup>

Once on campus, first-generation students are more likely to report receiving insufficient support from parents and universities.<sup>49</sup> This perception is fueled by sometimes conflicting values and expectations between parents and faculty; parents may expect students to continue to contribute to the family while enrolled, while faculty may expect students to focus on their studies full-time.<sup>50</sup> Additionally, parents who have not attended college often do not possess the information needed to effectively advise their first-generation children on succeeding in college.<sup>51</sup> This knowledge and skill, which can help make college a more familiar and comfortable environment for students, is referred to as “cultural capital.”<sup>52</sup> First-generation students arrive on campus with less cultural capital than continuing-generation students who may have received advice from a parent who attended college.<sup>53</sup> Moreover, first-generation students report a general belief that

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48. BALEMIAN & FENG, *supra* note 26, at 10; INST. FOR HIGHER EDUC. POL’Y, SUPPORTING FIRST-GENERATION COLLEGE STUDENTS THROUGH CLASSROOM-BASED PRACTICES 6 (2012); Mehta et al., *supra* note 32, at 20.

49. Janet Mancini Billson & Margaret Brooks Terry, In Search of the Silken Purse: Factors in Attrition Among First-Generation Students 14 (Jan. 1982) (unpublished manuscript), <https://files.eric.ed.gov/fulltext/ED214431.pdf> [<https://perma.cc/K7H8-979Q>]; Alberto F. Cabrera et al., *Exploring the Effects of Ability-to-Pay on Persistence in College*, 13 REV. HIGHER EDUC. 303, 309-10 (1990); KARIN PETERSEN HSIAO, EDUC. RES. INFO. CTR., ERIC DIGEST NO. ED351079, FIRST-GENERATION COLLEGE STUDENTS 2-3 (1992), <https://eric.ed.gov/?q=karin+petersen+hsiao&ft=on&ff1=autHsiao%2c+Karin+Petersen&id=ED351079> [<https://perma.cc/68BU-G8DS>]; Howard B. London, *Transformations: Cultural Challenges Faced by First-Generation Students*, 1992 NEW DIRECTIONS FOR COMMUNITY COLLEGES 5, 10; Penny J. McConnell, ERIC Review, *What Community Colleges Should Do to Assist First-Generation Students*, COMMUNITY C. REV., Winter 2000, at 75, 77; Terenzini et al., *supra* note 26, at 2; Graziella Pagliarulo McCarron & Karen Kurotsuchi Inkelas, *The Gap Between Educational Aspirations and Attainment for First-Generation College Students and the Role of Parental Involvement*, 47 J.C. STUDENT DEV. 534, 536 (2006); Gary R. Pike & George D. Kuh, *First- and Second-Generation College Students: A Comparison of Their Engagement and Intellectual Development*, 76 J. HIGHER EDUC. 276, 289 (2005).

50. Billson & Terry, *supra* note 49, at 14-15.

51. W. Elliot Inman & Larry Mayes, *The Importance of Being First: Unique Characteristics of First Generation Community College Students*, COMMUNITY C. REV., Spring 1999, at 3, 4; Pascarella et al., *supra* note 29, at 252; Pike & Kuh, *supra* note 49, at 290; Michael B. Duggan, *E-Mail as Social Capital and Its Impact on First-Year Persistence of 4-Year College Students*, 6 J.C. STUDENT RETENTION 169, 172 (2004).

52. Pike & Kuh, *supra* note 49, at 290; Oldfield, *supra* note 5, at 2; Padgett et al., *supra* note 18, at 251-52.

53. Pike & Kuh, *supra* note 49, at 290; Oldfield, *supra* note 5, at 3; Padgett et al., *supra* note 18, at 252.

other students understand campus culture better than they do, which contributes to a reported self-consciousness concerning their dress and speech.<sup>54</sup>

First-generation students report receiving less encouragement from their parents to attend college than that reported by their peers.<sup>55</sup> Without firsthand experience of the benefits of a college education, the parents of first-generation students do not always agree that the student should even attend college.<sup>56</sup> These students often experience “survivor guilt,” especially if they come from a local community where attending college is unusual.<sup>57</sup>

The expectations of first-generation students in their education are generally lower than those of continuing-generation students.<sup>58</sup> A high school senior’s college aspirations tend to rise in proportion to the level of post-secondary education achieved by his or her parents.<sup>59</sup> Seventy-eight percent of twelfth-graders whose parents earned a graduate or professional degree intended to graduate from college.<sup>60</sup> Of those seniors whose parents had earned a bachelor’s degree, 66% intended to complete college.<sup>61</sup> Fifty-seven percent of those high school seniors whose parents had attended some college expected to themselves graduate.<sup>62</sup> Among first-generation twelfth-graders, however, only 46% intended to graduate from college.<sup>63</sup>

Once they arrive on campus, expectations of first-generation students do not seem to improve. Their overall satisfaction with their college experiences is lower than that of their peers.<sup>64</sup> They perceive faculty as less interested in student success and teaching than traditional students report.<sup>65</sup>

Moreover, first-generation college students are more likely than their continuing-generation counterparts to pursue

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54. BALEMIAN & FENG, *supra* note 26, at 9-10; Oldfield, *supra* note 5, at 3.

55. Terenzini et al., *supra* note 26, at 8.

56. Somers et al., *supra* note 45, at 429.

57. *Id.* at 431.

58. BALEMIAN & FENG, *supra* note 26, at 10.

59. U.S. DEP’T OF EDUC., *supra* note 1, at 86.

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. Mehta et al., *supra* note 32, at 20.

65. Terenzini et al., *supra* note 26, at 10.

vocational or technical fields of study.<sup>66</sup> Many view the college experience only as a means to obtain future employment.<sup>67</sup> They tend to take fewer courses in the humanities and are less likely to enroll in an honors program.<sup>68</sup> Interestingly, first-generation students on the whole are more certain in their academic major than their continuing-generation peers.<sup>69</sup>

Academically, first-generation college students face greater challenges than their peers. In many cases, first-generation students are less academically prepared for college and more likely to require remedial coursework,<sup>70</sup> which often includes additional costs.<sup>71</sup> They have greater demands on their time than continuing-generation students report.<sup>72</sup> Perhaps relatedly, they report studying fewer hours than their continuing-generation counterparts.<sup>73</sup>

First-generation students and their universities often demonstrate a “cultural mismatch,” which may disadvantage these students by unnecessarily increasing the difficulty of completing academic tasks and negatively affecting student performance.<sup>74</sup> First-generation students typically demonstrate the interdependent norms of a working-class upbringing.<sup>75</sup> Universities, however, tend to expect a great deal of independence, as normalized in more middle-class backgrounds.<sup>76</sup> First-generation students often find themselves

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66. BALEMIAN & FENG, *supra* note 26, at 10.

67. INST. FOR HIGHER EDUC. POL’Y, *supra* note 48, at 6.

68. Terenzini et al., *supra* note 26, at 11 tbl.2.

69. *Id.* at 8.

70. BALEMIAN & FENG, *supra* note 26, at 10; Terenzini et al., *supra* note 26, at 10 (reporting that first-generation students are more likely to have weaker cognitive skills than their peers in the areas of reading, math, and critical thinking); Mehta et al., *supra* note 32, at 20; ACT & COUNCIL FOR OPPORTUNITY IN EDUC., THE CONDITION OF COLLEGE & CAREER READINESS 2015: FIRST-GENERATION STUDENTS 6 (2016). Fifty-two percent of first-generation high school graduates who took the 2014 ACT did not meet any of the ACT College Readiness Benchmarks. ACT & COUNCIL FOR OPPORTUNITY IN EDUC., *supra*, at 9. This statistic is 63% higher for first-generation students than for high school graduates from families where at least one parent received a bachelor’s degree. *Id.*

71. LAURA JIMENEZ ET AL., CTR. FOR AM. PROGRESS, REMEDIAL EDUCATION: THE COST OF CATCHING UP 1 (2016).

72. Mehta et al., *supra* note 32, at 23, 26.

73. Terenzini et al., *supra* note 26, at 10.

74. Nicole M. Stephens et al., *Unseen Disadvantage: How American Universities’ Focus on Independence Undermines the Academic Performance of First-Generation College Students*, 102 J. PERSONALITY & SOC. PSYCHOL. 1178, 1179-80 (2012).

75. *Id.* at 1178-79.

76. *Id.* at 1178.

playing on the same field as their continuing-generation counterparts, but with the “wrong” playbook.<sup>77</sup> Notably, however, the academic performance of first-generation students equals that of continuing-generation students when universities deemphasize skills of independence and recognize skills associated with interdependence; importantly, such a focus shift seems to have no apparent adverse effect on the educational achievements of continuing-generation students.<sup>78</sup>

In addition to lacking cultural capital, first-generation students experience less social capital than continuing-generation students.<sup>79</sup> Social capital refers to the human resources and relationships from which a student may draw support and advice in plotting their course through college.<sup>80</sup> First-generation students often do not receive the help necessary to timely submit successful college admission and financial aid applications.<sup>81</sup> In many cases, they do “not receiv[e] clear [information] about the demands and expectations of higher education” while in high school.<sup>82</sup> With less social and cultural capital than their peers, first-generation students are not only at a disadvantage in applying and transitioning to college, but they are less likely to access available cultural and social resources once on campus.<sup>83</sup>

As explained above, once they arrive at college, “[f]irst-generation students are less likely to live on campus” than their continuing-generation counterparts.<sup>84</sup> They are also less likely to engage in campus activities.<sup>85</sup> Lower levels of on-campus involvement are directly attributable to the fact that more first-generation students live off-campus and are only indirectly related to the fact that they are the first in their families to attend college.<sup>86</sup> This disengagement from campus activities is

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77. *Id.*

78. *Id.* at 1190-91.

79. Stanton-Salazar & Dornbusch, *supra* note 5, at 119.

80. *Id.*

81. INST. FOR HIGHER EDUC. POL’Y, *supra* note 48, at 6.

82. McCaron & Inkelas, *supra* note 49, at 545.

83. Alyssa N. Bryant, ERIC Review, *Community College Students: Recent Findings and Trends*, COMMUNITY C. REV., Winter 2001, at 77, 85.

