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DIVERSITY AS A LAW SCHOOL SURVIVAL STRATEGY

AARON N. TAYLOR*

INTRODUCTION

The fall of 2010 was a period of unprecedented bounty for law schools. That year, a record 52,488 students began their studies at one of the then-200 law schools approved by the American Bar Association (ABA).¹ I was an admissions dean, facing what, at that time, I considered a problem—too many admitted applicants had accepted my offers of admission. My full-time division was oversubscribed beyond classroom capacity. My part-time division was also oversubscribed; but, fortunately, there was still physical space to accommodate that excess.

When it became clear that the “summer melt”² was going to be insufficient at alleviating the problem, I made the drastic decision to offer scholarships to incoming full-time students who either switched their enrollment to part-time or deferred their enrollment to the next school year.³ Thankfully, the monetary incentive worked. My full-time cohort shrank just enough to avoid having to create an additional section. The part-time cohort ended up being the largest in school history.

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1. During the 2012–13 academic year, the ABA accredited 201 J.D.-granting law schools. *Enrollment and Degrees Awarded 1963–2012 Academic Years*, AM. BAR. ASS’N (last visited Jan. 2, 2015), http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/enrollment_degrees_awarded.authcheckdam.pdf [hereinafter *Enrollment and Degrees*].

2. In higher education admissions, “summer melt” refers to the phenomenon of admitted applicants committing to attend a particular school, often by paying a non-refundable seat deposit, but then later deciding not to enroll. Eric Hoover, *In an Uncertain Summer, Colleges Try to Control Enrollment ‘Melt,’* CHRON. HIGHER EDUC., July 20, 2009, at A22, available at <http://chronicle.com/article/In-an-Uncertain-Summer/47100/> (describing how this process works at the undergraduate level). This process plays out most apparently during the summer months when applicant enrollment plans become firm. *Id.*

3. The previous year, the University of Miami offered a similar incentive to incoming students in order to avoid a “larger than optimal first-year class.” Scott Travis, *UM Pays Students to Defer Law School*, SUN SENTINEL (Aug. 3, 2009), http://articles.sun-sentinel.com/2009-08-03/news/0908020213_1_law-school-school-students-graduate-school-applications.

Ominous signs would soon become apparent, however. My 2011 entering class, fortuitously my last, came in a few students short of enrollment targets—by no means a disaster, but a far cry from the year before. It would not be long before the large-scale nature of the downturn became one of the biggest higher education stories.

The downturn has been a source of despair for many—and odd pleasure, for some.⁴ Seemingly everyone with a stake in legal education has chimed in, present company included.⁵ Fortunately, these commentaries seem to have transitioned from a hyper-focus on the crisis to a consideration of the future. An area of obvious concern is whether law schools can survive a longer-term dip in student interest.

Many analogies have been made between legal education and dental education, which experienced a rash of school closures resulting from

4. Hoards of so-called “scamblogs,” on which the authors, often anonymous, offer searing critiques of legal education, have gained popularity over the last few years. These blogs have tapped into the larger climate of frustration, generating attention and, of course, page views. Some of these blogs have contributed useful insights to discussions of legal education; others have contributed little more than snark. *See, e.g., Profiles in Deliberate Misinformation and Dishonesty: Aaron Nathaniel Taylor, “Law Professor” at St. Louis University*, THIRD TIER REALITY (Oct. 12, 2011, 6:25 AM), <http://thirddierreality.blogspot.com/2011/10/profiles-in-deliberate-misinformation.html> (providing a particularly snarky assessment of my views on legal education).

5. I have published a series of commentaries on legal education. In most, I have made clear that I believe legal education to be a sound investment for the vast majority of students, even in this climate. I have received ample feedback, both positive and negative. Unfortunately, the positive was mostly confined to my email inbox, while the negative was splayed publicly—mainly in skewering blog posts. Aaron N. Taylor, *Get ‘Real’ About Law School*, PRELAW, Winter 2012, at 4, available at [http://www.nxtbook.com/nxtbooks/cypress/prelaw_2012winter/index.php#/4_\(providing_insights_into_how_prospective_law_students_can_calculate_costs_of_attendance,_employment_rates,_and_outcomes,_without_having_to_rely_exclusively_on_school-provided_data\);](http://www.nxtbook.com/nxtbooks/cypress/prelaw_2012winter/index.php#/4_(providing_insights_into_how_prospective_law_students_can_calculate_costs_of_attendance,_employment_rates,_and_outcomes,_without_having_to_rely_exclusively_on_school-provided_data);) Aaron N. Taylor, *As Law Schools Struggle, Diversity Offers Opportunities*, CHRON. HIGHER EDUC. (Feb. 14, 2014), <http://chronicle.com/article/As-Law-Schools-Struggle/144631/> [hereinafter Taylor, *Law Schools Struggle*] (highlighting the imperative for law schools to assess their admissions policies, curricula, and support services in fostering the success of an increasingly diverse student body); Aaron N. Taylor, *Managing Law Student Expectations is a Joint Endeavor*, LAWYERIST (Feb. 1, 2012), <https://lawyerist.com> (search “Aaron Taylor”; follow “Managing Law Students Expectations is a Joint Endeavor” hyperlink) (arguing that admissions officers and students both have responsibilities to ensure that expectations regarding law school outcomes and success are reasonable); Aaron N. Taylor, *Why Law School Is Still Worth It*, THE NATIONAL JURIST (Oct. 11, 2011), <http://www.nationaljurist.com/content/why-law-school-still-worth-it> (asserting that for many reasons law school is a good investment); Aaron N. Taylor, *Why Law Schools Should Report “Gainful Employment,”* LAWYERIST (Dec. 22, 2011), <https://lawyerist.com> (search “Aaron Taylor”; follow “Why Law Schools Should Report ‘Gainful Employment’” hyperlink) (arguing that law schools should compile and make public data relating to graduate employment and salary outcomes, relative to student loan debt).

declining enrollments back in the late 1980s.⁶ The wisdom of these analogies remains unknown, as no law schools have closed,⁷ in spite of enrollments that have fallen almost a quarter between 2010 and 2013.⁸ But we are still in the throes of the downturn with no immediate end in sight.⁹ So there is a fundamental question of what individual law schools have done, and what they can do, to ensure their survival in this new climate.

I recently published a commentary arguing that the downturn provides an opportunity for law schools to embrace diversity in ways that most have only talked about.¹⁰ I note that law students, on a whole, are more diverse than ever, with students of color accounting for 26% of total enrollment and 28% of first-year enrollment.¹¹ I caution, however, that this proportional achievement is due mostly to deep declines in white law students,¹² and that blacks and Hispanics

6. Tamar Lewin, *Plagued by Falling Enrollment, Dental Schools Close or Cut Back*, N.Y. TIMES, Oct. 29, 1987, at A18, available at <http://www.nytimes.com/1987/10/29/us/plagued-by-falling-enrollment-dental-schools-close-or-cut-back.html>; I. Richard Gershon, *A Lesson From a Different Profession*, LAW DEANS ON LEGAL EDUC. BLOG (Nov. 18, 2013), http://lawprofessors.typepad.com/law_deans/2013/11/a-lesson-from-a-different-profession.html.

7. Thomas Cooley Law School recently announced that it would not enroll first-year students at its Ann Arbor campus, which is one of five campuses operated by the school. The school identified declining enrollment and revenue as the impetuses behind the decision. Debra C. Weiss, *Cooley Law School Won't Enroll New 1Ls at Ann Arbor Campus, Plans Faculty Layoffs*, A.B.A. J. (Jul. 2, 2014, 5:45 PM), http://www.abajournal.com/news/article/cooley_law_school_wont_enroll_new_1ls_at_ann_arbor_campus_plans_faculty_lay/.

8. See *Enrollment and Degrees*, supra note 1. In 2010, first-year enrollment was 52,488 students; in 2013, it had fallen 24.4%, to 39,675. *ABA-Approved Law School 1L Entering Class Data: Fall 2013*, AM. BAR ASS'N (Jan. 17, 2014), http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2013_fall_aba_approved_law_school_entering_class_information.authcheckdam.pdf [hereinafter *1L Entering Class*] (listing 2013–14 enrollment).

9. For the 2013–14 admission cycle, applicants and application volume were down 6.7% and 8.2%, respectively. *Three-Year Applicant Volume Graphs*, LAW SCH. ADMISSION COUNCIL, <http://www.lsac.org/lsacresources/data/three-year-volume> (last visited Jan. 5, 2015).

10. Taylor, *As Law Schools Struggle, Diversity Offers Opportunities*, supra note 5.

11. *First Year J.D. and Total J.D. Minority Enrollment for 1971–2012*, AM. BAR ASS'N, http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/jd_enrollment_1yr_total_minority.authcheckdam.pdf (last visited Oct. 10, 2014).

12. Between 2010 and 2013, the number of white law students declined 24%. During the same time period, the number of Hispanic students increased 3%, black students declined 5.5% and Asian students declined 13%. *Matriculants by Ethnic and Gender Group*, LAW SCH. ADMISSION COUNCIL, <http://www.lsac.org/lsacresources/data/ethnic-gender-matriculants> (last visited Jan. 5, 2015) [hereinafter *Matriculants*]. This “white flight,” as it has been artlessly characterized, is seen as a direct result of the difficulties facing legal education. Matt Leichter, “White Flight” Hits Nation’s Law Schools, AM. LAWYER DAILY (Nov. 27, 2013), <http://www.americanlawyer.com/id=1202629911659?slreturn=20140622141859>. A disproportionate number of white and Asian prospects are simply opting to do other things. See *id.*

remain profoundly underrepresented in legal education and the profession.¹³ My central assertion was that law schools should revisit the manners in which they select students, educate students, and support students in order to foster environments where all students can be successful. But what about diversity as a survival strategy? Can schools foster their own survival by actually embracing their diversity rhetoric?

Upon his selection as Dean of the University of Houston Law Center in April of 2014, Leonard Baynes was asked how he would reverse trends of declining applications and enrollments.¹⁴ He suggested that his law school must build pipelines of students from underserved racial, ethnic, and socioeconomic backgrounds, thereby expanding its market.¹⁵ It should be no surprise that increasing student diversity lays at the center of Dean Baynes's objectives. His entire career in legal education has been spent aiding the progression of people of color into law school and the profession.¹⁶ Dean Baynes sees the downturn both as an opportunity to do right by students, and indeed society, but also as a means of ensuring that his law school thrives.

But with predictions of the demise of legal education, to date, being greatly exaggerated,¹⁷ to what extent have law schools already manipulated diversity

13. Blacks and Hispanics collectively account for about 30% of the population, but only 20% of law students and 8.5% of lawyers. *State & County QuickFacts*, U.S. CENSUS, <http://quickfacts.census.gov/qfd/states/00000.html> (last visited Jan. 5, 2015) (listing racial and ethnic demographics for national population). See also *Lawyer Demographics*, AM. BAR ASS'N (2013), http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer_demographics_2013.authcheckdam.pdf (listing racial and ethnic demographics of legal profession); *Matriculants*, *supra* note 12 (listing law school enrollment data).

14. Benjamin Wermund, *New UH Law School Dean Will Seek to Boost Applicants*, HOUS. CHRON. (Apr. 29, 2014), <http://www.houstonchronicle.com/news/education/article/New-UH-law-school-dean-will-seek-to-boost-5439664.php>. Between 2010 and 2013, the University of Houston Law Center experienced a 37% decline in applications and a 19% decline in class size. See *Official ABA Data: University of Houston Law Center*, AM. BAR ASS'N (2010), <http://www.isac.org/docs/default-source/official-guide-2010/aba6870.pdf>.

15. Wermund, *supra* note 14. Engaging underrepresented populations as a survival tool is not a novel idea and indeed has precedence in other fields. Recently, the Peace Corps announced that, among other things, it would seek to increase diversity among corps members as a means of stemming waning interest. T. Rees Shapiro, *Peace Corps Announces Major Changes to Application Process*, WASH. POST (Jul. 14, 2014), http://www.washingtonpost.com/local/education/peace-corps-announces-major-changes-to-application-process/2014/07/14/f1cff488-0931-11e4-bbf1-cc51275e7f8f_story.html?hpid=z1.

16. Since 1999, Baynes has served as the inaugural director of the Ronald H. Brown Center for Civil Rights and Economic Development. See *Ronald H. Brown Center for Civil Rights and Economic Development*, ST. JOHN'S UNIV., <http://www.stjohns.edu/law/ronald-h-brown-center-civil-rights-and-economic-development> (follow "Message from the Director" pull-down tab) (last visited Jan. 5, 2015). One of the Center's objectives is to "[a]dminister pipeline programs to increase the racial and socioeconomic diversity in the legal profession[.]" *Id.*

17. Debra Cassens Weiss, *'Massive Layoffs' Predicted in Law Schools Due to Big Drop in Applicants*, ABA JOURNAL (Jan. 31, 2013, 12:27 PM), <http://www.abajournal.com/news/article/>

levels for strategic purposes? Is the increasing diversity evidence of more law schools embracing inclusiveness as a fundamental good, in the vein of Dean Baynes, or do these trends reflect a mere survival strategy? Or even a random blip?

The answers to these questions are important because motives matter. A genuine commitment to diversity would likely yield different outcomes than a shortsighted embrace. In providing insight into these questions, this Article will explore the extent to which law schools have used students of color to lessen the effects of the downturn. The article will also highlight the increasing racial and ethnic stratification within legal education and discuss the implications of that trend.

I will focus on two cohorts: the entering classes of 2010 and 2013. These cohorts are significant because they, so far, bookend the swift transition from feast to famine for law schools.¹⁸ Law schools enrolled 52,488 first-year students—a record number—in 2010;¹⁹ by 2013, the size of the first-year cohort had fallen almost 25%, to 39,675—the lowest levels in almost forty years.²⁰ These two snapshots in time provide compellingly different lenses through which to view the effects of the downturn on student diversity.

One of the central aims of this Article is to tell a story, illustrated with data. My hope is to present this data in ways that provide insight without being clunky or confusing. The Article begins in Part I with statistical trends that will be the basis upon which the rest of the Article will flow. Part I also describes the pool of law schools whose statistics were analyzed for this Article. Part II discusses racial and ethnic enrollment trends, with Part III exploring the extent to which schools manipulated diversity to cope with the downturn.

I. OVERVIEW OF ENROLLMENT TRENDS

One of the purposes of this analysis was to identify ways in which the 2010 and 2013 first-year student cohorts were different. The 2010 cohort was the largest in history. The 2013 cohort was the smallest since 1977. The two groups entered in very different climates. The dismal trends and the bad publicity that have typified the last few years had not yet taken hold in 2010. On the other hand, the 2013 cohort entered under what was likely the most unfavorable climate, at least rhetorically, legal education has ever faced.²¹

massive layoffs predicted in law schools due to big drop in applicants (referencing a professor who predicted that up to ten law schools would close).

18. *Enrollment and Degrees*, *supra* note 1. The entering class of 2014 will likely supplant the 2013 class in terms of enrollment decline, thus, creating a new bookend.

19. *Id.*

20. *1L Entering Class*, *supra* note 8.

21. Ryan Calo, *Why Now is a Good Time to Apply to Law School*, FORBES (Nov. 24, 2013, 1:43 AM), <http://www.forbes.com/sites/ryancalo/2013/11/24/why-now-is-a-good-time-to-apply->

By 2013, most law schools were well into the throes of a tailspin. The decline in entering students was precipitated by an almost one-third decline in applicants.²² These trends represented millions of dollars in lost revenue for law schools.²³ Indeed, the number of students lost during this three-year period was the equivalent of forty-nine average-sized 2010 entering classes.

A. *The Pool of Law Schools*

Not every law school was included in this analysis. Firstly, only ABA-approved law schools were analyzed.²⁴ Secondly, three were excluded because they were not ABA-approved in 2010.²⁵ Thirdly, the three law schools in Puerto Rico were excluded because they were outliers in practically every significant way.²⁶ In the end, 196 law schools were included. Within this group is an array of institutions of different sizes, different missions, different niches, and different student markets. Criticisms of legal education often overstate its

to-law-school/. A cogent argument could be made that the actual conditions in which the 2013 first-year cohort entered were more favorable than those in 2010. The argument is based on the difference in class size between the two cohorts and how competition for jobs will be fiercer when the 2010 entering cohort graduates (in 2013) compared to when the 2013 cohort graduates (in 2016). But rhetorically, the wisdom of the law school investment remained largely unquestioned in 2010 while being broadly challenged in 2013.

22. *End of Year Summary: ABA Applicants, Applications, Admissions, Enrollment, LSATS, CAS, LAW SCH. ADMISSION COUNCIL* (2014), <http://www.lsac.org/lisacresources/data/lisac-vol-ume-summary>. In 2010, there were 87,500 applicants; by 2013, the number had fallen to 59,400. *Id.*

23. See Ethan Bronner, *Law Schools' Applications Fall As Costs Rise and Jobs Are Cut*, N.Y. TIMES, Jan. 31, 2013, at A1; Benjamin Wermund, *Shrinking Applicant Pool Has Law Schools Competing To Cut Costs*, HOUS. CHRON. (June 1, 2014, 11:06 AM), <http://www.houstonchronicle.com/news/education/article/Shrinking-applicant-pool-has-law-schools-5519781.php>. Lost tuition and fees caused by the declining enrollments are frequently discussed; overlooked, however, is that law schools have also lost millions of dollars in application fees—possibly in the hundreds of millions.

24. Currently, there are 203 J.D.-granting law schools that are approved by the ABA. *ABA Approved Law Schools by Year*, AM. BAR ASS'N, http://www.americanbar.org/groups/legal_education/resources/aba_approved_law_schools.html (last updated 2013).

25. *Id.* Belmont gained provisional ABA accreditation in 2013; California-Irvine gained provisional accreditation in 2011; Massachusetts-Dartmouth gained provisional accreditation in 2012. *Id.*

26. *Id.* The three ABA-approved law schools in Puerto Rico are Inter-American, Pontifical Catholic, and Puerto Rico. *Id.* These schools are distinctive because their student bodies are made up almost exclusively of Puerto Ricans and instruction is given in Spanish. The 2010 LSAT medians for Inter-American (139) and Pontifical (135) would have been extreme lower-end outliers, compared to other ABA-approved schools. *Section of Legal Education: ABA Required Disclosures*, AM. BAR ASS'N, <http://www.abarequireddisclosures.org> (search under “Select School”; search under “Select Year”; follow “Generate Report” hyperlink) (last visited Jan. 5, 2015, 11:44 AM).

uniformity.²⁷ Like much of U.S. higher education, there is appreciable diversity among law schools, rendering a generic review of all schools largely unhelpful.

In order to ensure that trends could be identified and analyzed with adequate nuance, I divided the 196 schools into quintiles. In devising quintile groupings, I sorted law schools in order of their 2010 median LSAT score²⁸ and then divided them into the five groupings. Not every quintile is the same size because schools with the same median were grouped together. Below are the 2010 LSAT ranges for each quintile and the number of schools comprising each.

| Quintile ²⁹ | 2010 LSAT Range | Number of Schools |
|------------------------|-----------------|-------------------|
| 5 | 145–153 | 46 |
| 4 | 154–156 | 48 |
| 3 | 157–159 | 25 |
| 2 | 160–163 | 41 |
| 1 | 164–173 | 36 |

Data for each quintile was tracked and analyzed separately, then compared to others. This is the form in which much of the data is presented, though, in some cases, schools will also be grouped by their institutional sector (public or private). It is important to note that, with few exceptions, the data discussed in the Article represents two snapshots in time and not necessarily continuous trends. This is particularly important when considering very small changes between the cohorts. For example, just because a school had more first-year students of color in 2013 than it did in 2010 does not mean that this increase followed a steady progression in the intervening years or was the result of a

27. See, e.g., Brian Z. Tamanaha, *How To Make Law School Affordable*, N.Y. TIMES, June 1, 2012, at A27 (“[O]ne size fits all’ template [of ABA Standards] . . . ensure that there is little differentiation among law schools . . .”).

28. Surely there were other ways these schools could have been grouped—the most obvious of which is by U.S. News ranking. I chose the LSAT benchmark because of the outsized role it plays in the admission process and in forming perceptions of prestige. William D. Henderson, *The LSAT, Law School Exams, and Meritocracy: The Surprising and Undertheorized Role of Test-Taking Speed*, 82 TEX. L. REV. 975, 977–78 (2004) (“[U.S. News & World Report] rankings move in virtual lockstep with a school’s median LSAT score.”).

29. For a list of schools, see *infra* Appendix A.

deliberate strategy. I speak to trends in some instances, but I mostly focus on the two snapshots in illustrating the differences between the two cohorts.

Most of the data will take the form of raw numbers and proportions. Correlations will also be presented. Correlations measure the linear relationship between variables.³⁰ Do the variables rise together? Do they fall together? Or do they move divergently? Is there any relationship at all? These are the types of questions that correlations answer.

Correlations are expressed in coefficients, ranging from -1 to +1. The more extreme the coefficient, the stronger the relationship. Positive coefficients denote relationships that tend to flow in the same direction. Negative coefficients denote relationships that flow in opposite directions. A coefficient of zero denotes no relationship. For purposes of this analysis, coefficients of +/-0.2 or stronger will be considered worthy of discussion.³¹ In these discussions, it is important to keep in mind that correlation does not equal causation—meaning, a linear relationship between two variables does not mean they influence each other; the relationship can be mere coincidence.³² But to paraphrase an old axiom, where there is smoke, there might be fire. In that vein, I will be sure to highlight instances where I believe coefficients signify more than a coincidental relationship.

Lastly, the source of the school-level data is the Standard 509 Information Reports that law schools are now required by the ABA to make available annually on their websites.³³ Unless otherwise cited, aggregated data is based on my calculations.

30. Definition of *Correlation*, YALE UNIV. DEP'T STAT., <http://www.stat.yale.edu/Courses/1997-98/101/correl.htm> (last visited Jan. 10, 2015, 11:00 AM).

31. There are no hard and fast rules on how to characterize the strength of correlations based on the size of the coefficients. Context matters. But it seems to be accepted that +/- 0.2 represent a threshold of correlational perceptibility. *The Correlation Technique*, GERARD KEEGAN AND HIS PSYCHOLOGY SITE, <http://www.gerardkeegan.co.uk/resource/correlationaltech.htm> (last visited Jan. 10, 2015, 11:50 AM).

32. Ice cream consumption and crime share a positive correlation, meaning they rise together. But ice cream consumption does not cause crime, and crime does not cause ice cream consumption. (It is likely the weather that creates conditions conducive to both trends). The relationship between the two variables is simple coincidence. Kallen D. Kentner, *The Ice Cream Murders: Correlation vs. Causation*, BIOJOURNALISM.COM, <http://biojournalism.com/2012/08/correlation-vs-causation/> (last visited Jan. 5, 2015, 11:52 AM).

33. Standard 509 was revised and expanded by the ABA in 2014 in the aftermath of controversies relating to law schools providing misleading information about employment outcomes and other information. Barry A. Currier, *Compliance with Revised Standard 509, Memorandum*, AM. BAR ASS'N (July 14, 2014), http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2014_july_standard_509_revised_compliance_memo_with_attachments_and_links.authcheckdam.pdf.

B. Profile of the Student Cohorts

In comparing the 2010 and 2013 cohorts, “feast to famine” is probably the most apt characterization. In 2010, the 196 schools included in this analysis enrolled a total of 51,612 first-year students; by 2013, that total had dropped almost 23%, to 39,916.³⁴ These students were selected from a pool of 605,724 applications in 2010 and 387,627 in 2013—a startling 36% drop. Unsurprisingly, overall admit rates increased from 36% in 2010 to 51% in 2013. And the scrum to get admitted students to actually enroll got fiercer, with yield rates falling from 30% in 2010 to about 26% in 2013.

In 2010, the median LSAT score among schools in the pool (the median-median) was 157, with an interquartile range of medians of 154–162 and an overall range of medians of 145–173. In 2013, the median score had fallen to 155, with an interquartile range of 151–160 and an overall range of medians 143–173. Median undergraduate GPA statistics were essentially unchanged.³⁵

One of the most vocal narratives to come out of the downturn is that law schools have resorted to enrolling lesser-qualified students in a desperate attempt to stem enrollment losses.³⁶ This claim, while seemingly plausible, is statistically unsupported, and likely arises from a misunderstanding of how to interpret LSAT scores. The LSAT, and indeed all standardized tests, has what is called a standard error of measurement (“SEM”).³⁷ The SEM is the estimated difference between a test-taker’s observed score and her true score.³⁸ The existence of SEM necessitates that each test-taker be assigned a score band, which is a range of scores in which the test-taker’s true score could fall. The contours of each score band are the test-taker’s observed score, \pm the SEM.

The LSAT has an SEM of 2.6—three points, rounded up.³⁹ Therefore, a test-taker who receives an observed score of 155 will have a score band of

34. *Id.* The Standard 509 reports include all first-year students when charting student demographics. *See id.* Therefore, these totals include all first-year students, including those who deferred admission from the previous year, those who had to repeat the first year for academic reasons, and others who did not go through the regular admission process in the given year. *Id.*

35. The 2010 median UGPA for schools included in the analysis was 3.42. The 2013 median was 3.37.

36. *See* Jordan Weissmann, *The Wrong People Have Stopped Applying to Law School*, ATLANTIC (Apr. 10, 2012, 10:37 AM), <http://www.theatlantic.com/business/archive/2012/04/the-wrong-people-have-stopped-applying-to-law-school/255685/>.

37. *Score Bands*, LAW SCH. ADMISSION COUNCIL, <http://www.lsac.org/jd/lsat/your-score/score-band> (last visited Jan. 10, 2015, 11:59 AM).

38. The observed score is the score an applicant received on a particular administration of a standardized test. The true score is the score that represents the test-taker’s actual ability, as measured by the standardized test. The true score is often different from the observed score, which is the premise of the standard error of measurement. *Id.*

39. *Id.*

152–158.⁴⁰ This is where the fallacy of the “less qualified” meme is exposed. The difference between the 2010 median (157) and the 2013 median (155) are statistically insignificant because their score bands overlap.⁴¹ In other words, based on the LSAT, we do not know if the typical 2013 entering student is weaker than his 2010 peer. The 2013 student’s true score could have been as high as 158, and the 2010 student’s true score could have been as low as 154—rendering their observed scores inaccurate reflections of their true abilities. And when one considers that there is about a one-third chance a test-taker’s observed score falls outside—above or below—even the score band, the limited reliability of LSAT scores is highlighted even more.⁴²

1. Application trends

Fallacies notwithstanding, perceptions of law school quality and prestige are influenced to a large extent by a school’s median LSAT score.⁴³ This reality is the reason why I used the LSAT as the basis on which to assign schools to quintiles. The assigning of schools to the same quintile is not meant to suggest that each is identical to the other, or that each competes for the same applicants.⁴⁴ Common grouping only signifies that schools share a similar proxy for prestige that undoubtedly influences applicant behavior. To that very point, burdens brought on by the downturn have not been shared evenly. Table 1 charts application trends for each quintile.

40. *Id.* This is the process for calculating most score bands. For extreme scores, the process is different. *Id.*

41. The score band for the 2010 median is 154–160, which encompasses, in part, the 152–158 score band for the 2013 median.

42. The minus/plus three points score band is guaranteed to be accurate only 68% of the time. A 99% certain score band would have parameters of minus/plus nine points—meaning, an observed score of 155 would have a score band of 146–164. *See Score Bands, supra* note 37.