84. INST. FOR HIGHER EDUC. POL’Y, *supra* note 48, at 6.

85. Mehta et al., *supra* note 32, at 21; Pascarella et al., *supra* note 29, at 278; Pike & Kuh, *supra* note 49, at 289 (finding that first-generation college students do not perform well on some key indicators of college success when compared to the performance of continuing-generation peers).

86. Pike & Kuh, *supra* note 49, at 290.

detrimental to first-generation students because social interaction on campus develops a sense of belonging that is proven to contribute to the retention of first-generation students.<sup>87</sup>

In general, first-generation students arrive on campus with certain deficits that put them at a potential disadvantage, but they also typically bring with them unique strengths, cultivated through their life experiences and socio-cultural positioning.<sup>88</sup> Studies reveal that first-generation college students typically demonstrate proactivity, goal direction, optimism, and reflexivity.<sup>89</sup> Supporting those assets are certain demonstrated intangible strengths, such as “resourcefulness, strategic thinking, self-reliance, practical realism, flexibility, persistence, positivity, hopefulness, self-confidence, insightfulness, compassion, gratitude and balance.”<sup>90</sup> Certainly, these are qualities that situate first-generation students well to grit and grind their way to success, when institutions of higher learning take some steps to recognize, appreciate, and capitalize on them.

### C. Undergraduates Efforts

First-generation student success has been studied in detail for over twenty years.<sup>91</sup> Myriad suggestions for improving the outcomes for first-generation students exist and many have been tested.<sup>92</sup> From increasing the number of first-generation student applications to increasing the graduation rates of those same students, universities can take many steps to achieve mutually beneficial outcomes.

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87. Somers et al., *supra* note 45, at 430.

88. Nancy J. Garrison & Douglas S. Gardner, *Assets First-generation College Students Bring to the Higher Education Setting* 48 (Nov. 15, 2012) (unpublished manuscript), <http://files.eric.ed.gov/fulltext/ED539775.pdf> [<https://perma.cc/7QNZ-37AM>].

89. *Id.*

90. *Id.* at 2.

91. Pascarella et al., *supra* note 29, at 249-50; Terenzini et al., *supra* note 26, at 1-3.

92. See, e.g., JENNIFER ENGLE & VINCENT TINTO, MOVING BEYOND ACCESS: COLLEGE SUCCESS FOR LOW-INCOME, FIRST-GENERATION STUDENTS 25-26 (2008), [http://www.pellinstitute.org/downloads/publications-Moving\\_Beyond\\_Access\\_2008.pdf](http://www.pellinstitute.org/downloads/publications-Moving_Beyond_Access_2008.pdf) [<https://perma.cc/6DRV-GC2A>]; see generally EDUC. RESEARCH INST. OF AM., BEST PRACTICES FOR SUPPORTING LOW-INCOME, FIRST-GENERATION COLLEGE STUDENTS (2015), [https://www.in.gov/che/files/ERIA\\_Report\\_Higher\\_Ed\\_Supports\\_Review\\_of\\_the\\_Research\\_REV\\_1915\(1\).pdf](https://www.in.gov/che/files/ERIA_Report_Higher_Ed_Supports_Review_of_the_Research_REV_1915(1).pdf). [<https://perma.cc/6CQR-YX8Q>].

The first area of suggested improvement focuses on college preparation in high school.<sup>93</sup> Obviously, high schools could do more to prepare first-generation students academically to thrive in the college setting.<sup>94</sup> Less apparent is the need to instill the dream of a college education in first-generation students from a young age and to provide resources to aid in the submission of college applications.<sup>95</sup> In this way, shortfalls in cultural and social capital can be confronted well before first-generation students arrive on campus.

Colleges can ease the transition of first-generation students into college by implementing bridge programs between high school, two-year colleges, and four-year universities.<sup>96</sup> Before matriculation, bridge programs provide students with academic assessment and remediation, tutoring, learning laboratories, progress monitoring, and intrusive advising.<sup>97</sup> Intrusive advising is effective both before and after students enter college; it requires active advisor-driven contact between advisor and student, instead of an open invitation to the student to schedule an appointment with the advisor or use other available services.<sup>98</sup> Admissions and recruitment staff can reach out to students through orientation and bridge programs, as well as through open houses.<sup>99</sup> Bringing students to campus early has proven beneficial to future academic success.<sup>100</sup> Involving the families of first-generation students in this pre-college process also helps to improve the educational outcomes for these students.<sup>101</sup>

Efforts at improving the success of first-generation college students have not been limited to those matriculating from high

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93. See, e.g., JENNIFER ENGLE ET AL., STRAIGHT FROM THE SOURCE: WHAT WORKS FOR FIRST-GENERATION COLLEGE STUDENTS 5-8 (2006), [https://www.tgslc.org/pdf/files-sfts\\_what\\_works.pdf](https://www.tgslc.org/pdf/files-sfts_what_works.pdf) [<https://perma.cc/M5MJ-2Y5W>].

94. ENGLE & TINTO, *supra* note 92, at 28; KERRY J. STRAND, COUNCIL OF INDEP. COLLS., MAKING SURE THEY MAKE IT!: BEST PRACTICES FOR ENSURING THE ACADEMIC SUCCESS OF FIRST-GENERATION COLLEGE STUDENTS i, 2 (2013).

95. Pike & Kuh, *supra* note 49, at 290-91; Somers et al., *supra* note 45, at 429-31.

96. ENGLE & TINTO, *supra* note 92, at 4; Terenzini et al., *supra* note 26, at 17.

97. Terenzini et al., *supra* note 26, at 17.

98. ENGLE & TINTO, *supra* note 92, at 27.

99. *Id.* at 4; McCarron & Inkelas, *supra* note 49, at 534, 544 (studying longitudinal data collected by National Educational Longitudinal Study 1988-2000 from nationally representative sample of 1,879 students and finding that parental involvement is viable predictor of postsecondary aspirations, while noting that importance of student perceptions about academics outweighs any dirth of parental involvement).

100. STRAND, *supra* note 94, at iii.

101. *Id.* at 34-36.

school.<sup>102</sup> Many universities aim to increase transfer rates to four-year institutions.<sup>103</sup> Administrators at two-year and four-year institutions can work together to develop stronger partnerships to support first-generation transfer students through “articulation agreements, scholarships, and guidance with transfer credits.”<sup>104</sup> Transfer students can receive special focus through orientation programs similar to typical freshman orientation programs.<sup>105</sup> In this way, transfer students can also supplement their cultural and social capital.

To attract and retain first-time first-generation freshman, as well as transfer students, colleges can provide additional financial aid.<sup>106</sup> Given the unique financial pressures facing first-generation students and the deficit of cultural and social capital concerning the financial burden of higher education, colleges should strive to acknowledge and ease these financial pressures.<sup>107</sup> To best ensure positive academic outcomes, first-generation students require financial support for both educational and living expenses.<sup>108</sup>

Universities can encourage the on-campus engagement of first-generation students.<sup>109</sup> They can strongly encourage, if not require, first-generation students to reside in on-campus housing.<sup>110</sup> Increased financial aid for on-campus living expenses can go a long way to achieving this goal.<sup>111</sup> Work-study employment opportunities can be implemented to help offset the difference in costs between living on campus or at home.<sup>112</sup> The

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102. *Id.* at 3, 16-17.

103. ENGLE & TINTO, *supra* note 92, at 4.

104. McCarron & Inkelas, *supra* note 49, at 546.

105. Mehta et al., *supra* note 32, at 30.

106. ENGLE & TINTO, *supra* note 92, at 22-24; Pascarella et al., *supra* note 29, at 281; *see generally* Kelli Hutchens et al., *Supporting First-generation college Students*, 1 KY. J. HIGHER EDUC. POL’Y & PRAC. 4, at 1 (2011), <https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1004&context=kjhepp> [<https://perma.cc/73TJ-FLCN>] (explaining the University of Kentucky’s (UK) First Scholars program, sponsored by The Suder Foundation to improve retention and graduation rates of first-generation college students).

107. STRAND, *supra* note 94, at 37-39.

108. *Id.* at iii.

109. ENGLE & TINTO, *supra* note 92, at 25-26; Pike & Kuh, *supra* note 49, at 290-91.

110. Pike & Kuh, *supra* note 49, at 291.

111. STRAND, *supra* note 94, at 30; Pike & Kuh, *supra* note 49, at 291.

112. Pike & Kuh, *supra* note 49, at 291.

academic success of first-generation students demands the feeling of connection between the student and the campus community.<sup>113</sup>

Colleges can identify and track first-generation students.<sup>114</sup> By identifying first-generation students upon their entry to school, specific programs can be tailored to them, including the orientation programs discussed above.<sup>115</sup> Additional programming can be offered to these students, such as living-learning communities and on-campus employment agencies.<sup>116</sup> Tracking also allows universities to engage in “[o]ngoing assessment” of the successes and failures of first-generation students.<sup>117</sup>

Colleges can involve faculty in their efforts to provide academic support to first-generation students.<sup>118</sup> To do so, colleges must train faculty on the strengths of first-generation students and promote the development of course materials aimed at helping students exploit those assets to succeed academically.<sup>119</sup> Colleges may inform faculty which students are first-generation to encourage the creation of student-faculty relationships in which faculty can supplement the cultural and social capital students may lack.<sup>120</sup> To promote retention, faculty should encourage these students to become engaged on campus and with other students in the class.<sup>121</sup>

Along with the efforts faculty can take to develop course materials that exploit the strengths of first-generation students, colleges must institutionalize their commitment to first-generation student success.<sup>122</sup> Colleges can work to effect curricular change that may benefit first-generation students.<sup>123</sup> Flexible curricula work best, permitting students who have

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113. STRAND, *supra* note 94, at i-ii (reporting on institutional efforts of 50 colleges and universities aimed at academic success of first-generation students); INST. FOR HIGHER EDUC. POL’Y, *supra* note 48, at 22; Hutchens et al., *supra* note 106, at 7.