43. Henderson, *supra* note 28, at 977–78.

44. This warning is especially apt considering the rather diverse composition of both Quintiles 1 and 5.

TABLE I: APPLICATIONS PER QUINTILE, WITH PERCENT OF TOTAL POOL, AVERAGE VOLUME PER SCHOOL, AND PERCENT CHANGE

| Quintile | 2010 | | | 2013 | | | Change |
|----------------|----------------|-------------|-------------|----------------|-------------|-------------|-------------|
| | Apps | % of total | Average | Apps | % of total | Average | |
| 5 | 87,770 | 14.5% | 1908 | 53,265 | 13.7% | 1158 | -39.3% |
| 4 | 86,669 | 14.3% | 1805 | 54,072 | 13.9% | 1127 | -37.6% |
| 3 | 70,537 | 11.6% | 2821 | 39,336 | 10.1% | 1573 | -44.2% |
| 2 | 144,825 | 23.9% | 3532 | 92,349 | 23.8% | 2252 | -35.2% |
| 1 | 215,923 | 35.6% | 5998 | 148,605 | 38.3% | 4128 | -31.2% |
| <i>Overall</i> | <i>605,724</i> | <i>100%</i> | <i>3213</i> | <i>387,627</i> | <i>100%</i> | <i>2048</i> | <i>-36%</i> |

Unsurprisingly, schools in the Quintiles 1 and 2 received a highly disproportionate number of applications both in 2010 and 2013. These schools received 60% of the applications in 2010 and 62% in 2013, even though they accounted for only 39% of the schools in the pool.⁴⁵ Conversely, schools in Quintile 4 and 5 received 29% of the 2010 volume and 28% in 2013, while accounting for 48% of the pool.⁴⁶ Quintile 3 accounted for 10% of the applicant volume and 13% of the schools.⁴⁷ Among the quintiles, declines in application volume inversely reflected median LSAT scores—the notable exception being Quintile 3, which experienced the largest decline.

Application volume influences every other enrollment management benchmark, including the number of offers a school makes, its admit rate, and its yield. Table 2 displays trends relating to each.

45. Quintiles 1 and 2 accounted for seventy-seven (or 39%) of the schools in the pool.

46. Quintiles 4 and 5 accounted for ninety-four (or 48%) of the schools in the pool.

47. Quintile 3 accounted for twenty-five (or 13%) of the schools in the pool.

TABLE 2: OFFERS OF ADMISSION, ADMIT RATES, AND YIELDS, 2010 & 2013

| Quintile | Offers | | | Admit Rate | | | Yield | | |
|----------|--------|--------|--------|------------|-------|--------|-------|-------|--------|
| | 2010 | 2013 | Change | 2010 | 2013 | Change | 2010 | 2013 | Change |
| 5 | 46,040 | 34,838 | -24.3% | 50.2% | 64.3% | +14.1% | 32.1% | 28.7% | -3.4% |
| 4 | 34,966 | 30,921 | -11.6% | 40.1% | 57.5% | +17.4% | 33.2% | 29.1% | -3.1% |
| 3 | 25,010 | 20,666 | -17.3% | 34.9% | 52.4% | +17.5% | 27.8% | 23.9% | -3.9% |
| 2 | 42,855 | 41,451 | -3.2% | 30% | 45.6% | +15.6% | 27.1% | 22% | -5.1% |
| 1 | 40,200 | 41,341 | +2.8% | 19.3% | 29% | +9.7% | 29.6% | 26% | -3.6% |

The most obvious and least surprising trend is that the higher-median quintiles had the lowest admit rates. In both 2010 and 2013, Quintile 1 had the lowest admit rate; Quintile 5 had the highest. Generally, Quintile 1 seemed to be buffered from much of the turbulence of the downturn. It was the only quintile to make more offers in 2013, and it nonetheless kept its overall admit rate the lowest. Meanwhile, Quintile 5 saw its number of offers decline by the largest proportion, in spite of maintaining the highest admit rate. These trends reflect the fact that Quintile 1 schools had a deeper pool from which to select applicants than Quintile 5—and indeed all other quintiles.

Yield rates follow what may appear to be a counterintuitive trend.⁴⁸ They tend to be highest among schools with the lowest LSAT medians and the highest admit rates, especially when median yield rates (as opposed to average) are considered.⁴⁹ However, this trend makes sense, considering the number of law school options likely afforded applicants admitted to schools in the higher-median quintiles. In other words, competition is fiercer for applicants with higher LSAT scores, thereby lowering the yield rates for schools competing for those applicants.

48. Yield rates refer to the percentage of admitted applicants who actually enroll. Staci Zaretsky, *Which Law Schools Had the Best Yield Rate in 2013?*, ABOVE THE LAW (Apr. 2, 2014, 1:18 PM), <http://abovethelaw.com/2014/04/which-law-schools-had-the-best-yield-rate-in-2013/>.

49. Average yield rate for each quintile tend to be skewed upward by outliers. But this skew is more intense for the higher median LSAT quintiles—and most intense for Quintile 1. Median yield rates for each quintile are as follows: Quintile 5: 28.3%; Quintile 4: 28.2%; Quintile 3: 20.5%; Quintile 2: 20.5%; Quintile 1: 21.8%.

Admission offers, admit rates, and yields all culminate with the enrollment of new students. The hallmark of the legal education downturn has been smaller entering classes at practically every law school. Ninety-two percent (180) of the 196 schools in the pool had a smaller entering class in 2013 than in 2010; 23% (forty-six) of them saw declines of one-third or more.⁵⁰ Table 3 displays first-year enrollments in 2010 and 2013.

TABLE 3: FIRST-YEAR ENROLLMENT PER QUINTILE WITH AVERAGE ENROLLMENT PER SCHOOL

| Quintile | 2010 | 2013 | | | |
|--------------|--------------|------------|--------------|------------|---------------|
| | Enrollment | Average | Enrollment | Average | Change |
| 5 | 13832 | 301 | 9793 | 213 | -29.2% |
| 4 | 10807 | 225 | 8205 | 171 | -24.1% |
| 3 | 6037 | 241 | 4346 | 174 | -28% |
| 2 | 10409 | 254 | 8287 | 202 | -20.3% |
| 1 | 10527 | 292 | 9285 | 258 | -11.6% |
| <i>Total</i> | <i>51612</i> | <i>263</i> | <i>39916</i> | <i>204</i> | <i>-22.6%</i> |

Enrollment declines were experienced in every quintile; but once again, the lower-median quintiles bore the brunt. Interestingly, it seems that schools in Quintile 3 have been buffeted by the downturn in ways that rival Quintile 5. In addition to experiencing the second-highest declines in first-year enrollment, Quintile 3 experienced the largest loss in application volume (Table 1); the second-largest decline in offers (Table 2); the largest increase in admit rate (Table 2); and the second-largest decline in yield (Table 2). These trends suggest that while Quintile 3 schools saw much of their traditional applicant pool poached away, they opted to reduce class size rather than sacrifice LSAT medians.

50. Declines of one-third or more have been borne disproportionately by schools in the lower-median quintiles. Quintiles 3, 4, and 5 accounted for 83% (or thirty-eight) of the forty-six schools. The following is the percentage of schools in each quintile that have experienced declines of this magnitude: Quintile 5: 41%; Quintile 4: 23%; Quintile 3: 31%; Quintile 2: 17%; Quintile 1: 3%.

2. LSAT trends

Entering student LSAT statistics loom large in the law school prestige hierarchy. LSAT medians are not only proxies for selectivity, but they also influence perceptions of school quality. For most schools, the higher the median, the better, even if such posture is of questionable legitimacy. Within many, the downturn has prompted discussions about the extent to which LSAT statistics should be sacrificed in favor of maintaining class size—and vice versa.

Between 2010 and 2013, the LSAT median for the 196 law schools studied for this Article declined from 157 to 155. Eighty-eight percent (173) of the schools in the pool had a lower median LSAT in 2013 than in 2010. Only ten schools—a mere 5%—had higher medians.⁵¹ Table 4 charts the differences in median LSAT between 2010 and 2013, including the proportional loss of LSAT “value.”⁵²

TABLE 4: AVERAGE MEDIAN LSAT PER QUINTILE WITH AVERAGE DECLINE AND LOSS OF VALUE

| Quintile | Median LSAT | | | |
|----------|-------------|-------|--------|--------|
| | 2010 | 2013 | Change | Value |
| 5 | 150.7 | 148.4 | -2.3 | -1.52% |
| 4 | 155.1 | 152.7 | -2.4 | -1.54% |
| 3 | 158.3 | 156 | -2.3 | -1.45% |
| 2 | 161.5 | 159.3 | -2.2 | -1.36% |
| 1 | 167.6 | 165.9 | -1.7 | -1% |

Declines in LSAT medians were experienced in each quintile; but true to pattern, Quintile 1 was much less affected. Quintile 1 schools saw the smallest declines in both their median scores and in their relative loss of LSAT value. All other quintiles experienced similar losses in both, with the loss of LSAT value being greatest among Quintiles 4 and 5.

In addition to the overall declines, the range of median LSAT scores became wider within each quintile. Most commonly, the bottom of the range fell, while the top remained the same or changed only slightly. With the ranges

51. Thirteen schools had the same median both years.

52. I define LSAT “value” as the percentage of the 2010 median lost in 2013.

widened, the medians became more dispersed. A method of measuring dispersion is to calculate a median absolute deviation—the extent to which values within a set deviate from the median.⁵³ The larger the deviation, the more dispersed the values are.

Another way of considering the effects of the widening range of LSAT medians is to measure whether losses in LSAT value correlated with previous LSAT medians. Were schools with higher 2010 medians able to maintain their LSAT value more successfully than schools with lower medians? Or were the higher scores more vulnerable to lost value? Table 5 tracks the widening range of median LSAT scores, the larger median deviations, and the correlations between 2010 LSAT median and 2013 loss value.

TABLE 5: MEDIAN LSAT RANGE, ABSOLUTE DEVIATIONS, AND LOSS VALUE CORRELATIONS

| Quintile | Median LSAT Ranges | | Median Absolute Deviations | | | Correlations |
|----------|--------------------|-----------------|----------------------------|------|------------------|--------------|
| | 2010 | 2013 | 2010 | 2013 | Change | Lost value |
| 5 | 145–153 (9) | 143–157 (15) | 1.67 | 2.33 | +0.66 (+40%) | 0.00 |
| 4 | 154–156 (3) | 149–157 (9) | 0.67 | 1.73 | +1.06 (+158%) | 0.09 |
| 3 | 157–159 (3) | 153–158 (6) | 0.68 | 1.4 | +0.72 (+106%) | -0.10 |
| 2 | 160–163 (4) | 154–164 (11) | 0.93 | 1.49 | +0.56 (+60%) | 0.08 |
| 1 | 164–173 (10) | 159–173 (15) | 2.14 | 2.89 | +0.75 (+35%) | 0.41 |

Changes in median LSAT ranges suggest that schools in higher-median quintiles poached upon their lower-median counterparts. Quintile 1's 2013 range widened to encompass Quintile 2's 2010 range. Likewise, Quintile 2 poached Quintile 3;⁵⁴ Quintile 3 poached Quintile 4; Quintile 4 skimmed the

53. See Songwon Seo, A Review and Comparison of Methods for Detecting Outliers in Univariate Data Sets (Apr. 26, 2006) (unpublished M.S. thesis, University of Pittsburgh), available at <http://d-scholarship.pitt.edu/7948/1/Seo.pdf> (comparing and contrasting different methods for calculating dispersion and identifying outliers). Standard deviations are the most common way of measuring dispersion. I opted to use median absolute deviation because it is less sensitive to extreme values than the standard deviation. With wide spreads in LSAT medians among the quintiles, especially Quintiles 1 and 5, I felt that the median absolute deviation was more appropriate.

54. Quintile 2's 2013 range also encompasses Quintile 4's 2010 range, but this encroachment is due to a bottom-end outlier: DePaul.

“cream” from Quintile 5; Quintile 5 entered uncharted waters, with the bottom end of its range falling from 145 to 143.

The amount of dispersion of each LSAT range increased considerably—meaning the individual medians within each quintile were more spread out in 2013. The median absolute deviation for Quintile 4 increased 158%, with Quintile 3 increasing (106%). Notably, Quintiles 1 and 5 had the smallest increases in dispersion, which could merely reflect their already high 2010 dispersion, an artifact of their places at the extremes of the quintile paradigm. But these trends could also reflect that Quintile 1 schools were able to hold the LSAT line more successfully, while Quintile 5 schools were unable to dip much lower. Notably, the bottom end decline of two points among Quintile 5 schools was the smallest among all quintiles.

Among Quintile 1 schools, there was a moderate positive correlation between 2010 LSAT score and the loss of LSAT value in 2013. In other words, Quintile 1 schools with higher 2010 LSAT medians were better able to maintain their LSAT value in 2013. For example, schools with 2010 LSAT medians of 170 or higher lost only about one-half percent of their LSAT value in 2013; all other Quintile 1 schools lost more than double that proportion.⁵⁵ These findings makes sense, given that the highest Quintile 1 medians were indeed the highest among all law schools, placing these institutions at the top of the prestige hierarchy and providing them with a healthy reservoir of student demand. Correlations for all other quintiles were very low or virtually imperceptible.

II. RACIAL AND ETHNIC ENROLLMENT TRENDS

As the data show, most law schools are dealing with significant headwinds in terms of their admissions and enrollment management functions. What role has racial and ethnic diversity played within these trends? The 2013 cohort is the most diverse ever. But diversity trends have been uneven among quintiles. Table 6 charts the enrollment of first-year students of color⁵⁶ within each quintile in 2010 and 2013.

55. The eleven Quintile 1 schools with 2010 medians of 170 or higher lost 0.53% of their LSAT value. The remaining twenty-five Quintile 1 schools lost 1.23%.

56. For purposes of this analysis, students of color are defined as all students, except those who identified themselves as white, those who identified as non-U.S. citizens, and those who declined to identify any race or ethnicity.

TABLE 6: STUDENT OF COLOR ENROLLMENT BY ACTUAL NUMBER AND PERCENTAGE OF TOTAL FIRST-YEAR ENROLLMENT

| Quintile | 2010 | | 2013 | |
|----------------|---------------|--------------|-------------------------|-------------------------|
| | Enroll | Percent | Enroll | Percent |
| 5 | 3958 | 28.6% | 3903 (-1.4%) | 39.8% (+11.2%) |
| 4 | 2238 | 20.7% | 2091 (-6.6%) | 25.4% (+4.7%) |
| 3 | 1319 | 21.8% | 1103 (-16.4%) | 25.4% (+3.6%) |
| 2 | 2721 | 26.1% | 2327 (-14.4%) | 28% (+1.9%) |
| 1 | 2936 | 27.8% | 2480 (-15.5%) | 26.7% (-1.1%) |
| <i>Overall</i> | <i>13,172</i> | <i>25.5%</i> | <i>11904</i> (-9.6%) | <i>29.8%</i> (+4.3%) |

Each quintile saw a decline in the actual number of entering students of color, even though student of color enrollment increased proportionally overall. Quintiles 4 and 5 experienced the smallest actual number declines, while also experiencing the largest proportional increases. Quintile 3 experienced the largest decline in students of color (16.4%); but also the largest decline in overall enrollment (44.2%) (Table 1); therefore, its proportion of students of color increased. A similar trend occurred among Quintile 2 schools. Declines in the actual number of students of color in these quintiles were outpaced by the overall declines in students,⁵⁷ greatly so in Quintile 5.⁵⁸ Quintile 1, however, saw both its actual number of students of color and their proportion of overall enrollment decrease.

School-level data provide insight about the manner in which diversity trends played out within and among the quintiles. Table 7 charts the proportion and number of schools within each quintile that experienced an increase or decrease in student of color enrollment in 2013, compared to 2010.

57. Quintiles 4 and 5 enrolled 27% fewer students in 2013 than in 2010 (24,639 in 2010; 17,998 in 2013). Students of color declined only 3.2% (6196 in 2010; 5994 in 2013).

58. Quintile 5 saw a decline of only 1.4% in students of color. Overall enrollment, however, fell 29.2%.

TABLE 7: INCREASE AND DECREASE IN PROPORTION AND NUMBER OF STUDENTS OF COLOR BY QUINTILE⁵⁹

| Quintile | Proportional | | Actual Number | |
|----------|--------------|----------|---------------|----------|
| | Increase | Decrease | Increase | Decrease |
| 5 | 80% (37) | 15% (7) | 57% (26) | 43% (20) |
| 4 | 75% (36) | 21% (10) | 44% (21) | 50% (24) |
| 3 | 68% (17) | 20% (5) | 24% (6) | 72% (18) |
| 2 | 49% (20) | 41% (17) | 15% (6) | 83% (34) |
| 1 | 28% (10) | 47% (17) | 17% (6) | 81% (29) |

As expected, increases in students of color, both in terms of proportions and actual numbers, were inversely tied to quintile median LSAT score. At the extremes, only in Quintile 5 did a majority of schools experience a proportional and actual number increase in students of color. Quintiles 1 and 2 had the highest proportions and actual numbers of schools that experienced decreases.

These larger student diversity statistics, while instructive, obscure differing trends among individual racial and ethnic groups, and these differing trends are influenced mainly by racial and ethnic disparities in LSAT scores. The average LSAT score for black test takers is typically around 142.⁶⁰ This is the second lowest average among all of the racial and ethnic classifications.⁶¹ The average for Hispanic test takers is typically about 146.⁶² The highest averages belong to white and Asian test takers, approaching 153 for both groups.⁶³

59. Only proportional changes of one percent or more were counted as such. All others were considered to represent no change. For schools and data, see *infra* Appendix B.

60. Susan P. Dalessandro, Lisa C. Anthony & Lynda M. Reese, *LSAT Technical Report Series: LSAT Performance with Regional, Gender, and Racial/Ethnic Breakdowns: 2005–2006 Through 2011–2012 Testing Years*, LAW SCH. ADMISSION COUNCIL (Oct. 2012), [http://www.lisac.org/docs/default-source/research-\(lsac-resources\)/tr-12-03.pdf](http://www.lisac.org/docs/default-source/research-(lsac-resources)/tr-12-03.pdf). Between 2009 and 2011, the average ranged from 141.84 to 142.04. *Id.*

61. *Id.* Puerto Rican test takers have the lowest average, ranging from 138.05 to 138.51 between 2010 and 2012. *Id.*

62. *Id.* Between 2009 and 2012, the average ranged from 146.25 to 146.43. *Id.*

63. *Id.* Between 2009 and 2012, the average for white test takers ranged from 152.77 to 152.86. *Id.* For Asian test takers, the average ranged from 152.36 to 152.68. *Id.*

These disparities have real-world effects on the admission rates for each group, most negatively for black applicants. In 2010, none of the 196 law schools included in this analysis had a median or average score as low as the average for black test-takers. None had even a twenty-fifth percentile score as low. In 2013, even with the effects of the downturn depressing LSAT stats, no school had a median score of 142 or lower and only ten had a twenty-fifth percentile that low. These trends suggest that many black law school applicants have essentially no chance of gaining admission. This suggestion seems to be confirmed by admit rate trends.

Black applicants have the lowest admit rate of any racial or ethnic group; in 2010, only 45.3% received at least one offer of admission.⁶⁴ The rate for white applicants was 76%; 68% for Asians; and 61.4% for Hispanic applicants.⁶⁵ The 2013 admit rates looked similar in terms of racial and ethnic differences: white: 84%; Asian: 75.6%; Hispanic: 71.8%; black: 54.9%.⁶⁶ While the LSAT surely is not the only admission factor law schools consider, these rates align neatly (and troublingly) with the pattern exhibited by the average LSAT data. Whites have the highest average LSAT and highest admit rate, followed by Asians, Hispanics, and, lastly, blacks. The data below illustrate how these trends played out within and among the quintiles.

Below, tables 8, 10, and 12 chart the enrollment of first-year black, Hispanic, and Asian⁶⁷ students respectively from an actual number and proportional perspective. Tables 9, 11, and 13 offer school-level data on enrollment for each group.

A. *Black Students*

As displayed in Table 8, in both 2010 and 2013, Quintile 5 enrolled a plurality of black first-year students and had the highest proportions of black students in terms of total enrollment and student of color enrollment. These trends are unsurprising given the LSAT score trends discussed earlier. Indeed, Quintile 5 was the only grouping of schools to experience across the board increases in actual number and proportional black student enrollment in 2013.

64. All calculations were done by and are on file with author. *See also Admitted Applicants by Ethnic and Gender Group*, LAW SCH. ADMISSION COUNCIL, <http://www.lsac.org/lsacre/sources/data/ethnic-gender-admits> [hereinafter *Admitted Applicants*] (last visited Jan. 10, 2015, 12:40 PM) (listing applicants' stats by race and ethnicity).

65. All calculations were done by and are on file with author. *See also Admitted Applicants*, *supra* note 64.

66. *Id.*

67. For purposes of this analysis, the Asian classification includes students who identified themselves as Asian, as well as those who identified as Native Hawaiian/Pacific Islander. This was the approach I was trained to use as an admissions officer, and I believe it better captures the nuance of the rather blunt "Asian" classification.

All other quintiles enrolled fewer black first-year students in 2013, with Quintiles 1 and 3 experiencing the largest declines.

TABLE 8: BLACK STUDENT ENROLLMENT BY ACTUAL NUMBER AND PROPORTION OF TOTAL FIRST-YEAR ENROLLMENT AND STUDENT OF COLOR ENROLLMENT

| Quintile | 2010 | | | 2013 | | |
|----------------|-------------|-------------|--------------|-------------------------------|-------------------------------|--------------------------------|
| | Enroll | % total | % SOC | Enroll | % total | % SOC |
| 5 | 1591 | 11.5% | 40.2% | 1697 (+6.6%) | 17.3% (+5.8%) | 43.4% (+3.2%) |
| 4 | 653 | 6% | 29.1% | 643 (-1.5%) | 7.8% (+1.8%) | 30.7% (+1.6%) |
| 3 | 350 | 5.8% | 26.5% | 250 (-28.6%) | 5.8% | 22.7% (-3.8%) |
| 2 | 573 | 5.5% | 21% | 494 (-13.8%) | 6% (+0.5%) | 21.3% (+0.3%) |
| 1 | 700 | 6.6% | 23.8% | 553 (-21%) | 6% (-0.6%) | 22.3% (-1.5%) |
| <i>Overall</i> | <i>3867</i> | <i>7.5%</i> | <i>29.3%</i> | <i>3637</i> <i>(-5.9%)</i> | <i>9.1%</i> <i>(+1.6%)</i> | <i>30.5%</i> <i>(+1.2%)</i> |

Proportional declines in black students, both in terms of total enrollment and student of color enrollment, were tempered by declines in overall enrollment. In addition to Quintile 5, slight increases in proportional enrollment were experienced in Quintiles 2 and 4.

School-level data displayed in Table 9 show that Quintiles 4 and 5 had the highest proportion of schools that experienced increases in proportional and actual number enrollment of black first-year students. Only in Quintile 5 did a majority of schools experience proportional increases. In no quintile did a majority of schools enroll more black students in 2013 than 2010. This suggests that the overall increase in black student enrollment among Quintile 5 schools was driven by a relative small number of them.⁶⁸

68. The most extreme confirmation of this suggestion is the fact that there was a net increase of 106 black students among Quintile 5 schools, and Charlotte, alone, increased its black first-year enrollment by 124. So removing Charlotte from the analysis leaves a net decline among Quintile 5 schools.

TABLE 9: INCREASE AND DECREASE IN PROPORTION AND NUMBER OF BLACK STUDENTS BY QUINTILE⁶⁹

| Quintile | Proportional | | Actual Number | |
|----------|--------------|----------|---------------|----------|
| | Increase | Decrease | Increase | Decrease |
| 5 | 76% (35) | 11% (5) | 46% (21) | 48% (22) |
| 4 | 48% (23) | 17% (8) | 40% (19) | 46% (22) |
| 3 | 32% (8) | 36% (9) | 16% (4) | 80% (20) |
| 2 | 32% (13) | 29% (12) | 27% (11) | 63% (26) |
| 1 | 22% (8) | 42% (15) | 22% (8) | 67% (24) |

B. Hispanic Students

Table 10 charts Hispanic student enrollment. Similar to black first-year student trends, in both 2010 and 2013, a plurality of Hispanic students was enrolled in Quintile 5 schools; but the overall trend data was much more favorable for Hispanics students. Hispanic students experienced across the board increases in actual number and proportional enrollment in Quintiles 3, 4, and 5. Their proportion of student of color enrollment among Quintile 3 schools jumped almost ten percentage points, meaning that Hispanic students acquired the “market share” lost by black students (Table 8) and relinquished by Asian students (Table 12).

69. Only proportional changes of one percent or more were counted as such. All others were counted as no change. For schools and data, see *infra* Appendix C.

TABLE 10: HISPANIC STUDENT ENROLLMENT BY ACTUAL NUMBER AND PROPORTION OF TOTAL FIRST-YEAR ENROLLMENT AND STUDENT OF COLOR ENROLLMENT, 2010 AND 2013

| Quintile | 2010 | | | 2013 | | |
|----------------|-------------|-------------|--------------|------------------------|-----------------------|-------------------------|
| | Enroll | % total | % SOC | Enroll | % total | % SOC |
| 5 | 1248 | 9% | 31.5% | 1350 (+8.1%) | 13.7% (+4.7%) | 34.6% (+3.1%) |
| 4 | 689 | 6.3% | 30.8% | 735 (+6.7%) | 9% (+2.7%) | 35.2% (+4.4%) |
| 3 | 372 | 6.2% | 28.2% | 419 (+12.6%) | 9.6% (+3.4%) | 37.9% (+9.7%) |
| 2 | 870 | 8.4% | 32% | 767 (-11.8%) | 9.2% (+0.8%) | 33% (+1%) |
| 1 | 791 | 7.5% | 26.9% | 691 (-12.6%) | 7.4% (-0.1%) | 27.9% (+1%) |
| <i>Overall</i> | <i>3970</i> | <i>7.7%</i> | <i>30.1%</i> | <i>3962</i> (-0.2%) | <i>10%</i> (+2.3%) | <i>33.3%</i> (+3.2%) |

The principal difference in the enrollment trends between black and Hispanic first-year students is that while black student enrollment mostly held steady, at least proportionally, Hispanic enrollment made robust gains both in actual and proportional terms. Much of these comparative gains can likely be attributed to the fact that the average LSAT score for Hispanic applicants is four points higher than the average for black applicants. This difference may be of questionable statistical significance, but the admissions significance is immense. The gains may also be a reflection of the extent of underrepresentation of Hispanic students in 2010.

The school-level data displayed in Table 11 show that the Hispanic enrollment gains between 2010 and 2013 were spread out broadly. In every quintile, except Quintile 1, a majority of schools experienced proportional increases in Hispanic first-year enrollments. In addition, a majority of schools in Quintiles 3, 4, and 5 saw actual number increases in Hispanic first-year students and even in Quintiles 1 and 2, the proportions were just shy of 40%.

TABLE 11: INCREASE AND DECREASE IN PROPORTION AND NUMBER OF
 HISPANIC STUDENTS BY QUINTILE⁷⁰

| Quintile | Proportional | | Actual Number | |
|----------|--------------|----------|---------------|----------|
| | Increase | Decrease | Increase | Decrease |
| 5 | 74% (34) | 20% (9) | 57% (26) | 41% (19) |
| 4 | 58% (28) | 13% (6) | 52% (25) | 31% (15) |
| 3 | 68% (17) | 16% (4) | 56% (14) | 40% (10) |
| 2 | 59% (24) | 29% (12) | 39% (16) | 56% (23) |
| 1 | 33% (12) | 33% (12) | 39% (14) | 58% (21) |

C. Asian Students

The hallmarks of the Asian first-year student data, displayed in Table 12, are almost across-the-board declines in actual and proportional enrollment. Overall enrollment of first-year Asian students fell more than 30% in 2013, and on no indicator did Asian students experience an increase. The primary impetus behind these trends was a 22% overall decline in the number of Asian law school applicants.⁷¹

70. Only increases or decreases of one percent or more were counted as such. All others were counted as no change. For schools and data, see *infra* Appendix D.