114. INST. FOR HIGHER EDUC. POL’Y, *supra* note 48, at 26; Pike & Kuh, *supra* note 49, at 292; STRAND, *supra* note 94, at iii.

115. Mehta et al., *supra* note 32, at 20.

116. *Id.* at 28-29.

117. STRAND, *supra* note 94, at v; Hutchens et al., *supra* note 106, at 8-9.

118. INST. FOR HIGHER EDUC. POL’Y, *supra* note 48, at 9.

119. Garrison & Gardner, *supra* note 88, at 49; Hutchens et al., *supra* note 106, at 5.

120. Mehta et al., *supra* note 32, at 30.

121. *Id.*

122. STRAND, *supra* note 94, at 28-30.

123. INST. FOR HIGHER EDUC. POL’Y, *supra* note 48, at 14.

identified their various assets to better implement their strengths in relation to course content.<sup>124</sup>

In addition to curricular change, educational institutions can work to improve student success by amending policies that hinder the “academic and social integration” of first-generation students into the campus community.<sup>125</sup> Institutions can increase academic support services for first-generation students, including a variety of programs to meet the needs of this vast and unique group.<sup>126</sup> Mentoring programs involving faculty and staff are proven to benefit first-generation students.<sup>127</sup> Other successful support services include “‘all-inclusive’ advising, bridge programs, part-time student support programs, more thorough orientation sessions, assistance with deciphering and obtaining financial aid, guidance for family and life issues, and clearer guidelines for success.”<sup>128</sup> To overcome deficits in cultural and social capital, as well as the survivor’s guilt felt by many first-generation students, colleges can also implement or increase parent support services.<sup>129</sup>

Educational programming for first-generation students highlighting the strengths and attributes that led to successful academic outcomes for graduated first-generation students has proven beneficial.<sup>130</sup> One program highlighting the personal stories of senior college students reduced the social-class achievement gap among first-generation and non-first-generation students “by 63% at the end of their first year,” and improved the psychological adjustment, as well as the academic and social engagement of first-generation students.<sup>131</sup> First-generation program participants earned a mean GPA of 3.40 at the end of their freshman year, compared to the 3.16 GPA earned by first-

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124. Garrison & Gardner, *supra* note 88, at 50.

125. Terenzini et al., *supra* note 26, at 17; STRAND, *supra* note 94, at 31-33.

126. STRAND, *supra* note 94, at 19; Somers et al., *supra* note 45, at 430-31.

127. Somers et al., *supra* note 45, at 430-31; STRAND, *supra* note 94, at 24-27.

128. McCarron & Inkelas, *supra* note 49, at 546.

129. Somers et al., *supra* note 45, at 430-31.

130. Pike & Kuh, *supra* note 49, at 290-91; STRAND, *supra* note 94, at 16-17.

131. Nicole M. Stephens et al., *Closing the Social-Class Achievement Gap: A Difference-Education Intervention Improves First-Generation Students’ Academic Performance and All Students’ College Transition*, 25 PSYCHOL. SCI. 943, 949 (2014) (investigating impact of attendance in one of eight moderated panel discussions, all featuring the same panel of eight demographically diverse college seniors, some of whom were first-generation students and others who were not, while controlling for race, ethnicity, gender, income, SAT scores, and high school GPA).

generation students that did not participate in the program.<sup>132</sup> The program improved psychosocial outcomes for all students, not just first-generation students, demonstrating that first-generation student interventions are beneficial to mainstream students, as well, improving the transition to college for all students.<sup>133</sup>

While many efforts taken by postsecondary institutions have proven beneficial to first-generation students, not all efforts to support first-generation students have succeeded.<sup>134</sup> Retention programs aimed at remediating first-generation students' academic insufficiencies typically fail to improve educational outcomes.<sup>135</sup>

Hope-based retention initiatives, however, have proven more successful at retaining first-generation students.<sup>136</sup> Hope-based models help first-generation students recognize, grow, and apply their assets to benefit most from their postsecondary educations.<sup>137</sup> Counselors and advisors most familiar with the strengths and challenges of first-generation students are well-suited to offer freshman or transfer seminars to teach students and faculty about strengths-based interventions.<sup>138</sup>

Also effective are university policies and programs that validate the experiences of first-generation students.<sup>139</sup> Student to faculty, student to administrator, and student to peer interventions can reinforce the belief that first-generation students are able students capable of success who belong in the campus community and whose experiences are valuable sources of knowledge that can contribute to the learning environment.<sup>140</sup> Such efforts can result in a culture shift away from independence and towards interdependence, which is proven to improve the academic outcomes of first-generation students without adversely affecting the success of continuing-generation students.<sup>141</sup>

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132. *Id.* at 948 fig.1.

133. *Id.* at 951.

134. Cyrus R. Williams & S. Kent Butler, *A New Retention Variable: Hope and First-Generation College Students*, 2010 VISTAS ONLINE 11, at 1, [https://www.counseling.org/docs/default-source/vistas/vistas\\_2010\\_article\\_11.pdf?sfvrsn=11](https://www.counseling.org/docs/default-source/vistas/vistas_2010_article_11.pdf?sfvrsn=11) [<https://perma.cc/H3TA-FRA3>].

135. *Id.*

136. *Id.* at 5-6.

137. *Id.* at 7.

138. *Id.* at 7-8.

139. Terenzini et al., *supra* note 26, at 17.

140. *Id.*

141. Stephens et al., *supra* note 74, at 1192, 1194.

College communication materials, including mission statements, guidebooks, and recruitment products can highlight the importance of interdependence and the university's understanding that there are multiple paths to success and that all are appreciated.<sup>142</sup> Institutions of higher learning can expand expectations for college students "to include more interdependent cultural norms" such as on-campus engagement and group learning.<sup>143</sup> The focus on interdependence in college may not only help students succeed in education, but may also benefit students entering the workforce after graduation.<sup>144</sup>

#### D. Transitioning from Undergrad to Law School

Extensive research has been done on first-generation college students at the undergraduate level, but limited work has been done to study the experiences of these students in law school.<sup>145</sup> Studies suggest that the challenges first-generation college students face throughout undergraduate school persist to impact their preparation for, admission to, and participation in law school.<sup>146</sup> At least one survey has focused on first-generation college students who have earned an undergraduate degree and gone on to attend law school.<sup>147</sup> The Indiana Center for Postsecondary Research (ICPR) annually surveys law students from schools across the U.S., Canada, and Australia and publishes its findings in the Law School Survey of Student Engagement

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142. *Id.* at 1194.

143. *Id.*

For example, in most universities, undergraduate research opportunities are listed on transcripts as 'independent study.' This label conveys that the project will be individually driven, rather than a cooperative project carried out together with a faculty member. . . . [By] recognizing that research is often a collaborative process [universities] might have the added benefit of encouraging a different style of mentoring between faculty and students and, in the long-term, encourage greater numbers of first-generation college students to consider pursuing a research path . . . .

*Id.*

144. *Id.*

145. LOOKING AHEAD, *supra* note 3, at 10.

146. See Karen Sloan, *First in Their Families*, NAT'L L.J. (Mar. 30, 2015), <https://www.law.com/nationallawjournal/almID/1202721934344/> [<https://perma.cc/WCY3-QVC8>] (discussing first-hand accounts and survey of challenges faced by first-generation college graduate law students); see also LOOKING AHEAD, *supra* note 3, at 10.

147. LOOKING AHEAD, *supra* note 3, at 10.

(LSSE).<sup>148</sup> In its 2014 LSSE, entitled *Looking Ahead: Assessment in Legal Education*, the ICPR included its findings about first-generation college students who have matriculated to law school.<sup>149</sup> For purposes of the study, the term “first-generation” was defined broadly to include students whose parents had not earned a bachelor’s degree.<sup>150</sup> The LSSE considered many of the same subjects evaluated in similar studies of first-generation undergraduate students.<sup>151</sup> The LSSE considered the different experiences of first-generation college students in law school and those of continuing-generation college students in law school with respect to “academic preparation, [student loan] debt, how they spent their time, and their [overall] satisfaction with their law school experience.”<sup>152</sup> The results of the LSSE survey indicated that the challenges first-generation college students face during their undergraduate experience extend into law school.<sup>153</sup>

According to the survey, 27% of law student respondents met the definition of first-generation college students.<sup>154</sup> The survey found that first-generation students “were [relatively] evenly distributed among 1L, 2L, and 3L classes.”<sup>155</sup> However, first-generation college students made up a significant contingent of those pursuing law degrees through a part-time program (32%).<sup>156</sup> Also consistent with similar studies of first-generation undergraduate students, a larger percentage of first-generation students in law school identified as minorities than did continuing-generation students.<sup>157</sup> Among survey participants who identified as first-generation college students, 48% listed their race or ethnicity as Hispanic.<sup>158</sup> Forty-three percent of first-

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148. *About LSSSE*, LSSE: UNDERSTANDING LEGAL EDUC., <http://lssse.indiana.edu/who-we-are/> [<https://perma.cc/SK77-PJLG>].

149. *LOOKING AHEAD*, *supra* note 3, at 10-11. The 2014 study was conducted across 70 law schools with 21,173 students participating. *Id.* at 3. The average response rate per institution was 51%. *Id.*

150. *Id.* at 10.

151. *Id.*

152. *Id.*

153. *Id.* at 10-11.

154. *LOOKING AHEAD*, *supra* note 3, at 10.

155. *Id.*

156. *Id.* Part time law students in a four-year program were identified in the LSSE survey as “4Ls.” *LAW SCH. SURVEY OF STUDENT ENGAGEMENT, THE LAW SCHOOL YEARS: PROBING QUESTIONS, ACTIONABLE DATA 12* (2005).

157. *LOOKING AHEAD*, *supra* note 3, at 10.