71. All calculations were done by and on file with author.

TABLE 12: ASIAN STUDENT ENROLLMENT BY ACTUAL NUMBER AND PROPORTION OF TOTAL FIRST-YEAR ENROLLMENT AND STUDENT OF COLOR ENROLLMENT

| Quintile | 2010 | | | 2013 | | |
|----------------|-------------|-------------|--------------|--------------------------------|-------------------------------|--------------------------------|
| | Enroll | % total | % SOC | Enroll | % total | % SOC |
| 5 | 808 | 5.8% | 20.4% | 395 (-51.1%) | 4% (-1.8%) | 10.1% (-10.3%) |
| 4 | 597 | 5.5% | 26.7% | 400 (-33%) | 4.9% (-0.6%) | 19.1% (-7.6%) |
| 3 | 413 | 6.8% | 31.3% | 249 (-39.7%) | 5.7% (-1.1%) | 22.6% (-8.7%) |
| 2 | 911 | 8.8% | 33.5% | 696 (-23.6%) | 8.4% (-0.4%) | 29.9% (-3.6%) |
| 1 | 1115 | 10.5% | 38% | 943 (-15.4%) | 10.1% (-0.4%) | 38% |
| <i>Overall</i> | <i>3844</i> | <i>7.4%</i> | <i>29.2%</i> | <i>2683</i> <i>(-30.2%)</i> | <i>6.7%</i> <i>(-0.7%)</i> | <i>22.5%</i> <i>(-6.7%)</i> |

Interestingly, decreases in Asian enrollment were inversely tied to quintile median LSAT scores. Put differently, the lower-median quintiles experienced the largest enrollment declines. This trend can be explained by LSAT score trends among Asians.

Asian test-takers have the second highest average LSAT score and, as explained earlier, tend to be afforded more law school opportunities than black and Hispanic applicants. This advantage is exemplified by the fact that Quintile 1 schools enrolled a plurality of Asian first-year students in both 2010 and 2013, while Quintile 5 held this distinction for black and Hispanic students. With fewer Asian applicants, schools in lower-median quintiles, particularly Quintile 5, had more difficulty securing the enrollment of these students.

School-level data displayed in Table 13 show trends that look very different from those relating to Hispanic and even black first-year enrollments. In no quintile did a majority of schools experience either a proportional or actual number increase in Asian first-year students. The trends relating to actual numbers are particularly striking. Only in Quintile 4 did less than 70%

of schools experience a decline in Asian first-year students. In no quintile did 70% or more schools experience an actual number decline in Hispanic students; for black students, it only happened in Quintile 3.

TABLE 13: INCREASE AND DECREASE IN PROPORTION AND NUMBER OF ASIAN STUDENTS BY QUINTILE⁷²

| Quintile | Proportional | | Actual Number | |
|----------|--------------|----------|---------------|----------|
| | Increase | Decrease | Increase | Decrease |
| 5 | 20% (9) | 48% (22) | 17% (8) | 78% (36) |
| 4 | 31% (15) | 40% (19) | 31% (15) | 63% (30) |
| 3 | 20% (5) | 52% (13) | 16% (4) | 80% (20) |
| 2 | 20% (8) | 49% (20) | 20% (8) | 76% (31) |
| 1 | 33% (12) | 36% (13) | 25% (9) | 72% (26) |

III. MANIPULATING DIVERSITY TO BOLSTER ENROLLMENT

Now that the overall enrollment trends have been presented, it is time to turn to the question of the extent to which schools manipulated diversity to lessen the effects of the downturn. While this is an inquiry into motives, it is not presented with judgmental intent. There is nothing wrong with manipulating diversity levels for enrollment management purposes, as long as the success of all students is the ultimate goal. In fact, the dearth of diversity within the profession requires that law schools make deliberate attempts to increase diversity and foster student success. If these attempts are a by-product of declining applications, so be it—again, as long as student success is the focus.

Among the 196 law schools included in this analysis, Hispanic first-year enrollment increased from 7.7% in 2010 to 10% in 2013; black enrollment increased from 7.5% to 9.1%; and Asian enrollment decreased from 7.4% to 6.7%. These trends, of course, played out differently among the quintiles, and, interestingly, they played out differently based on institutional sector—public or private. Table 14 lists 2010 and 2013 proportional first-year enrollment for black, Hispanic, and Asian students, based on quintile and sector.

72. Only increases or decreases of one percent or more were counted as such. All others were counted as no change. For schools and data, see *infra* Appendix E.

TABLE 14: PROPORTIONAL ENROLLMENT OF BLACK, HISPANIC, AND ASIAN STUDENTS BY QUINTILE AND SECTOR⁷³

| Quintile | Black | | Hispanic | | Asian | |
|----------|---------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| | Public 2010-2013 | Private 2010-2013 | Public 2010-2013 | Private 2010-2013 | Public 2010-2013 | Private 2010-2013 |
| 5 | 33.6– 38.5% (+4.9%) | 8.5–14% (+5.5%) | 9.6–10.5% (+0.9%) | 8.9–14.3% (+5.4%) | 3.4–2.6% (-0.8%) | 6.2–4.2% (-2%) |
| 4 | 6.1–6.2% (+0.1%) | 5.9–8.8% (+2.9%) | 6.7–8.1% (+1.4%) | 6.2–9.4% (+3.2%) | 6.7–4.1% (-2.6%) | 5.7–5.3% (-0.4%) |
| 3 | 7.2–6.2% (-1%) | 4.7–5.4% (+0.7%) | 5.1–6.1% (+1%) | 7–12.8% (+5.8%) | 4.7–4.3% (-0.4%) | 8.4–7% (-1.4%) |
| 2 | 5.9–6.4% (+0.5%) | 5.3–5.7% (+0.4%) | 8.1–7.5% (-0.6%) | 8.5–10.3% (+1.8%) | 7.4–7.4% (0) | 9.6–9% (-0.6%) |
| 1 | 5–4.8% (-0.2%) | 7.5–6.5% (-1%) | 7.6–8.3% (+0.7%) | 7.5–7% (-0.5%) | 10.8–9.3% (-1.5%) | 10.5–10.6% (+0.1) |

For black students, percentage point increases in enrollment were higher among Quintile 5 schools, irrespective of institutional sector. Other than a 3% increase among private schools in Quintile 4, black student enrollment remained relatively static, within +/- one percent. Hispanic first-year enrollment was much more robust, especially among private schools. The largest increases were seen among private schools in Quintiles 3, 4, and 5. Asian first-year enrollment showed declines in virtually every quintile, irrespective of sector. Interestingly, the only gain for Asians was a slight one among Quintile 1 private schools, the most selective in the country.

Table 14 also highlights the extent of underrepresentation of black and Hispanic students throughout legal education. In 2013, blacks accounted for 13.2% of U.S. population; Hispanics accounted for 17.1%.⁷⁴ That same year, black first-year students were underrepresented in every grouping, except the two Quintile 5 groupings. Hispanic students were underrepresented in every grouping.

On an encouraging note, Hispanic enrollment topped 10% in four of the ten groupings, after doing so in none of the groupings in 2010. In spite of their

73. For raw numbers, see *infra* Appendix F.

74. *State & County QuickFacts*, *supra* note 13.

vast enrollment declines, Asians were overrepresented in six of the ten groupings, with the highest proportions among Quintiles 1 and 2.⁷⁵

Relatively large percentage increases in enrollment of a particular group could be evidence of schools manipulating diversity levels in response to the downturn. But percentage changes alone can be misleading; they can be deceptively large or small. Not every increase of the same (or similar) number of percentage points is the same (or similar).

In order to assess the true strength of a change in proportional diversity, more context is needed. Table 15 provides this context by accounting for overall enrollment trends. The numbers in Table 15 represent the difference between the percentage change in the number of first-year students of a particular racial or ethnic group and the percentage change in overall first-year enrollment.

For example, the number of Asian first-year students in Quintile 1 private schools fell 9% between 2010 and 2013.⁷⁶ Overall enrollment at these schools fell 10%.⁷⁷ When minus-nine is subtracted from minus-ten, the resulting difference is plus-one—a reflection of the minor difference between the trends. A difference of zero would reflect identical percentage changes in group enrollment and overall enrollment. The more extreme the difference—positive or negative—the more divergent the enrollment changes. A positive difference means that group enrollment gained proportional ground, relative to overall enrollment. A negative difference means that group enrollment lost ground.

75. Asians accounted for 5.3% of the total population. *Id.*

76. In 2010, 714 Asian first-year students enrolled in Quintile 1 private schools. In 2013, that number fell to 650.

77. In 2010, Quintile 1 private schools enrolled 6800 students. In 2013, that number fell to 6122.

TABLE 15: DIFFERENCE BETWEEN PERCENTAGE CHANGE IN FIRST-YEAR STUDENTS OF PARTICULAR GROUPS AND PERCENTAGE CHANGE IN OVERALL FIRST-YEAR ENROLLMENT⁷⁸

| Quintile | Black | | Hispanic | | Asian | |
|----------|--------|---------|----------|---------|--------|---------|
| | Public | Private | Public | Private | Public | Private |
| 5 | 11.9 | 44.7 | 8 | 41.5 | -19.8 | -21.5 |
| 4 | 1.8 | 33.9 | 17 | 38.5 | -31.6 | -4.8 |
| 3 | -11.2 | 8.8 | 15.8 | 55.6 | -6.1 | -11.7 |
| 2 | 7.3 | 6.2 | -6.8 | 17.4 | 0.3 | -5.1 |
| 1 | -3.5 | -11.9 | 7.7 | -5.4 | -11.8 | 1 |

For black students, the most ground was gained among private schools in Quintiles 4 and 5; their increases in enrollment vastly outpaced declines in overall enrollment. Black students lost the most ground at the other end of the paradigm, among Quintile 1 private schools. Hispanic students did proportionally well among private schools in Quintiles 3, 4, and 5; their worst loss came among Quintile 2 public schools. Asian students, once again, relinquished ground within practically every grouping—the worst of which occurring among Quintile 4 public schools.

As discussed earlier, Table 15 adds context to the data listed in Table 14. For example, Table 14 lists a 4.9% increase in black first-year students among Quintile 5 public schools—the second largest increase for black students. But this increase looks almost pedestrian in Table 15, which accounted for the already high black enrollment among these schools.⁷⁹ For Hispanic students, percentage increases among private schools in Quintiles 3 and 5 appeared essentially the same in Table 14; but were exposed to be rather different in Table 15.

So do any of these figures prove that schools manipulated diversity levels? While not conclusive, the disproportionate increases of black and Hispanic

78. For raw numbers, see *infra* Appendix G.

79. Five of the ten public law schools in Quintile 5 are colleges within historically black universities.

students among private schools in Quintiles 4 and 5 strongly suggest a deliberate strategy. Not only did these schools experience proportional increases in black and Hispanic first-year students, they experienced actual number increases—and this was done within a climate of enrollment decreases overall.

Drilling down deeper into the data further highlights these disproportionate increases. Of the forty schools in Quintiles 4 and 5 that experienced actual number increases in black first-year students,⁸⁰ thirty-one were private, and these schools accounted for a disproportionate 87% of the total increase.⁸¹ Of the fifty-one schools in Quintiles 4 and 5 that experienced actual number increases in Hispanic first-year students,⁸² thirty-six were private, again accounting for a disproportionate share of the total increase—86%.⁸³ Of the twenty-four schools in Quintiles 4 and 5 that experienced actual number increases in both black and Hispanic first-year students,⁸⁴ twenty were private, and continuing the trend of disproportion, these schools accounted for 87.5% of the collective increase.⁸⁵ As asserted earlier, these trends strongly suggest a deliberate strategy by these schools to increase black and Hispanic enrollment.

Calculating correlations between the change in the number of first-year students of particular racial and ethnic groups and the relative change in overall first-year enrollment also provides useful insight.⁸⁶ Positive correlations suggest that either changes in group enrollment helped schools stem declines in overall enrollment (and possibly foster some increases) or that declines in group enrollment contributed to overall declines. Negative correlations suggest that the trends diverged—with overall enrollment increasing in spite of group enrollment decreases—or vice versa. The higher the coefficient, the stronger the suggestion. Table 16 presents these correlations.

80. For a list of schools, see *infra* Appendix H.

81. In 2013, these forty schools enrolled a total of 508 additional black first-year students—440 of whom enrolled at the private schools.

82. For a list of schools, see *infra* Appendix H.

83. In 2013, these fifty-one schools enrolled a total of 518 additional Hispanic first-year students—443 of whom enrolled at the private schools.

84. For a list of schools, see *infra* Appendix H.

85. For a list of schools, see *infra* Appendix A. To calculate the statistics for any particular school, see *Section of Legal Education: ABA Required Disclosures*, *supra* note 26. In 2013, these twenty-four schools enrolled a total of 681 additional black and Hispanic first-year students—596 of whom enrolled at the private schools. *Id.*

86. It is important to note that these correlations are not tied to actual enrollment, but to changes in enrollment.

TABLE 16: CORRELATION COEFFICIENTS BETWEEN CHANGE IN NUMBER OF FIRST-YEAR STUDENTS OF PARTICULAR GROUPS AND RELATIVE CHANGE IN OVERALL FIRST-YEAR ENROLLMENT

| Quintile | Black | | Hispanic | | Asian | | White | |
|----------|--------|---------|----------|---------|--------|---------|--------|---------|
| | Public | Private | Public | Private | Public | Private | Public | Private |
| 5 | 0.84 | 0.48 | 0.05 | 0.58 | 0.2 | 0.29 | 0.85 | 0.33 |
| 4 | 0.00 | 0.35 | 0.4 | 0.41 | 0.49 | 0.16 | 0.62 | 0.66 |
| 3 | 0.42 | -0.51 | 0.13 | 0.39 | 0.73 | 0.62 | 0.83 | 0.81 |
| 2 | -0.01 | 0.32 | 0.05 | 0.24 | 0.44 | 0.35 | 0.75 | 0.7 |
| 1 | 0.14 | 0.16 | 0.19 | -0.09 | -0.08 | 0.6 | 0.87 | 0.45 |

The most obvious trend is that white correlations tend to be highest, all exceeding the +/- 0.2 threshold of noteworthiness I set earlier. This is no surprise; the sheer size of the pool of white applicants and their relatively high average LSAT score make white students the most expedient stopgap against enrollment declines, especially for schools unconcerned about diversity.⁸⁷ The notable exception to this trend is among private Quintile 5 schools, for which changes in Hispanic and black first-year enrollment had the strongest ties to proportional changes in overall enrollment. Put simply, black and Hispanic students were the most important components of the downturn survival calculus for these schools.