158. *Id.*

generation respondents listed their race as Black/African-American and 25% identified themselves as Asian.<sup>159</sup> Twenty-three percent of first-generation respondents self-identified as White.<sup>160</sup>

The LSSE found that first-generation students were admitted to law school based on lower LSAT scores than their peers. On average, first-generation students scored a 152.5 on the LSAT, compared with an average score of 155.9 for continuing-generation students.<sup>161</sup> First-generation students also matriculated with lower undergraduate GPAs than their counterparts, although the difference was somewhat more negligible. First-generation students surveyed reported an average undergraduate GPA of 3.28, compared to a 3.32 average for continuing-generation students.<sup>162</sup>

Once students matriculated to law school, first-generation college students reported poorer academic performances than their peers, although not by much. “[F]irst-generation students reported having a ‘B’ average; compared to a B+ average for other students.”<sup>163</sup> Although the patterns of lower academic performance for first-generation college students continues into law school, the survey results tend to suggest that these students have begun to close the gap by the time they reach law school.

The 2014 LSSE revealed that most law students rely on student loans to finance their educations; of those surveyed, 86% of law students reported accumulating student loan debt prior to or during law school.<sup>164</sup> First-generation college students, however, tend to rely more on such loans in law school than their continuing-generation counterparts.<sup>165</sup> Ninety-three percent of first-generation college students in law school reported having incurred student loan debt, compared to 84% of their more traditional peers.<sup>166</sup> “Put differently, the proportion of first-generation students with no education debt was less than half the proportion among other students.”<sup>167</sup>

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159. *Id.*

160. *Id.*

161. *Id.*

162. LOOKING AHEAD, *supra* note 3, at 10.

163. *Id.*

164. *Id.*

165. *Id.*

166. *Id.*

167. LOOKING AHEAD, *supra* note 3, at 10.

Additionally, first-generation college students in law school reported borrowing in greater amounts than other students, especially during the later years of law school.<sup>168</sup> “On average, first-generation, full-time 3Ls reported 23% more debt than other 3Ls[—]\$97,000 compared to \$79,000.”<sup>169</sup> Additionally, “[p]art-time, first-generation students in their fourth year reported 26% more debt than other students in the same class—\$97,000 compared to \$77,000.”<sup>170</sup>

This discrepancy in student debt levels between first-generation college students attending law school and their peers may be attributable to a number of factors. First, the 2014 LSSE cites “lower levels of personal and family wealth” among first-generation college students as a likely factor contributing to this discrepancy.<sup>171</sup> “Law school financial aid policies” are also cited as a possible factor.<sup>172</sup> Because “law schools tend to award the most lucrative merit scholarships to students with higher LSAT scores and undergraduate GPAs,” the lower undergraduate performance by first-generation college students in both areas likely rewards continuing-generation students with more financial assistance, thus explaining the increased amount first-generation students must borrow to complete their legal educations.<sup>173</sup>

First-generation college students in law school reported spending more time preparing for class and more time working for pay than their peers, but less time participating in co-curricular activities associated with law school.<sup>174</sup> On average, first-generation first-year law students reported studying 33 hours per week on average and working seven hours per week.<sup>175</sup> Non-first-generation first-year students reported studying 31 hours per week, while working five hours per week.<sup>176</sup> Among second-year law students, both first-generation and non-first-generation

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168. *Id.* at 11.

169. *Id.*

170. *Id.* Because these figures are self-reported, the survey indicates that actual debt levels are likely to be higher. *Id.*

171. LOOKING AHEAD, *supra* note 3, at 11.

172. *Id.*

173. *Id.*

174. *Id.*

175. *Id.*

176. LOOKING AHEAD, *supra* note 3, at 11.

students reported studying an average of 27 hours per week.<sup>177</sup> However, the first-generation second-year law students reported working ten hours a week, compared to the eight hours reported by non-first-generation students.<sup>178</sup> Among third-year law students, first-generation students reported studying an average of 24 hours per week, while working eleven hours a week.<sup>179</sup> Non-first-generation third-year students reported studying 22 hours per week and working nine hours a week, on average.<sup>180</sup>

The results of the survey reveal that “[f]irst-generation students reported spending about 8% more time studying for class and 25% more time working for pay, compared to other students.”<sup>181</sup> These disparities seem to become greater as students progress through law school.<sup>182</sup> Overall, “[f]irst-generation 3Ls reported spending 8.5% more time studying than other 3Ls.”<sup>183</sup> Additionally, “[p]art-time, first-generation students in the fourth year reported spending 17% more time studying than other students in the same year.”<sup>184</sup> The LSSE attributes the increased study time among first-generation students to “many factors that could evolve over time.”<sup>185</sup> The survey cites several examples of these factors, including lower admissions credentials of first-generation college students entering law school that could motivate them to devote more time studying than their continuing-generation peers.<sup>186</sup> The desire to improve grades before graduation is another possible contributing factor for study time discrepancies during the 3L year.<sup>187</sup>

Of all the differences between first-generation and continuing-generation students in law school, one stands out among the rest: time spent working for pay during law school.<sup>188</sup> The 2014 LSSE reported that time spent working for pay among first-generation college students was the “most pronounced” during the first year of law school, “when first-generation

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177. *Id.*

178. *Id.*

179. *Id.*

180. *Id.*

181. LOOKING AHEAD, *supra* note 3, at 11.

182. *Id.*

183. *Id.*

184. *Id.*

185. *Id.*

186. LOOKING AHEAD, *supra* note 3, at 11.

187. *Id.*

188. *Id.*

students report spending 40% more time.”<sup>189</sup> The actual number of hours spent working are not particularly high for either first-generation college students or their more traditional peers, but, when “aggregated over the course of the school year,” the total hours worked by first-generation students are substantial.<sup>190</sup> First-generation students are more likely to ignore the conventional wisdom of avoiding employment during the first year of law school.<sup>191</sup>

In addition to spending more time working, first-generation college students also reported less involvement in law school co-curricular activities, including such resume builders as law review or other “law journal[s], moot court, and faculty research assistantships.”<sup>192</sup> The LSSE notes that “[e]ligibility for these activities is often determined by law school grades[,]” and that the lower grade trends among such first-generation college students could explain the participation of such students at a lower rate.<sup>193</sup> Only 18% of first-generation college students enrolled in law school were members of a law journal, while 27% of their non-first-generation counterparts were members.<sup>194</sup> Thirteen percent of first-generation law students participated in moot court, although non-first-generation students participated at a rate of 15%.<sup>195</sup> Fifteen percent of first-generation law students performed research with a faculty member, while 19% of non-first-generation students did so.<sup>196</sup>

Finally, the 2014 LSSE states that, “[d]espite the challenges facing first-generation students [in law school], they report being equally, if not more, satisfied with their law school experiences than other students.”<sup>197</sup> Overall, first-generation students reported being more satisfied with services related to “student advising, more favorable perceptions of the[ir] law school environment” generally, and a stronger sense that they are being taught to “think like a lawyer.”<sup>198</sup> These trends persist across all

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189. *Id.*

190. *Id.*

191. LOOKING AHEAD, *supra* note 3, at 11.

192. *Id.*

193. *Id.*

194. *Id.* at 11 tbl.1.

195. *Id.*

196. LOOKING AHEAD, *supra* note 3, at 11 tbl.1.

197. *Id.* at 11.

198. *Id.*

three years of law school.<sup>199</sup> Overall, 71% of first-generation students were either satisfied or very satisfied with the level of academic advising they received, while 67% of non-first-generation students reported similar levels of satisfaction.<sup>200</sup> During their first year of law school, 76% of first-generation students reported being satisfied or very satisfied with the academic advising they received, compared to 73% of non-first-generation students.<sup>201</sup> In their second year, 69% of first-generation students stated they were satisfied or very satisfied with academic advising services, while only 64% of non-first-generation students were similarly satisfied.<sup>202</sup> During their third year of law school, 66% of first-generation students and 65% of non-first-generation students reported that they were either satisfied or very satisfied with academic advising.<sup>203</sup>

The LSSE, as the only study of the experiences of first-generation college students in law school, reveals that many of the challenges first-generation students face as undergraduates persist into law school. These students tend to have lower admissions criteria, have a higher debt burden, and work more outside of their studies than continuing education students. The LSSE, however, reveals two areas in which first-generation undergraduates differ from first-generation students in law school. In law school, the first-generation students tend to spend more time studying than their counterparts and they report a higher level of satisfaction with the education and support services they receive than their counterparts.

### III. TIP: A PROVEN MODEL FOR SUCCESS OF FIRST-GENERATION COLLEGE GRADUATES IN LAW SCHOOL

In light of the fast-growing first-generation college student population in our nation's law schools, it is imperative that law schools work to identify these students, implement programs aimed at steering these students to graduation, and monitor their success. Law schools can draw on the decades of research into

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199. *Id.* at 11 tbl.2.

200. *Id.*

201. LOOKING AHEAD, *supra* note 3, at 11 tbl.2.

202. *Id.*

203. *Id.*

first-generation college students in designing interventions for these students once they have matriculated. The University of Memphis Cecil C. Humphreys School of Law has been implementing programming aimed at guiding first-generation college students interested in the law to law degrees for decades.<sup>204</sup> Its unique program, the Tennessee Institute for Pre-Law (“TIP”), has incorporated many of the resources proven effective at the undergraduate level into its pre-admission program with many positive outcomes.

#### A. The Tennessee Institute for Pre-Law Program

Each summer the University of Memphis Cecil C. Humphreys School of Law (“Law School”) coordinates the Tennessee Institute for Pre-Law (TIP) Program.<sup>205</sup> TIP is an alternative admission program and is the State of Tennessee’s only admission by performance program for diverse Tennessee or border county residents<sup>206</sup> who are not admitted to law school through the regular admission process but whose law school applications show potential for academic success. The Tennessee Pre-Professional Program, a precursor to the TIP program, was conceived in 1985 and officially began in 1987 with the purpose “to more effectively desegregate the State’s public institutions and to increase therein, the representation of Black State residents” in its schools of law.<sup>207</sup> Over the years, the program has evolved in both name and purpose and has become more inclusive of other underrepresented populations, including first-generation college graduates. Its purpose is now to increase the law school admission of capable underrepresented individuals by providing them the skills and support they need to successfully complete the TIP program and excel in law school.

TIP students are recruited throughout the admission cycle via marketing, recruiting visits to undergraduate institutions and Law School Admission Council forums, and invitations to recruiting events hosted by the Law School. To be eligible for

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204. See *TN Institute for Pre-Law*, U. MEMPHIS, [www.memphis.edu/law/about/tip.php](http://www.memphis.edu/law/about/tip.php) [<https://perma.cc/2SPX-DA7U>].

205. *Id.*

206. “Border Counties” are Crittenden County, Arkansas and Desoto, Marshall, Tate, and Tunica Counties in Mississippi. *Id.*

207. LEROY O. MOORE, TENNESSEE PREPROFESSIONAL PROGRAM 1991 SUMMARY REPORT 1, 1 (1991) (on file with co-author of this article, Jacqueline O’Bryant).

the TIP program, applicants must apply to the University of Memphis School of Law and the TIP Program, have a baccalaureate degree prior to the commencement of the program, meet residency criteria, demonstrate diversity, and demonstrate potential for law school success. For the purposes of the program, diversity is defined to include applicants who are racially or ethnically underrepresented, disabled, socioeconomically disadvantaged, first-generation United States citizens, or first-generation college graduates.<sup>208</sup> Applicants are eligible to participate in the TIP program as first-generation college graduates if neither of their parents have earned a bachelor's degree.<sup>209</sup>

Admission to the TIP program is competitive. There are only 20 seats available to over 50 applicants each year. To be selected, applicants must demonstrate in their law school applications their potential to succeed in law school. As with applicants for regular admission to law school, several factors are considered in the TIP admission process. These factors include LSAT score, undergraduate cumulative grade point average ("UGPA"), admission index score, personal statement, writing ability, relevant work or volunteer experience, major or courses taken, and letters of recommendation.

Once selected, participants engage in a five-week simulation of the first year of law school. Students participate in five abbreviated courses, four of which are core first-year courses. The core courses are Torts or Criminal Law, Contracts, Civil Procedure, and Legal Methods.<sup>210</sup> These courses are taught by a diverse group of law school professors<sup>211</sup> and each class meets three hours per week for four weeks.

In addition to core courses, TIP students participate in an academic support course entitled "Legal Studies" that teaches

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208. JACQUELINE M. O'BRYANT, THE TENNESSEE INSTITUTE FOR PRE-LAW GENERAL INFORMATION BOOKLET SUMMER 2017, at 1 (2017) (on file with co-author of this article, Jacqueline O'Bryant); see also *TN Institute for Pre-Law*, *supra* note 204.

209. *Id.*

210. Legal Methods is a legal writing course that requires the participants to write a legal memorandum.

211. TIP courses are primarily taught by University of Memphis School of Law full-time or adjunct faculty. However, courses may also be taught by law faculty from other law schools who are invited to teach in the program.

essential skills for academic success.<sup>212</sup> They are also provided academic support via graduate assistants who serve as academic mentors. All participants receive additional resources that include a stipend, casebooks, free parking, Wi-Fi access, University e-mail accounts, printing, housing, and accommodations for disabled students.

To successfully complete TIP, students must adhere to the program conduct and attendance policies and demonstrate the ability to remain in “good standing”<sup>213</sup> at the conclusion of the first year of law school. TIP instructors evaluate participants via some combination of quizzes, mid-terms, legal memoranda, and final exams. As a committee, these instructors determine the completion status of each participant and make admission recommendations to the Director of the program. Completion status and admission recommendations are based on whether the student has performed or demonstrated the ability to perform “C” or better work in law school. This evaluation standard is in line with the law school’s Academic Regulation 14.1(a) which requires a law student to have a 2.0 cumulative GPA to be in Academic Good Standing.<sup>214</sup> Students who successfully complete the program are offered admission to the University of Memphis School of Law in the fall semester. Based on their performance in the program, successful students may be admitted full-time or part-time.

The costs associated with the TIP program vary from year to year based on participation, pricing of materials, and housing needs. Assuming there are 20 participants, the program may cost approximately \$90,000 to operate each summer. This equates to \$4,500 per student.

The table below illustrates the approximate expenses that are typically incurred to conduct the program with 20 participants.

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212. Legal Studies course coverage includes navigating the law school culture, reading a legal opinion, case briefing, notetaking, outlining, flowcharting, time management, and exam writing.

213. UNIV. OF MEMPHIS CECIL B. HUMPHREYS SCH. OF LAW, ACADEMIC REGULATIONS § 14.1(a) (2015) <http://www.memphis.edu/law/documents/academic-regulations-2015.pdf> [<https://perma.cc/T66Q-EMXC>] [hereinafter ACADEMIC REGULATIONS]. Academic Regulation 14.1(a) requires a law student to have a 2.0 cumulative GPA to be in Academic Good Standing. *Id.*

214. *Id.*

**TIP PROGRAM APPROXIMATE EXPENSES**

<b>EXPENSE</b>	<b>APPROXIMATE TOTAL</b>
Instructor Pay	\$34,000 <sup>215</sup>
Graduate Assistant Pay	\$6,000
Housing & Parking	\$5,000 <sup>216</sup>
Casebooks	\$20,000
Printing	\$500
Participant Stipends	\$20,000 (\$1,000/student)
Meals	\$500 <sup>217</sup>

**Total: \$86,000**

In light of the positive outcomes for students with such low admission indices, discussed below, a \$4,500 per student investment reaps great dividends.

### B. Academic Outcomes of First-Generation College Graduates in TIP

The success of first-generation college graduates who enter the TIP program can be measured in several ways. For the purposes of this article, we measure first-generation program participants' success by successful completion of the TIP program, outperformance of the students' admission index scores, graduation rate, and bar passage rate. As explained below, participants from the years 2012 through 2016 completed the program at a very high rate. A large percentage of participants in the TIP program from 2012-2015 earned grades in law school that outperformed their admission indices. The retention and graduation rates of first-generation college students completing the TIP program and matriculating is extremely high. Finally, the bar passage rates of first-generation college graduates completing

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215. Instructor pay does not include fringe benefits.

216. Housing is only provided for the small number of participants who reside outside of Shelby County, TN. Typically, no more than four students have resided outside of Shelby County, TN and requested housing. This is reflected in the housing portion of the program expenses. Providing housing for each participant would significantly increase the cost of the program.

217. Meal expenses include an orientation reception and closing lunch. Students are otherwise responsible for daily meals. Providing daily meals would significantly increase the cost of the program.

the TIP program is also high and has at times exceeded the bar passage rate of non-TIP students.

Approximately three-fourths of first-generation college graduates participating in the TIP program from 2012 to 2016 successfully completed it. From 2012 to 2016, a total of eighty-five prospective law students participated in the program. Of these participants, forty-five students or 53% were first-generation college graduates. Of the first-generation college graduates who participated in TIP over this five-year period, thirty-three students or 73% successfully completed the program and were offered admission to the Law School. In other words, 73% of these first-generation students who were denied regular admission to the Law School were ultimately admitted.

Approximately two-thirds of first-generation college graduate TIP participants enrolled full-time at the Law School exceed their admission index scores. The admission index serves as a predictor of first year academic performance and is a major factor in the law school application review process.<sup>218</sup> The Law School Data Assembly Service (LSDAS) generates an applicant's admission index by applying a formula that includes the applicant's undergraduate grade point average (UGPA) and highest LSAT score.<sup>219</sup> Pursuant to Law School Admission Council (LSAC) policies, all grades and credits earned for repeated courses that appear on the transcript are included in the applicant's cumulative UGPA.<sup>220</sup> As a result, the cumulative UGPA produced by LSAC that is used to produce the admission index may be lower than the cumulative UGPA on the applicant's transcript.

Generally, TIP applicants have comparatively lower LSAT scores and/or UGPAs than regularly admitted law students.<sup>221</sup> Consequently, they also have lower admission index scores which

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218. ARLENE AMODEO ET AL., LAW SCHOOL ADMISSION COUNCIL, LSAT TECHNICAL REP. NO. 09-01, PREDICTIVE VALIDITY OF ACCOMMODATED LSAT SCORES FOR THE 2002-2006 ENTERING LAW SCHOOL CLASSES 7 (2009), [https://www.lsac.org/docs/default-source/research-\(lsac-resources\)/tr-09-01.pdf](https://www.lsac.org/docs/default-source/research-(lsac-resources)/tr-09-01.pdf) [<https://perma.cc/8FJ7-4UZS>].

219. *Id.*

220. *US/Canadian Transcript Summarization Policies*, LAW SCH. ADMISSION COUNCIL, <http://www.lsac.org/aboutlsac/policies/transcript-summarization> [<https://perma.cc/DL7Y-8ZE4>].

221. From 2012 to 2016, the TIP LSAT and GPA mean have been 146 and 3.0. The mean LSAT and GPA score for regular admits over the same period of time was 154 and 3.24.

predict poorer academic performance in the first year of law school than their non-first-generation college graduate peers. In fact, some admission index scores are so low, they predict the applicant will not be in good standing and will be academically excluded at the conclusion of their first year of law school. Given these predictions, these students are generally denied regular law school admission. However, a TIP applicant with a comparatively lower admission index score whose application exhibits the potential for academic success in law school may be admitted to law school via the program. Once enrolled in the program, they are provided the skills and resources to gain admission and outperform their admission index score.

From 2012 through 2015, twenty-two first-generation college graduates matriculated at the University of Memphis School of Law. Fourteen were enrolled full-time and completed their first year of law school. The average admission index score, or predicted first year cumulative GPA, for these students was 2.21. However, at the conclusion of their first year of law school, their average cumulative GPA was a 2.43, which exceeded their predicted average index score of 2.21. Of these students, 64% exceeded their admission index score, 29% fell below their admission index score, and 7% performed as predicted by their admission index score. In total, 71% of these students were in good standing and 86% were retained<sup>222</sup> at the conclusion of their first year of law school.