A. *Public Schools*

Quintile 5 public schools registered an interesting trend—very high correlations for both black and white students. Among no other grouping were the correlations for both as simultaneously strong. This trend is a reflection of the racial demographics of the schools included in the cohort. Of the ten Quintile 5 public schools, five had total black enrollment of 52% and white

87. In 2013, applicants who identified as white accounted for 64% of the national pool (37,850 of 59,400 applicants), up from 62% in 2010 (54,540 of 87,900 applicants). All calculations were done by and are on file with author.

enrollment of 28%;⁸⁸ the other five had white enrollments of 67% and black enrollments of just 4%.⁸⁹ In essence, half the schools relied uncommonly heavy on black student enrollments, while the other half relied on white students to a more typical, but nonetheless large extent. Asian enrollment had only minor bearing among these schools; Hispanic enrollment had essentially no bearing.

Quintile 3 had the only other grouping of public schools that exhibited a pattern of reliance on black enrollments to bolster overall enrollments. For Hispanic students, Quintile 4 had the only grouping of public schools that showed a notable pattern of reliance. Despite vast declines in enrollment, Asian students were important to the enrollment management strategies for public schools within Quintile 2, 3, and 4. In essence, the more effective these schools were at stemming declines among Asian first-year students, the more successful they were at stemming overall declines.

B. *Private Schools*

Among private schools, Quintile 3 exhibited the most surprising pattern—a rather robustly negative correlation for black students, meaning that larger declines in black student enrollment were associated with smaller declines (and likely some increases) in overall enrollment—and vice versa. This trend is unique among these schools, as enrollment of every other racial and ethnic group was positively associated with overall enrollment trends; meaning, the trends tended to flow together.

Overall, the correlations suggest that black and Hispanic first-year enrollments were most consequential for lower-median schools, particularly private schools. Once again, it appears these schools were among the likeliest to have enrollment management strategies premised on increasing black and Hispanic diversity to stem enrollment declines. Schools in the higher-median quintiles were more likely to employ strategies premised on preserving LSAT profiles, thereby relying heavily on white and Asian students and cherry-picking higher-scoring black and Hispanic students where expedient.

C. *Are Groups Pitted Against One Another?*

As stated earlier, manipulating diversity for enrollment management purposes could be an effective means of providing opportunities to members of

88. In 2013, District of Columbia, Florida A&M, North Carolina Central, Southern, and Texas Southern enrolled 499 black students and 267 white students out of a total of 961 students. *See Section of Legal Education: ABA Required Disclosures*, *supra* note 26 (listing first-year admission statistics by ethnicity for each school). Each of these schools is part of a historically black university.

89. In 2013, North Dakota, Northern Illinois, South Dakota, Southern Illinois, and Toledo enrolled 328 white students and 20 black students out of a total of 493 students. *See id.*

underrepresented groups while living up to the inclusive rhetoric that most law schools embrace. But what if the trends suggested that increasing enrollment among one group meant that enrollment among another group had to remain stagnant or decline? Put simply, what if it appeared that two groups were essentially pitted against each other in the scrum for seats? Would such trends necessitate a more critical view on strategic manipulation of diversity? In considering these questions, let us revisit a previous discussion.

Average LSAT score data for black and Hispanic law school applicants highlight the disadvantage these applicants face in the law school admission process. Hispanic applicants have an average score of 146.⁹⁰ In 2013, only thirteen law schools had a median score at this level or lower; only thirty-six schools had a twenty-fifth percentile score this low. And with an average score of 142,⁹¹ black applicants endure an acutely hostile admissions environment. In 2013, no school had a median score of 142 or lower and only ten had a twenty-fifth percentile that low. The dismal fifty-five percent overall admit rate for black students is the unfortunate outcome of these trends.⁹²

The LSAT-obsessed nature of the law school admission process renders simultaneous increases—actual or proportional—of black and Hispanics students at the same institution a relatively uncommon phenomenon, especially at schools with higher median LSAT scores. Fifty-four schools experienced proportional increases in both black and Hispanic students, though only thirteen of them were among the 102 schools in Quintiles 1, 2, and 3.⁹³ Only thirty-two schools experienced actual number increases, with only eight of them being among the three higher-median quintiles.⁹⁴

Given this environment, it should be no surprise that there were no appreciable positive correlations between the proportional change in enrollment for black first-year students and the proportional change for Hispanic students. The first two columns of Table 17 display the correlations.

90. Dalessandro et al., *supra* note 60. Between 2009 and 2011, the average ranged from 146.25 to 146.43. *Id.*

91. *Id.* Between 2009 and 2011, the average ranged from 141.84 to 142.04. *Id.*

92. All calculations were done by and are on file with author. *See also Admitted Applicants*, *supra* note 64

93. For a list of schools, see *infra* Appendix I.

94. For a list of schools, see *infra* Appendix I.

TABLE 17: CORRELATION COEFFICIENTS BETWEEN PROPORTIONAL CHANGE IN ENROLLMENT FOR FIRST-YEAR STUDENTS OF PARTICULAR GROUPS COMPARED TO OTHER GROUPS

| Quintile | Black-Hispanic | | Hispanic-Asian | | Asian-Black | |
|----------|----------------|---------|----------------|---------|-------------|---------|
| | Public | Private | Public | Private | Public | Private |
| 5 | -0.13 | -0.09 | -0.28 | 0.16 | -0.71 | -0.09 |
| 4 | -0.31 | 0.09 | 0.21 | -0.14 | 0.06 | -0.03 |
| 3 | -0.51 | -0.31 | -0.21 | 0.14 | 0.43 | -0.14 |
| 2 | -0.39 | -0.12 | -0.31 | -0.25 | -0.22 | 0.24 |
| 1 | -0.19 | -0.2 | 0.57 | 0.02 | -0.49 | 0.3 |

In practically every quintile, irrespective of institutional sector, the correlations suggested that as the proportional enrollment of either black or Hispanic students rose, the proportional enrollment of the other fell. The strongest negative correlations were found among public schools in Quintiles 2, 3, and 4 and private schools in Quintile 3. In fact, Quintile 3 schools registered the strongest negative correlations between proportional change in enrollment for black and Hispanic first-year students in both sectors.

In comparison, the correlations between changes in Asian enrollment and changes in black enrollment were mixed, as were the correlations between Asian enrollment and Hispanic enrollment. Given the favored status that Asian applicants tend to enjoy by virtue of their relatively high LSAT scores, it would be reasonable to assume that negative correlations were the result of schools increasing black or Hispanic enrollments in response to declining interest by Asian applicants.

The data cannot tell us whether schools explicitly pitted black and Hispanic applicants against each other, and I would be surprised if they did. But one thing seems obvious: in the LSAT-obsessed world of law school admissions, increasing the number of black and Hispanic students at the same time would be difficult. The competition for higher-scoring black and Hispanic students is fierce, and the admit rate data shows that their lower-scoring peers do not garner much interest. So whether by intention or happenstance, black

and Hispanic applicants are often engaged in a pitched battle, where rising together, particularly in actual numbers, is unlikely.

CONCLUSION

Legal education is more diverse than ever. Students of color made up almost 30% of the 2013 entering cohort. But not all law schools have increased their proportions of students of color evenly. Since 2010, law schools with the lowest median LSAT scores have been the drivers behind this trend, especially as it relates to the enrollment of black and Hispanic students. This analysis confirms that black and Hispanic students were critical components of the enrollment management calculus for schools in Quintiles 4 and 5, particularly private schools. Given the depth of application and enrollment declines among these schools, black and Hispanic students could very well have saved some of these schools—at least for now.

In considering the implications of these trends, I will resist the conventional wisdom of using the LSAT as a definitive proxy for quality. Therefore, I will not parrot the “subpar schools are taking advantage of subpar students” meme. However, there is a related trend that is concerning, and that is the increasing racial and ethnic stratification among law schools.

TABLE 18: PROPORTIONS OF FIRST-YEAR STUDENTS OF PARTICULAR GROUPS ENROLLED IN EACH QUINTILE⁹⁵

| Quintile | 2010 | | | | 2013 | | | |
|----------|-------|----------|-------|-------|------------------|------------------|------------------|------------------|
| | Black | Hispanic | Asian | White | Black | Hispanic | Asian | White |
| 5 | 41.1% | 31.4% | 21% | 26% | 46.6% (+5.5%) | 34% (+2.6%) | 14.7% (-6.3%) | 21.1% (-4.9%) |
| 4 | 16.8% | 17.3% | 15.5% | 22.6% | 17.6% (+0.8%) | 18.5% (+1.2%) | 14.9% (-0.6%) | 22.9% (+0.3%) |
| 3 | 9% | 9.3% | 10.7% | 12.4% | 6.8% (-2.2%) | 10.6% (+1.3%) | 9.3% (-1.4%) | 11.7% (-0.7%) |
| 2 | 14.8% | 21.9% | 23.7% | 20.2% | 13.6% (-1.2%) | 19.3% (-2.6%) | 25.9% (+2.2%) | 21.9% (+1.7%) |
| 1 | 18.1% | 19.9% | 29% | 18.8% | 15.2% (-2.9%) | 17.4% (-2.5%) | 35.1% (+6.1%) | 22.3% (+3.5%) |

Between 2010 and 2013, the proportions of black and Hispanic first-year students enrolled in Quintile 4 and 5 schools increased, while the proportions of white and Asian students attending these school decreased or remained essentially flat. Conversely, the proportions of white and Asian first-year

95. For a list of data, see *infra* Appendix J.

students attending Quintile 1 and 2 schools increased, while they decreased for black and Hispanic students. Put simply, black and Hispanic students have increased their proportions among law schools considered least prestigious while essentially being shut out of the schools considered most prestigious. White and Asian students, on the other hand, have reaped the benefits of the increasingly competitive admissions climate, particularly the poaching that occurs among schools higher up in the prestige hierarchy.

While I resist the temptation to consider the LSAT a definitive proxy for quality, I cannot deny that the legal profession is highly status-driven, and perceptions of quality influence student outcomes. But rather than demonize the lower-median schools for enrolling more black and Hispanic students, some of whom have low LSAT scores, I challenge the higher-median schools to do the same. If diversity on its own fails to be a compelling enough imperative, maybe a few more years of declining enrollments will force the issue on some schools.

DIVERSITY AS A LAW SCHOOL STRATEGY: APPENDICES⁹⁶

APPENDIX A

List of law schools analyzed for this article, by quintile and institutional sector:

QUINTILE 5

Private:

Appalachian, Arizona Summit, Atlanta-John Marshall Ave Maria, Barry, Capital, Charlotte, Dayton, Detroit-Mercy, Duquesne, Faulkner, Florida Coastal, Hamline, La Verne, Liberty, Loyola-New Orleans, Mississippi College, New England, New Hampshire, Nova Southeastern, Oklahoma City, Regent, Roger Williams, South Texas, St. Mary's, St. Thomas, Texas Wesleyan (A&M), Thomas Cooley, Thomas Jefferson, Touro, Valparaiso, Western New England, Western State, Whittier, Widener (DE), Widener (PA)

Public:

District of Columbia, Florida A&M, North Carolina Central, North Dakota, Northern Illinois, South Dakota, Southern, Southern Illinois, Texas Southern, Toledo

QUINTILE 4

Private:

Albany, California Western, Campbell, Charleston, Creighton, Drake, Elon, Golden Gate, Gonzaga, Howard, John Marshall-Chicago, Mercer, New York, Ohio Northern, Pace, Samford, Southwestern, St. Louis, St. Thomas-Minneapolis, Stetson, Suffolk, Syracuse, Tulsa, Vermont, Washburn, Willamette, William Mitchell

Public:

Akron, Arkansas-Little Rock, Baltimore, City University of New York, Cleveland State, Florida International, Hawai'i, Idaho, Indiana-Indianapolis, Maine, Memphis, Mississippi, Missouri-Kansas City, Montana, Nebraska, New Mexico, Northern Kentucky, Texas Tech, Wayne State, West Virginia, Wyoming

96. The data in these appendices are sourced from the American Bar Association's Standard 509 Information Reports. This data can be found at: <http://www.abarequireddisclosures.org>.