The table below compares the admission index score and first year cumulative GPA by year for full-time first-generation college graduates who participated in the TIP program from 2012 to 2015.<sup>223</sup>

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A student not in good standing will be [retained and not] academically excluded [if] one of the following exceptions applies: 1. The student has received grades in fewer than 24 credit hours. 2. The student has received grades in 24 to 38 credit hours and either has a cumulative grade point average of 1.80 or has earned a semester grade point average of 2.10 in the most recent semester . . . 4. The student has had a cumulative grade point average of 2.00 at the end of every previous semester.

ACADEMIC REGULATIONS, *supra* note 213, § 14.1(b).

223. The current law school application does not inquire about the first-generation status of regular admits. Thus, comparative data regarding TIP first-generation college graduates and regularly admitted non-first-generation college graduates is not available to determine whether TIP first-generation college graduates outperform their admission index at a higher or lower rate than regularly admitted non-first-generation college students.

**2012-2015 COMPARISON OF ADMISSION INDEX &  
FIRST YEAR C.G.P.A. OF TIP FIRST-GENERATION  
COLLEGE STUDENTS ENROLLED FULL-TIME<sup>224</sup>**

PARTICIPANT BY YEAR	ADMISSION INDEX	FIRST-YEAR CUMULATIVE G.P.A.
2012 Student 1	2.35	1.92
2012 Student 2	2.52	2.83
2012 Student 3	2.35	3.17
2013 Student 1	2.01	2.38
2013 Student 2	2.48	2.78
2014 Student 1	2.16	3.12
2014 Student 2	2.46	2.52
2014 Student 3	2.36	1.84
2014 Student 4	1.82	1.44
2014 Student 5	1.99	2.93
2014 Student 6	2.11	2.11
2014 Student 7	1.70	1.43
2015 Student 1	2.45	2.89
2015 Student 2	2.14	2.72
<b>AVERAGE</b>	<b>2.21</b>	<b>2.43</b>

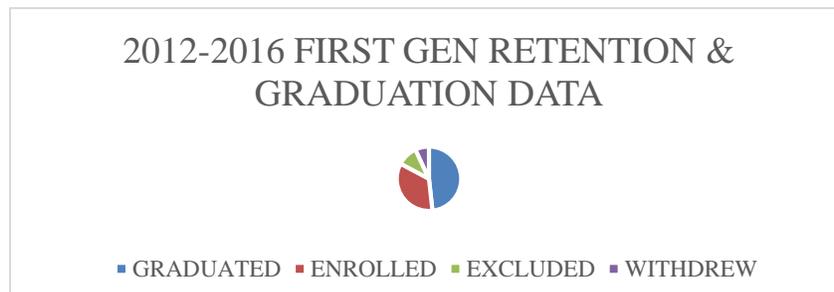
The TIP program has also been successful in retaining and graduating from law school both full-time and part-time first-generation college graduates. From 2012 to 2016, twenty-nine first-generation college graduates matriculated at the law school and 83% graduated or are currently enrolled, 10% were excluded, and 7% withdrew. In 2012, four first-generation college graduates matriculated through the TIP program. Of the four students who matriculated, 100% graduated. In 2013, five first-generation college graduates matriculated through the TIP program. Of the five students who matriculated, three graduated, one is currently enrolled, and one withdrew. In 2014, nine first-

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Adding such a question to the law school application would be helpful in doing further research into the comparative success of first-generation college graduates who participate in the TIP program.

224. First-generation college graduates who matriculated Fall 2016 are all currently enrolled. However, they have not completed their first semester of law school. Therefore, academic performance data is currently unavailable.

generation college graduates matriculated through the TIP program. Of the nine students who matriculated, five are currently enrolled, three were excluded, and one withdrew. In 2015, four first-generation college graduates matriculated through the TIP program. Of the four students who matriculated, 100% are currently enrolled. In 2016, seven first-generation college graduates matriculated through the TIP program and they are also currently enrolled. The pie chart below illustrates the high retention and graduation rates of first-generation college graduates who participated in the TIP program from 2012-2016.



Despite being at a great risk of failing the bar exam,<sup>225</sup> first-generation college graduates who participated in the TIP program pass the bar at a significant rate. From 2009 to 2013, sixteen first-generation college graduates who formerly participated in the TIP program sat for the Tennessee bar exam. In 2009, two first-generation college graduate TIP students sat for and passed the bar exam. In 2010, four first-generation college graduate TIP students sat for and passed the bar exam. In 2011,

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225. Students at risk of failing the bar are largely identifiable prior to admission based on their undergraduate GPA and LSAT score (admission index). Additionally, first year law school grades are strong indicators of being at-risk for failing the bar exam. See Denise Riebe, *A Bar Review for Law Schools: Getting Students on Board to Pass Their Bar Exams*, 45 BRANDEIS L.J. 269, 326 (2007).

four first-generation college graduate TIP students sat for the bar exam and three passed. In 2012, four first-generation college graduate TIP students sat for the bar exam and three passed. In 2013, two first-generation college graduate TIP students sat for the bar exam and one passed. Of the sixteen test takers, thirteen passed and three failed. This equates to an 81% pass rate for first-generation college graduates who participated in the TIP program. Additionally, of the thirteen test takers who passed the bar exam, eleven or 85% passed on the first attempt.<sup>226</sup>

### C. Why TIP Works for First-Generation College Graduates

TIP works because it is responsive to the challenges that first-generation college students face in higher education.<sup>227</sup> As explained above, those challenges include a lack of guidance, resources, and exposure and they persist in law school.<sup>228</sup> The TIP program is successful because, before students even begin their law school education, it implements those strategies research identifies as best practices to foster academic success in first-generation college students at the undergraduate level. Those best practices include providing guidance, financial support, preparation, mentorship, and nurturing interdependent relationships to ensure their academic success.<sup>229</sup> TIP provides students with pre-admission guidance and support. It is also responsive to the socio-economic challenges many first-generation college students face by providing financial resources

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226. Due to the limitations of the current law school application which does not inquire about the first-generation status of regularly admitted students, comparative data regarding TIP first-generation college graduates and regularly admitted non-first-generation college graduates is not available to determine whether they pass the bar at a higher rate than regularly admitted non-first-generation college graduates. Adding such an inquiry to the law school application would be helpful in further research on the comparative success of first-generation college graduates who participate in the TIP program.

227. See Susan K. Gardner & Karri A. Holley, "Those Invisible Barriers Are Real": *The Progression of First-Generation Students Through Doctoral Education*, 44 EQUITY & EXCELLENCE EDUC. 77, 88-89 (2011).

228. *Id.* at 77-80; see *supra* Part II.D.

229. See generally STRAND, *supra* note 94 (summarizing best practices for the success of first-generation students); see also *supra* Part II. C.

to participants. The program helps to bridge the gap between undergraduate education and law school through skill development and acclimates students to the law school environment prior to matriculation. TIP also builds social capital by fostering relationships among students, faculty, and peers.

Many first-generation college students lack relevant guidance and support while attending undergraduate school.<sup>230</sup> Family members “unfamiliar with the collegiate experience” are unable to assist the student in navigating post-secondary education.<sup>231</sup> This includes assistance preparing for law school and navigating the law admission process.<sup>232</sup> Faculty are an alternative source of potential guidance. However, first-generation college students are less likely to interact with faculty while in undergraduate school than their non-first-generation peers.<sup>233</sup> This failure to interact with faculty includes faculty pre-law advisors who are charged with providing advisory support to prospective law students.<sup>234</sup> As a result of this lack of guidance and support, the first-generation college graduate faces significantly more difficulty in navigating the law school application process than their non-first-generation college graduate peers who have family guidance and more frequent interaction with faculty advisors.<sup>235</sup>

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230. See Margaret Brooks-Terry, *Tracing the Disadvantages of First-Generation College Students: An Application of Sussman's Option Sequence Model*, in *FAMILY SUPPORT SYSTEMS ACROSS THE LIFE SPAN 121, 127* (Suzanne K. Steinmetz ed., 1988).

231. STRAND, *supra* note 94, at i.

232. *Id.*

233. See Pike & Kuh, *supra* note 49, at 277 (explaining that first-generation students are less likely to develop relationships with faculty or to perceive them as concerned about their development); see also Terenzini et al., *supra* note 26, at 10 (explaining the results from research, which found first-generation college students were less likely to perceive faculty as concerned about their development); Hutchens et al., *supra* note 106, at 2 (summarizing the literature on first-generation college student characteristics and stating that such students are “less likely to perceive faculty as caring and approachable”).

234. See *Pre-Law: Preparing for Law School*, AM. B. ASS'N [http://www.americanbar.org/groups/legal\\_education/resources/pre\\_law.html](http://www.americanbar.org/groups/legal_education/resources/pre_law.html) [https://perma.cc/SHR7-K65R]; see also PRE-LAW ADVISORS NAT'L COUNCIL, ROLES & RESPONSIBILITIES OF PRE-LAW ADVISORS 2 (2013), [http://www.lsac.org/docs/default-source/prelaw/prelaw\\_roles-and-responsibilities.pdf](http://www.lsac.org/docs/default-source/prelaw/prelaw_roles-and-responsibilities.pdf) [https://perma.cc/4PZP-VYXA].

235. See STRAND, *supra* note 94, at i (noting that, due to lack of support, first-generation college students are less prepared to find and use resources which sometimes results in less informed decisions about the application and financial aid process prior to college).

The TIP program recruitment phase attempts to compensate for these deficiencies by combining pre-law advising with recruiting to assist the prospective student in navigating the TIP and law school application process. Individual prospective student meetings and events like open houses, pre-law days, and professional school fairs provide invaluable information and guidance. During prospective student meetings and events, prospective students are advised on picking a major, preparing for the LSAT, financial aid options, how to write a personal statement, the potential sources of and value of letters of recommendation, the benefits of the TIP program, and how to navigate the application process. The goal is to equip prospective students with the information necessary to prepare a competitive law school and TIP application.