QUINTILE 3

Private:

Catholic, Chapman, Denver, Drexel, Hofstra, Marquette, Miami, Pacific-McGeorge, Quinnipiac, San Francisco, Seattle, Seton Hall

Public:

Arkansas, Kansas, Louisiana State, Louisville, Michigan State, Missouri, Nevada, Oklahoma, Oregon, Penn State, Rutgers-Newark, South Carolina, SUNY Buffalo

QUINTILE 2

Private:

American, Baylor, Brooklyn, Cardozo, Case Western, Chicago-Kent, Cincinnati, DePaul, Lewis & Clark, Loyola Marymount, Loyola-Chicago, Northeastern, Pepperdine, Pittsburgh, Richmond, San Diego, Santa Clara, Southern Methodist University, St. John's, Temple, Tulane, Villanova, Wake Forest

Public:

Arizona, Arizona State, California-Davis, Connecticut, Florida, Florida State, Georgia State, Houston, Iowa, Kentucky, Maryland, North Carolina, Ohio State, Rutgers-Camden, Tennessee, Utah, Washington, Wisconsin

QUINTILE 1

Private:

Boston College, Boston University, Brigham Young, Chicago, Columbia, Cornell, Duke, Emory, Fordham, George Washington, Georgetown, Harvard, New York University, Northwestern, Notre Dame, Penn, Southern California, Stanford, Vanderbilt, Washington and Lee, Washington University (MO), William & Mary, Yale

Public:

Alabama, California-Berkeley, California-Hastings, California-Los Angeles, Colorado, George Mason, Georgia, Illinois, Indiana-Bloomington, Michigan, Minnesota, Texas, Virginia

APPENDIX B

Below are the data used to construct Table 7:

INCREASE**PROPORTIONAL***Quintile 5 (37):*

Arizona Summit (+17.3%), Ave Maria (+23.5%), Barry (+17.5%), Capital (+13.3%), Charlotte (+25.5%), Dayton (+9.9%), District of Columbia (+5.4%), Duquesne (+2.1%), Faulkner (+23.6%), Florida A&M (+12.9%), Florida Coastal (+11.9%), John Marshall-Atlanta (+4.1%), La Verne (+15.8%), Mississippi College (+11.4%), New England (+18.6%), North Carolina Central (+9.3%), North Dakota (+3.6%), Northern Illinois (+4.2%), Nova Southeastern (+16.8%), Oklahoma City (+15.2%), Roger Williams (+14.4%), South Dakota (+7.1%), South Texas (+5.5%), Southern Illinois (+10.2%), St. Mary's (+20.4%), St. Thomas (+21.3%), Texas Southern (+12.1%), Texas Wesleyan (A&M) (+10.8%), Thomas Cooley (+6%), Thomas Jefferson (+15.3%), Touro (+13.4%), Valparaiso (+17.9%), Western New England (+10.6%), Western State (+8.9%), Whittier (+15.3%), Widener (DE) (+5%), Widener (PA) (+7.6%)

Quintile 4 (36):

Akron (+2.9%), Albany (+1.8%), Baltimore (+6.8%), California Western (+8.6%), Campbell (+7%), Charleston (+3.5%), Cleveland State (+6.3%), Creighton (4.2%), Drake (+8.5%), Elon (+16.2%), Golden Gate (+14.9%), Gonzaga (+11.7%), Hawai'i (+1.2%), Howard (+5.9%), John Marshall-Chicago (+10.8%), Maine (+2.9%), Memphis (+4.1%), Mercer (+4.6%), Mississippi (+3.2%), Missouri-Kansas City (+1.5%), Nebraska (+2.2%), New Mexico (+17%), New York (+3.9%), Northern Kentucky (+4.3%), Ohio Northern (+9%), Pace (+16%), Southwestern (+14.4%), St. Louis (+7.7%), St. Thomas-Minneapolis (+1%), Suffolk (+4.8%), Syracuse (+4.4%), Texas Tech (+5%), Vermont (+12.7%), Washburn (+1.6%), Wayne State (+1.1%), Wyoming (+2.6%)

Quintile 3 (17):

Arkansas (+2.4%), Catholic (+3.2%), Chapman (+12.5%), Denver (+2.1%), Marquette (+4.5%), Miami (+10.1%), Michigan State (+6.1%), Nevada (+1.3%), Oklahoma (+4.4%), Oregon (+1.5%), Pacific-McGeorge (+14.1%), Penn State (+2.3%), Quinnipiac (+3.8%), San Francisco (+11.3%), Seattle (+13.3%), Seton Hall (+4.9%), SUNY Buffalo (+7.4%)

Quintile 2 (20):

Baylor (+12.8%), Brooklyn (+1.1%), Cardozo (+31.9%), Case Western (+4%), Chicago-Kent (+5.4%), Connecticut (+2.6%), Florida (+6.4%), Florida State (+1.1%), Georgia State (+3.1%), Houston (+4.6%), Iowa (+1.4%), Lewis & Clark (+2.5%), Loyola Marymount (+4.6%), Maryland (+4.3%), Pepperdine (+2.9%), Rutgers-Camden (+4.2%), St. John's (+8.3%), Tulane (+2.6%), Wake Forest (+10.5%), Washington (+2.7%)

Quintile 1 (10):

Boston University (+3.4%), Duke (+1.6%), Fordham (+2.2%), George Mason (+2%), Indiana-Bloomington (+4.5%), New York University (+2.8%), Southern California (+5%), Texas (+3.7%), Washington and Lee (+4.4%), Yale (+5.1%)

ACTUAL NUMBER

Quintile 5 (26):

Arizona Summit (+24), Ave Maria (+11), Barry (+55), Capital (+11), Charlotte (+147), Faulkner (+20), John Marshall-Atlanta (+5), Mississippi College (+14), New England (+26), North Carolina Central (+46), North Dakota (+3), Nova Southeastern (+29), Oklahoma City (+13), Roger Williams (+8), South Dakota (+4), South Texas (+8), Southern Illinois (+12), St. Mary's (+65), St. Thomas (+49), Texas Southern (+16), Texas Wesleyan (A&M) (+55), Thomas Jefferson (+7), Touro (+7), Valparaiso (+36), Western New England (+7), Whittier (+5)

Quintile 4 (21):

Baltimore (+13), Campbell (+5), Creighton (+5), Drake (+7), Elon (+14), Gonzaga (+5), Howard (+3), John Marshall-Chicago (+28), Maine (+2), Mercer (+13), Missouri-Kansas City (+2), Nebraska (+2), New Mexico (+22), Northern Kentucky (+3), Ohio Northern (+3), Pace (+20), Southwestern (+41), Suffolk (+9), Texas Tech (+3), Vermont (+8), Wyoming (+1)

Quintile 3 (6):

Chapman (+6), Denver (+5), Marquette (+4), Michigan State (+13), Seattle (+7), SUNY Buffalo (+12)

Quintile 2 (6):

Baylor (+19), Cardozo (+97), Chicago-Kent, Florida (+21), St. John's (+2), Wake Forest (+21)

Quintile 1 (6):

Colorado (+1), Harvard (+8), Indiana-Bloomington (+3), New York University (+2), Stanford (+1), Yale (+9)

DECREASE

PROPORTIONAL

Quintile 5 (7):

Appalachian (-6.2%), Detroit-Mercy (-11.1%), Liberty (-8.9%), Loyola-New Orleans (-2.8%), New Hampshire (-9.9%), Southern (-5.4%), Toledo (-7.1%)

Quintile 4 (10):

Arkansas-LR (-6.4%), City University of New York (-1.3%), Florida International (-4.3%), Idaho (-5.7%), Indiana-Indianapolis (-3.5%), Montana (-1%), Samford (-6.3%), Tulsa (-3.6%), West Virginia (-4.4%), Willamette (-1.5%)

Quintile 3 (5):

Hofstra (-3.5%), Kansas (-5%), Missouri (-6.4%), Rutgers-Newark (-1.9%), South Carolina (-1.4%)

Quintile 2 (17):

Arizona (-10.6%), Arizona State (-8.8%), California-Davis (-2.8%), Cincinnati (-1.8%), DePaul (-2.5%), Kentucky (-3.2%), Loyola-Chicago (-3.4%), North Carolina (-4.3%), Northeastern (-3.4%), Ohio State (-2.5%), Pittsburgh (-3.7%), Richmond (-8.1%), San Diego (-7.3%), Southern Methodist (-10.1%), Tennessee (-2.8%), Utah (-3.3%), Villanova (-7.2%)

Quintile 1 (17):

Alabama (-3.1%), Brigham Young (-3.2%), California-Berkeley (-8.8%), California-Hastings (-2%), California-Los Angeles (-3.1%), Chicago (-2.5%), Cornell (-5.9%), Emory (-3.3%), Georgetown (-2.1%), Minnesota (3%), Northwestern (-3.6%), Notre Dame (-10.2%), Penn (-1.8%), Vanderbilt (-6.1%), Virginia (-7.2%), Washington University (MO) (-14.2%), William & Mary (-14.7%)

ACTUAL NUMBER

Quintile 5 (20):

Appalachian (-13), Dayton (-1), Detroit-Mercy (-42), District of Columbia (-9), Duquesne (-2), Florida A&M (-63), Florida Coastal (-61), Hamline (-25), La

Verne (-33), Liberty (-20), Loyola-New Orleans (-14), New Hampshire (-18), Northern Illinois (-4), Regent (-12), Southern (-46), Thomas Cooley (-286), Toledo (-18), Western State (-44), Widener (DE) (-18), Widener (PA) (-9)

Quintile 4 (24):

Albany (-3), Arkansas-LR (-13), California Western (-11), City University of New York (-24), Florida International (-11), Golden Gate (-28), Hawai'i (-36), Idaho (-11), Indiana-Indianapolis (-22), Memphis (-4), Mississippi (-10), Montana (-1), New York (-79), Samford (-9), St. Louis (-8), St. Thomas-Minneapolis (-5), Stetson (-21), Syracuse (-1), Tulsa (-18), Washburn (-5), Wayne State (-7), West Virginia (-7), Willamette (-8), William Mitchell (-14)

Quintile 3 (18):

Arkansas (-2), Catholic (-13), Drexel (-1), Hofstra (-47), Kansas (-17), Louisiana State (-10), Louisville (-3), Miami (-14), Missouri (-13), Nevada (-9), Oregon (-8), Pacific-McGeorge (-20), Penn State (-10), Quinnipiac (-6), Rutgers-Newark (-39), San Francisco (-13), Seton Hall (-31), South Carolina (-7)

Quintile 2 (34):

American (-13), Arizona (-13), Arizona State (-29), Brooklyn (-24), California-Davis (-24), Case Western (-19), Cincinnati (-10), Connecticut (-3), DePaul (-15), Florida State (-3), Georgia State (-5), Houston (-7), Iowa (-18), Kentucky (-3), Lewis & Clark (-13), Loyola Marymount (-4), Loyola-Chicago (-29), Maryland (-18), North Carolina (-15), Northeastern (-18), Ohio State (-15), Pittsburgh (-22), Richmond (-13), Rutgers-Camden (-20), San Diego (-49), Santa Clara (-35), SMU (-31), Temple (-28), Tennessee (-7), Tulane (-1), Utah (-5), Villanova (-32), Washington (-7), Wisconsin (-14)

Quintile 1 (29):

Alabama (-7), Boston College (-9), Boston University (-6), Brigham Young (-6), California-Berkeley (-26), California-Hastings (-29), California-Los Angeles, Chicago (-8), Columbia (-19), Cornell (-16), Duke (-5), Emory (-27), Fordham (-12), George Mason (-19), George Washington (-9), Georgetown (-19), Georgia (-9), Illinois (-14), Michigan (-13), Minnesota (-14), Northwestern (-24), Notre Dame (-20), Penn (-4), Southern California (-8), Texas (-3), Vanderbilt (-15), Virginia (-34), Washington University (MO) (-59), William & Mary (-31)

APPENDIX C

Below are the data used to construct Table 9:

INCREASE**PROPORTIONAL***Quintile 5 (35):*

Appalachian (+4.4%), Arizona Summit (+1.6%), Ave Maria (+3.3%), Barry (+12.4%), Capital (+9.8%), Charlotte (+21.9%), Dayton (+4.7%), Faulkner (+23.5%), Florida A&M (+3.5%), Florida Coastal (+15%), Hamline (+1%), John Marshall-Atlanta (+10.5%), La Verne (+5.2%), Liberty (+4.4%), Mississippi College (+9.7%), New England (+7.4%), North Carolina Central (+2.6%), Nova Southeastern (+7.3%), Oklahoma City (+5.1%), Regent (+1.5%), Roger Williams (+1.9%), South Texas (+1.4%), Southern (+8.2%), Southern Illinois (+5.5%), St. Thomas (+2.2%), Texas Southern (+12.5%), Texas Wesleyan (A&M) (+3.2%), Thomas Cooley (+4.2%), Thomas Jefferson (+2.1%), Valparaiso (+14.3%), Western New England (+5.4%), Western State (+1.6%), Whittier (+1.8%), Widener (DE) (+3.7%), Widener (PA) (+4.7%)

Quintile 4 (23):

Akron (+3.3%), Albany (+2.2%), Baltimore (+1.9%), California Western (+1.9%), City University of New York (+1.6%), Drake (+3.1%), Elon (+10.3%), Gonzaga (+1.8%), Howard (+7.4%), John Marshall-Chicago (+5.6%), Maine (+2.3%), Memphis (+3.7%), Mississippi (+4.6%), Montana (+1.2%), Northern Kentucky (+2.9%), Ohio Northern (+5%), Pace (+4.6%), St. Louis (+4.1%), St. Thomas-Minneapolis (+1.1%), Suffolk (+5.2%), Syracuse (+2.6%), Tulsa (+1.5%), Wayne State (+2.9%)

Quintile 3 (8):

Catholic (+1.7%), Hofstra (+3.2%), Kansas (+2.8%), Miami (+1.6%), Quinnipiac (+7.1%), Seattle (+1.5%), Seton Hall (+2.8%), SUNY Buffalo (+1.4%)

Quintile 2 (20):

American (+1%), Arizona (+1.2%), Case Western (+6.5%), Chicago-Kent (+1.2%), Connecticut (+4%), Florida (+2.7%), Rutgers-Camden (+6.7%), San Diego (+1%), St. John's (+1.5%), Temple (+3.1%), Tennessee (+2.5%), Villanova (+1.1%), Wake Forest (+5.6%)

Quintile 1 (8):

California-Berkeley (+1.8%), California-Hastings (+2.2%), Colorado (+1%), Duke (+2.9%), George Mason (+2%), George Washington (+3.6%), Vanderbilt (+1%), Yale (+2.6%)

ACTUAL NUMBER

Quintile 5 (21):