Another reason TIP works is that it is responsive to the impact of insufficient financial resources.<sup>236</sup> First-generation college students are more likely to come from low income backgrounds, be financially independent, and have dependents.<sup>237</sup> They tend to rely heavily on federal Pell grants<sup>238</sup> and report working more hours than non-first-generation college students while in undergraduate school.<sup>239</sup>

A lack of financial resources can prohibit first-generation college graduates from participating in costly LSAT preparation courses which could otherwise enable the student to achieve a more competitive LSAT score, gain law admission, and qualify for merit-based scholarships.<sup>240</sup> Divided attention caused by

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236. See *id.* at 37 (including the “[a]cknowledge[ment] and eas[ing of] . . . financial pressures” as a best practice when dealing with first-generation college students).

237. Terenzini et al., *supra* note 26, at 8.

238. “The Federal Pell Grant Program provides need-based grants to low-income undergraduate and certain postbaccalaureate students to promote access to postsecondary education.” *Programs: Federal Pell Grant Program*, U.S. DEP’T EDUC., <http://www2.ed.gov/programs/fpg/index.html> [<https://perma.cc/5ECX-LNAW>]; see also Hutchens et al., *supra* note 106, at 9 (first-generation college graduates rely more heavily on Pell grants to fund their education).

239. Terenzini et al., *supra* note 26, at 10.

240. See, e.g., *LSAT Prep Courses & Classes*, KAPLAN, [www.kaptest.com/lsat](http://www.kaptest.com/lsat) [<https://perma.cc/NRN5-VDH7>] (offering different options for LSAT test prep); *LSAT Prep Courses*, POWERSCORE, [www.powerscore.com/lsat/courses](http://www.powerscore.com/lsat/courses) [<https://perma.cc/2J2P-L7Y3>] (showing similar options). Kaplan and PowerScore provide commercial LSAT preparation courses and materials. Kaplan’s private tutoring option starts at \$2,599. *LSAT Tutoring*, KAPLAN, <https://www.kaptest.com/lsat/courses/lsat-tutoring#courseoptions>

undergraduate employment can also affect the amount of time first-generation college students have to perform adequately in their undergraduate courses and to prepare for the LSAT.<sup>241</sup> Data from the 2014 Law School Survey of Student Engagement, found that first-generation college graduates “entered law school with lower LSAT scores.”<sup>242</sup> As a result of these known challenges faced by socioeconomically disadvantaged first-generation college graduates, it is plausible that these lower LSAT scores are not necessarily a matter of ability but potentially the result of a lack of adequate preparation due to socioeconomic disadvantage.<sup>243</sup>

This low-income background and reliance on federal Pell Grants is also reflected in the TIP program where 72% of first-generation college graduates who participated in the TIP program from 2012-2016 and matriculated to law school were recipients of Pell Grant assistance while in undergraduate school. Due to the potential impact of socioeconomic disadvantage on academic performance, the TIP application is reviewed in light of these challenges and multiple indicators are taken into account to assess potential for law school success. These indicators include the major selected and performance therein, writing quality, academic performance in subsequent graduate programs, letters of recommendation, and exposure to the legal profession via internships or volunteer work.

Although socioeconomic disadvantage and family responsibilities may continue to necessitate employment once admitted to the TIP program, due to the rigorous pace, workload,

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[<https://perma.cc/LAT8-KKFD>]. The in-person option starts at \$1399. *LSAT Prep – In Person*, KAPLAN, <https://www.kaptest.com/lsat/courses/lsat-prep-in-person> [<https://perma.cc/95QX-BFAU>]. PowerScore’s full course costs \$1395. *LSAT Prep Courses*, POWERSCORE TEST PREPARATION, [www.powerscore.com/lsat/courses](http://www.powerscore.com/lsat/courses) [<https://perma.cc/2J2P-L7Y3>].

241. See TRACEY KING & ELLYNNE BANNON, STATE PIRGS HIGHER EDUC. PROJECT, AT WHAT COST?: THE PRICE THAT WORKING STUDENTS PAY FOR A COLLEGE EDUCATION 1, 1-3 (2002), <https://files.eric.ed.gov/fulltext/ED470026.pdf> [<https://perma.cc/D55R-7ZJX>].

242. LOOKING AHEAD, *supra* note 3, at 10.

243. See generally Claudia Buchmann et al., *Shadow Education, American Style: Test Preparation, the SAT and College Enrollment*, 89 SOC. FORCES 435 (2010) (detailing the results of a study which found strong and consistent effect of socioeconomic background on college exam preparation which ultimately impacts test scores and enrollment prospects).

and focus required, employment is prohibited while enrolled in the program. To offset the cost of unemployment and achieve the goals of the program, TIP provides financial support to TIP participants such as free housing, casebooks, Wi-Fi, printing, and a stipend. This support allows the student to focus on performing successfully in the program and provides, free of charge, the tools to do so.<sup>244</sup>

First-generation college graduates are successful in the TIP program and law school because the program bridges the gap between undergraduate school and law school. Research has shown that summer bridge programs are an effective way to foster academic success in first-generation college students.<sup>245</sup> Such programs are beneficial because they provide preparation and a head start for success in the upcoming academic experience.<sup>246</sup>

The TIP program provides that preparation and head-start via its academic success course entitled Legal Studies. Legal Studies emphasizes the skills necessary for successful completion of the program and law school which include navigating the law school culture, reading a legal opinion, case briefing, notetaking, outlining, flowcharting, time management, and exam writing. The Legal Studies instructor evaluates student performance via skills assessments and participants receive feedback and opportunities for improvement throughout the program. Additionally, the Legal Studies instructor provides participants with daily access to one-on-one academic counseling. TIP instructors also incorporate skills assessments and may require students to submit briefs or outlines for feedback to ensure students are grasping and properly synthesizing the material.

As mentioned previously, first-generation college graduates in the TIP program have comparatively lower indicators than regularly admitted students which puts them at high risk of being unsuccessful in the program and law school. However, the program completion rate of 73% and first year good standing rate of 71% illustrates the program's success in early intervention that provides these students with the preparation and

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244. See STRAND, *supra* note 94, at iii.

245. *Id.*

246. *Id.*

skills they need to succeed in the program and outperform their predictors in law school.

On-campus bridge programs like the TIP program are also beneficial because they assist the participant in acclimating to the law school environment.<sup>247</sup> Research of best practices for first-generation college graduates suggests institutions should bring students to campus early to aid in their adjustment to the campus environment.<sup>248</sup> Best practices for aiding in adjustment once they arrive include helping them find their way around campus, requiring them to use the library, giving them opportunities to interact with faculty and staff, exposing them to the academic language, making them aware of the expectations of the professors, and ensuring they are aware of and prepared to utilize the student support services offered by the institution.<sup>249</sup>

The TIP program implements each of the aforementioned best practices. The TIP program gives participants an opportunity to acclimate to the physical environment of the law school by bringing them to campus early. This allows them to get familiar with the law school facilities that are integral to the law school experience. These facilities include the library, classrooms, study areas, administrative and faculty offices, and the student lounge.

TIP also exposes participants to the courses, language, schedule, pace, and workload they will encounter during their first year of law school. During the first year of law school at the University of Memphis School of Law, full-time students take Civil Procedure, Torts, Legal Methods, Contracts, Property, and Criminal Law.<sup>250</sup> First year part-time students also take these courses, except for Contracts and Property.<sup>251</sup> During the TIP program, participants take Civil Procedure, Torts, Legal Methods, and Contracts which are each held three hours per week. Just as in law school, students are assigned reading and expected to learn “legalese”, brief cases, and take class notes for each class.

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247. *Id.*

248. *Id.*

249. *See* STRAND, *supra* note 94, at iii.

250. *See* 2017 Curriculum Summary, U. MEMPHIS SCH. LAW, <http://www.memphis.edu/law/documents/curriculumsummary030717.pdf> [<https://perma.cc/R6V2-P9TA>] (summarizing the current curriculum for full-time and part-time students).

251. *Id.*

Students also prepare for and take law school exams which involve a combination of essay, short answer, and multiple choice questions regarding the material they covered during the program. This is an invaluable skill development process and preview that prepares them for the exams they will encounter in law school.<sup>252</sup> Being in these classes also gives them an opportunity to interact with faculty and learn their professors' expectations in the classroom and on exams.

Additionally, being in a simulated law classroom prior to law school enables them to get comfortable with the "formal and hierarchical environment" of the classroom.<sup>253</sup> Students get accustomed to being addressed by their last names, gain awareness of the serious expectation of punctuality and preparedness, and participate in the Socratic method.<sup>254</sup> They are also expected to learn and uphold the program conduct policies throughout the process.<sup>255</sup>

The TIP program also works to ensure the success of students with disabilities by connecting them with disability resources prior to law school. According to the U.S. Department of Education Office of Civil Rights, students with disabilities should connect with their university's disability resource office "as early as possible."<sup>256</sup> This gives the administration the information and time they need to meet the student and arrange for academic adjustments such as assistive aids and services prior to the start of classes.<sup>257</sup> TIP students with disabilities are encouraged to meet with the University of Memphis Office of Disability Resource Services ("DRS") to develop an

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252. RUTA K. STROPUS & CHARLOTTE D. TAYLOR, BRIDGING THE GAP BETWEEN COLLEGE AND LAW SCHOOL: STRATEGIES FOR SUCCESS 95 (2d ed. 2009) ("Knowing the goals and purposes of the exam and exactly what is expected of students and having a process to use in attacking the exam are empowering.").

253. *Id.* at 4-5 (describing law school as a strange and foreign place with a language and custom that is also formal and hierarchical).

254. *Id.*

255. O'BRYANT, *supra* note 208, at 7 (TIP participants must adhere to academic conduct policies found in *The Tennessee Institute for Pre-Law General Information Booklet* which prohibit cheating and plagiarism.).

256. Office for Civil Rights, *Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities*, U.S. DEP'T EDUC., <https://www2.ed.gov/about/offices/list/ocr/transition.html> [<https://perma.cc/H2KX-WSFZ>].

257. *Id.*

accommodation plan prior to the commencement of the program. Once a plan is developed, the accommodation plan may include but is not limited to the use of a screen reader, extra time on exams, or a private room for testing.<sup>258</sup> The TIP director along with TIP instructors ensure each accommodation plan is implemented. For some students, this is not their first time utilizing disability resources and they may have utilized assistive technology in high school or college.<sup>259</sup> However, it will be their first time doing so in law school. Early contact during the TIP program enables the student to get familiar with the tools or practices that will be used to accommodate their disability while navigating the new academic experience of law school.<sup>260</sup>

The TIP program provides opportunities to develop positive relationships with law school faculty. Research shows first-generation college students interact less frequently with faculty while in undergraduate school.<sup>261</sup> Assuming this trait persists into law school,<sup>262</sup> failure to develop the social capital that comes with faculty interaction can be detrimental to their

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258. O'BRYANT, *supra* note 208, at 8; *see also Disability Resources for Students: Disability Policies*, U. MEMPHIS, [www.memphis.edu/drs/policies/index.php](http://www.memphis.edu/drs/policies/index.php) [<https://perma.cc/FL5W-98ZY>].

259. Under the Individuals with Disabilities Education Act ("IDEA") and Section 504 of the Rehabilitation Act of 1973, students with disabilities may be provided access to resources prior to undergraduate school (i.e. elementary and secondary school) and during undergraduate school respectively. *See* Office for Civil Rights, *Free Appropriate Public Education Under Section 504*, U.S. DEP'T EDUC., <http://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html> [<https://perma.cc/9VKP-PMVZ>]; *see also* Office for Civil Rights, *Transition of Students with Disabilities to Postsecondary Education: A Guide for High School Educators*, U.S. DEP'T EDUC., <http://www2.ed.gov/about/offices/list/ocr/transitionguide.html> [<https://perma.cc/TH5Q-X625>].

260. Between 2012 and 2016, there were only two first-generation college graduates with accommodated disabilities in the TIP program. One successfully completed the program, graduated law school, and passed the bar on the first attempt. The other was unsuccessful in the program. Due to such limited data, a conclusion as to the effectiveness of TIP in the success of first-generation college students with disabilities would be speculative. However, the program will continue the practice of early contact with disabled students as this practice is encouraged by the U.S. Department of Education and touted by practitioners as an effective method of aiding in the academic success of disabled students. *See* Cynthia Gomez, *5-Day Program Helps Students with Disabilities Transition to College More Smoothly*, DISABILITY COMPLIANCE FOR HIGHER EDUC. (March 24, 2015), [www.disabilitycomplianceforhighereducation.com/article-detail-print/5-day-program-helps-students-with-disabilities-transition-to-college-more-smoothly.aspx](http://www.disabilitycomplianceforhighereducation.com/article-detail-print/5-day-program-helps-students-with-disabilities-transition-to-college-more-smoothly.aspx) [<https://perma.cc/JX68-V6Z5>].

261. *See* Pike & Kuh, *supra* note 49, at 277.

262. *See* LOOKING AHEAD, *supra* note 3, at 10.

long-term academic success.<sup>263</sup> According to the Institute for Higher Education Policy, underrepresented student groups benefit from institutional interventions that assist with establishing faculty relationships.<sup>264</sup> These relationships help students who are less likely to interact with faculty feel more comfortable asking for and receiving help.<sup>265</sup>

In the TIP program, students have an opportunity to meet faculty prior to the program's commencement during a welcome reception. Once the program commences, each core course is taught by law school faculty members who also maintain office hours throughout the program. Students are encouraged to utilize these opportunities to receive additional assistance and guidance from their instructors. This interaction and development of rapport over the summer helps to lessen the anxiety and other barriers to seeking faculty support during the academic year.<sup>266</sup>

Mentorship is also important to the academic success of first-generation college graduates.<sup>267</sup> The Institute for Higher Education Policy encourages institutions to connect students with

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263. Mehta et al., *supra* note 32, at 30. In discussing the results of a study to ascertain whether first-generation students are significantly different from continuing-generation students, the author states "professors must work to establish relationships with" first-generation college students and "encourage them to get involved on campus" and with other students and the professor outside the classroom. *Id.* This can include "group projects, before or after class interactions, office hour visits, and in-class discussions that require students to interact with each other." *Id.* The end result of failing to do so "is that [first-generation students] earn lower grades and are less socially satisfied." *Id.*

264. EDWARD SMITH & TIFFANY BLACKNALL, *THE ROLE OF SOCIAL SUPPORTS AND SELF-EFFICACY IN COLLEGE SUCCESS 3* (2010), [http://www.ihep.org/sites/default/files/uploads/docs/pubs/pcn\\_socialsupports.pdf](http://www.ihep.org/sites/default/files/uploads/docs/pubs/pcn_socialsupports.pdf) [<https://perma.cc/6Q58-3RZ7>].

265. *Id.*

266. All former TIP students who participated in the 2015 and 2016 TIP program and matriculated at the University of Memphis School of Law were e-mailed a Satisfaction Survey during their first semester of law school. Thirteen students responded. Five responded in 2016 and eight responded in 2015. Responses were anonymous; therefore, it is unknown the number of responses provided by first-generation college graduates. In response to the 2016 survey statement, "I feel more confident to interact with Law School Professors" 60% strongly agreed and 20% agreed. In response to the same statement in the 2015 survey, 25% strongly agreed, 50% agreed, and 25% were neutral. In each instance 75% or more of students who responded to the survey agreed that they felt more confident to interact with Law School Professors as a result of the TIP program. The surveys are on file with co-author and TIP Director Jacqueline O'Bryant.

267. STRAND, *supra* note 94, at iv (encouraging institutions to build social supports by connecting students to peer-mentors is beneficial to first-generation college student success).

peer mentors that provide tutoring and academic support.<sup>268</sup> For optimum effectiveness, the mentor/mentee relationship should be one of “ongoing contact and communication.”<sup>269</sup> As a recommended best practice, peer mentors should be first-generation college graduates, current students, financially incentivized, and trained.<sup>270</sup>

Each summer, TIP is supported by three graduate assistants who provide mentorship and academic support to TIP participants. A mentor is assigned to each substantive course so that they are familiar with the assignments and expectations for each class. They provide TIP participants with individualized feedback on assignments and maintain daily office hours for one-on-one academic counseling and encouragement. TIP participants may also contact mentors via e-mail for assistance needed outside of scheduled office hours. Each TIP mentor is hired through a selective interview process by invitation of the TIP Director and is paid for their work. TIP mentors are current law students who completed the TIP program and their first year of law school successfully and show a passion for the ideals of the program and mentorship. Collectively, they reflect several characteristics of diversity and include students who are first-generation college graduates. Their experience and unique insight, in addition to the training they receive from the TIP Director,<sup>271</sup> are invaluable to their effectiveness as mentors.

Research also indicates “positive peer relationships . . . are . . . critical in promoting [a] sense of belonging and increasing student persistence” for first-generation college students.<sup>272</sup> Positive peers can provide support that directly affects outcomes by engaging the first-generation college student in study groups,

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268. SMITH & BLACKNALL, *supra* note 264, at 3-4.

269. STRAND, *supra* note 94, at iv.

270. *Id.*

271. TIP graduate assistants receive instruction on how and when to provide student feedback and the standard by which to evaluate TIP student performance.

272. SMITH & BLACKNALL, *supra* note 264, at 2; *see also* Jessica M. Dennis et al., *The Role of Motivation, Parental Support, and Peer Support in the Academic Success of Ethnic Minority First-Generation College Students*, 46 J.C. STUDENT DEV. 223, 235 (2005) (studying 100 ethnic minority first-generation college students and finding that “a lack of needed support from peers [serves as an] important predictor[] of college GPA, adjustment, and, possibly, commitment to college”).

recommending courses, sharing class notes, and giving advice about strategies to use.<sup>273</sup>

The TIP program aids in the development of positive peer relationships by bringing a small cohort of similarly situated students together with the common goal of succeeding in the program and gaining admission to law school. Students in the program are encouraged to work together and are frequently observed in study groups, connecting on social media, sharing meals, sharing notes and outlines, and offering encouragement to one another. These bonds often continue throughout law school and are credited by the students as a significant reason for their success.<sup>274</sup>

TIP helps first-generation college graduates successfully navigate a course through law school to a degree and a law license. It does this by addressing the deficiencies in finances, cultural capital, and social capital that tend to plague first-generation college students more than their peers. By providing guidance, financial resources, preparation, mentorship, and the development of interdependent relationships, TIP helps these students achieve success in law school.

#### IV. CONCLUSION

First-generation college students are comprising greater numbers of law school students. They bring with them unique

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273. See Richard C. Richardson & Elizabeth Fisk Skinner, *Helping First Generation Minority Students Achieve Degrees*, 80 *NEW DIRECTIONS FOR COMMUNITY COLLEGES* 29, 37 (1992) (college students report reliance on peers to form study groups and share assignments).

274. All former TIP students who participated in the 2015 and 2016 TIP program and matriculated at the University of Memphis School of Law were e-mailed a Satisfaction Survey during their first semester of law school. Thirteen students responded. Five students responded in 2016 and eight students responded in 2015. Responses were anonymous; therefore, it is unknown how many responses were provided by first-generation college graduates. In response to the 2016 survey statement "How important were these TIP activities in preparing you for law school?", 40% said being a member of the TIP peer group when they entered law school was "very important" and 60% said it was "important." When asked the same question in the 2015 survey, 50% said "very important", 25% said "important" and 25% said it was "somewhat important". In total, 100% of students who responded to the survey agreed that being in the TIP peer group was important to some degree. The surveys are on file with co-author and TIP Director Jacqueline O'Bryant. Anecdotally, students have also verbalized the academic, mental, and emotional value of the bonds developed in the TIP program during graduation ceremonies.

challenges and strengths. Law schools can provide interventions to aid such students in capitalizing on their strengths to better meet those challenges. The TIP program at the University of Memphis Cecil C. Humphreys School of Law is one such proven intervention that has resulted in remarkable student success. Other law schools should take notice of the benefits that investment in such programs can reap. They should use the TIP program in whole or in part as a model for guiding first-generation college students to success in law school.