Appalachian (+2), Barry (+36), Capital (+11), Charlotte (+124), Faulkner (+23), Florida Coastal (+20), John Marshall-Atlanta (+24), Liberty (+1), Mississippi College (+12), New England (+16), North Carolina Central (+27), Nova Southeastern (+18), Oklahoma City (+7), South Texas (+6), Southern Illinois (+7), St. Thomas (+5), Texas Southern (+21), Texas Wesleyan (A&M) (+16), Valparaiso (+29), Western New England (+6), Whittier (+2)

Quintile 4 (19):

Akron (+4), Albany (+3), Baltimore (+1), California Western (+3), Creighton (+1), Drake (+2), Elon (+9), Gonzaga (+2), Howard (+6), John Marshall-Chicago (+19), Maine (+2), Mercer (+2), Montana (+1), Northern Kentucky (+3), Ohio Northern (+1), Pace (+7), Suffolk (+22), Syracuse (+4), Wayne State (+2)

Quintile 3 (4):

Kansas (+2), Quinnipiac (+5), Seattle (+1), SUNY Buffalo (+2)

Quintile 2 (11):

American (+2), Baylor (+1), Cardozo (+13), Chicago-Kent (+2), Connecticut (+5), Florida (+9), Pepperdine (+1), Rutgers-Camden (+5), San Diego (+1), Tennessee (+3), Wake Forest (+11)

Quintile 1 (8):

California-Berkeley (+5), California-Hastings (+6), Colorado (+2), Duke (+5), George Mason (+1), George Washington (+16), Harvard (+2), Yale (+5)

DECREASE

PROPORTIONAL

Quintile 5 (5):

Detroit-Mercy (-9.5%), Duquesne (-3.5%), Northern Illinois (-5.2%), South Dakota (-4%), Toledo (-2.9%)

Quintile 4 (8):

Arkansas-LR (-3.7%), Cleveland State (-1.7%), Florida International (-3.9%), Missouri-Kansas City (-1.5%), Samford (-2.7%), Stetson (-2.3), West Virginia (-5.7%), Wyoming (-1.2%)

Quintile 3 (9):

Arkansas (-1.1%), Denver (-2%), Drexel (-6.5%), Michigan State (-1.3%), Missouri (-4.1%), Oregon (-2%), Penn State (-3.8%), Rutgers-Newark (-4.4%), San Francisco (-1.4%)

Quintile 2 (12):

Arizona State (-1.5%), Brooklyn (-1.7%), DePaul (-2.1%), Kentucky (-6.9%), Lewis & Clark (-1.2%), North Carolina (-1.5%), Northeastern (-5.1%), Ohio State (-1%), Richmond (-3%), Santa Clara (-1.6%), Southern Methodist (-1.1%), Washington (-1.8%)

Quintile 1 (15):

Boston College (-1.1%), Chicago (-1.6%), Cornell (-1.3%), Georgetown (-2.4%), Illinois (-3.5%), Indiana-Bloomington (-2.4%), Minnesota (-2.6%), New York University (-3.3%), Northwestern (-1.3%), Notre Dame (-1.5%), Penn (-1.6%), Southern California (-1.8%), Virginia (-2.5%), Washington University (MO) (-6.7%), William & Mary (-13%)

ACTUAL NUMBER

Quintile 5 (22):

Arizona Summit (-11), Ave Maria (-1), Detroit-Mercy (-32), District of Columbia (-9), Duquesne (-8), Florida A&M (-61), Hamline (-7), La Verne (-1), Loyola-New Orleans (-4), New Hampshire (-2), Northern Illinois (-9), Regent (-1), Roger Williams (-1), South Dakota (-3), Southern (-1), St. Mary's (-1), Thomas Cooley (-135), Thomas Jefferson (-1), Toledo (-7), Touro (-6), Western State (-5), Widener (DE) (-2)

Quintile 4 (22):

Arkansas-LR (-7), Campbell (-1), Charleston (-2), City University of New York (-4), Cleveland State (-8), Florida International (-7), Golden Gate (-3), Hawai'i (-1), Indiana-Indianapolis (-7), Memphis (-2), Mississippi (-3), Missouri-Kansas City (-3), New Mexico (-1), New York (-23), Samford (-4), Southwestern (-1), Stetson (-13), Tulsa (-1), Vermont (-3), Washburn (-1), West Virginia (-8), Wyoming (-1)

Quintile 3 (20):

Arkansas (-3), Catholic (-3), Denver (-6), Drexel (-10), Hofstra (-5), Louisiana State (-5), Louisville (-1), Marquette (-4), Miami (-5), Michigan State (-5), Missouri (-8), Nevada (-3), Oklahoma (-1), Oregon (-4), Pacific-McGeorge (-3), Penn State (-10), Rutgers-Newark (-21), San Francisco (-8), Seton Hall (-2), South Carolina (-3)

Quintile 2 (26):

Arizona State (-4), Brooklyn (-11), California-Davis (-2), Cincinnati (-2), DePaul (-8), Florida State (-2), Georgia State (-4), Houston (-5), Iowa (-3), Kentucky (-9), Lewis & Clark (-4), Loyola Marymount (-1), Loyola-Chicago (-10), Maryland (-6), North Carolina (-5), Northeastern (-14), Ohio State (-5), Pittsburgh (-6), Richmond (-5), Santa Clara (-6), Southern Methodist (-4), Tulane (-4), Utah (-1), Villanova (-1), Washington (-4), Wisconsin (-5)

Quintile 1 (24):

Alabama (-2), Boston College (-4), Boston University (-4), California-Los Angeles (-3), Chicago (-4), Columbia (-5), Cornell (-3), Emory (-3), Fordham (-6), Georgetown (-17), Georgia (-7), Illinois (-10), Indiana-Bloomington (-8), Minnesota (-7), New York University (-18), Northwestern (-6), Notre Dame (-3), Penn (-4), Southern California (-7), Texas (-1), Virginia (-11), Washington and Lee (-2), Washington University (MO) (-26), William & Mary (-28)

APPENDIX D

Below are the data used to construct Table 11:

INCREASE**PROPORTIONAL***Quintile 5 (34):*

Arizona Summit (+2.2%), Ave Maria (+16.9%), Barry (+8.7%), Capital (+2.2%), Charlotte (+1.1%), Dayton (+4.6%), District of Columbia (+2.6%), Duquesne (+1.3%), Florida A&M (+11.9%), Florida Coastal (+1%), Hamline (+1.3%), La Verne (+16.9%), New England (+10%), North Carolina Central (+5.1%), Northern Illinois (+4.2%), Nova Southeastern (+9.3%), Oklahoma City (+2.6%), Regent +2.1%), Roger Williams (+13.5%), South Dakota (+1.7%), South Texas (+1.4%), Southern Illinois (+1.7%), St. Mary's (+19.2%), St. Thomas (+21%), Texas Southern (+4.6%), Texas Wesleyan (A&M) (+6.5%), Thomas Jefferson (+14.8%), Touro (+9.7%), Valparaiso (+8.9%), Western New England (+5.5%), Western State (+7.2%), Whittier (+7.8%), Widener (DE) (+2.5%), Widener (PA) (+3.4%)

Quintile 4 (28):

Albany (+2%), Baltimore (+2.7%), California Western (+5.8%), Campbell (+4.4%), Charleston (+2%), City University of New York (+1.6%), Cleveland State (+2.8%), Creighton (+2%), Elon (+2.2%), Florida International (+3%), Golden Gate (+9.5%), Gonzaga (+1.9%), Hawai'i (+3.8%), Howard (+1.5%), John Marshall-Chicago (+6.5%), Mercer (+2.2%), Missouri-Kansas City (+2.4%), Nebraska (+2.4%), New Mexico (+11.6%), Pace (+6%), Southwestern (+10%), St. Louis (+4.1%), St. Thomas-Minneapolis (+2.9%), Suffolk (+4.1%), Syracuse (+5.9%), Vermont (+7.2%), Washburn (+3.6%), Wyoming (+2.8%),

Quintile 3 (17):

Catholic (+6.8%), Chapman (+5.3%), Denver (+5.3%), Drexel (+4.3%), Hofstra (+7%), Marquette (+4.3%), Miami (+7.9%), Michigan State (+1.9%), Oklahoma (+2.4%), Oregon (+2.2%), Pacific-McGeorge (+12.8%), Penn State (+7.9%), Rutgers-Newark (+2.1%), San Francisco (+9.2%), Seattle (+2.9%), Seton Hall (+1.5%), SUNY Buffalo (+3.8%)

Quintile 2 (24):

Arizona (+1.2%), Arizona State (+2.2%), Baylor (+4.2%), Brooklyn (+3%), Cardozo (+2.1%), Chicago-Kent (+4.8%), Cincinnati (+1.2%), DePaul (+1.9%), Georgia State (+2.6%), Houston (+5.5%), Iowa (+1%), Kentucky (+4.7%), Lewis & Clark (+5.4%), Loyola Marymount (+10.6%), Northeastern (+3%), Ohio State (+1.5%), Pepperdine (+3.8%), Richmond (+1.6%), Rutgers-Camden (+2.3%), Santa Clara (+5.6%), St. John's (+1.3%), Tulane (+1.4%), Wake Forest (+4.7%), Wisconsin (+1.5%)

Quintile 1 (12):

Boston College (+2.7%), Boston University (+3%), California-Hastings (+1.6%), California-Los Angeles (+1.5%), Colorado (+4.1%), Georgetown (+1.3%), Harvard (+1.1%), Illinois (+1.3%), Indiana-Bloomington (+3.8%), Northwestern (+4.1%), Southern California (+8.5%), Washington and Lee (+6.7%)

ACTUAL NUMBER

Quintile 5 (26):

Ave Maria (+10), Barry (+27), Capital (+1), Charlotte (+8), Dayton (+3), District of Columbia (+1), Duquesne (+1), Florida A&M (+11), New England (+21), North Carolina Central (+13), Northern Illinois (+2), Nova Southeastern (+14), Oklahoma City (+1), Roger Williams (+15), South Dakota (+1), Southern Illinois (+2), St. Mary's (+62), St. Thomas (+50), Texas Southern (+6), Texas Wesleyan (A&M) (+31), Thomas Jefferson (+28), Touro (+13), Valparaiso (+18), Western New England (+5), Whittier (+7), Widener (DE) (+1)

Quintile 4 (25):

Albany (+2), Baltimore (+8), Campbell (+5), Charleston (+3), Cleveland State (+2), Creighton (+2), Elon (+2), Florida International (+2), Golden Gate (+2), Hawai'i (+3), Howard (+2), John Marshall-Chicago (+23), Mercer (+5), Missouri-Kansas City (+4), Nebraska (+3), New Mexico (+15), Pace (+8), Samford (+1), Southwestern (+32), St. Thomas-Minneapolis (+3), Suffolk (+16), Syracuse (+10), Vermont (+8), Washburn (+3), Wyoming (+2)

Quintile 3 (14):

Catholic (+6), Chapman (+6), Denver (+15), Drexel (+6), Hofstra (+13), Marquette (+6), Michigan State (+4), Oklahoma (+2), Oregon (+1), Pacific-McGeorge (+15), Penn State (+10), San Francisco (+6), South Carolina (+1), SUNY Buffalo (+7)

Quintile 2 (16):

Baylor (+6), Brooklyn (+5), Cardozo (+5), Chicago-Kent (+11), DePaul (+3), Georgia State (+4), Houston (+6), Kentucky (+7), Lewis & Clark (+4), Loyola Marymount (+32), Northeastern (+3), Pepperdine (+6), Richmond (+2), Santa Clara (+7), Tulane (+1), Wake Forest (+9)

Quintile 1 (14):

Alabama (+1), Boston College (+4), Boston University (+2), California-Los Angeles (+3), Colorado (+8), Georgetown (+5), Harvard (+7), Indiana-Bloomington (+6), New York University (+1), Northwestern (+8), Penn (+1), Southern California (+11), Washington and Lee (+7), William & Mary (+1)

DECREASE

PROPORTIONAL

Quintile 5 (9):

Appalachian (-5.7%), Detroit-Mercy (-1.8%), John Marshall-Atlanta (-3.9%), Liberty (-4.6%), Loyola-New Orleans (-6.3%), New Hampshire (-1.2%), North Dakota (-1.3%), Southern (-13.7%), Toledo (-2.3%)

Quintile 4 (6):

Akron (-1.1%), Idaho (-3.4%), Maine (-2.1%), Mississippi (-2.3%), Texas Tech (-5%), Willamette (-1.5%)

Quintile 3 (4):

Arkansas (-1.4%), Kansas (-4.5%), Louisville (-1.8%), Nevada (-2.5%)

Quintile 2 (12):

American (-7.2%), Connecticut (-4.3%), Florida (-4.9%), Florida State (-3.4%), Maryland (-5.1%), North Carolina (-3.9%), Pittsburgh (-1.4%), San Diego (-1.5%), Temple (-1.8%), Tennessee (-6.4%), Villanova (-3.3%), Washington (-1%)

Quintile 1 (12):

Brigham Young (-5.3%), California-Berkeley (-4.5%), Chicago (-2%), Columbia (-1.9%), Cornell (-7.5%), Duke (-2.9%), George Washington (-6.1%), Minnesota (-1.3%), Notre Dame (-5.2%), Stanford (-2.1%), Vanderbilt (-4%), Washington University (MO) (-1.1%)

ACTUAL NUMBER

Quintile 5 (19):

Appalachian (-7), Arizona Summit (-9), Detroit-Mercy (-7), Faulkner (-2), Florida Coastal (-34), Hamline (-3), John Marshall-Atlanta (-12), La Verne (-10), Liberty (-7), Loyola-New Orleans (-18), New Hampshire (-3), North Dakota (-1), Regent (-1), South Texas (-4), Southern (-45), Thomas Cooley (-63), Toledo (-6), Western State (-17), Widener (PA) (-1)

Quintile 4 (15):

Akron (-3), City University of New York (-7), Drake (-1), Gonzaga (-1), Idaho (-6), Maine (-2), Mississippi (-6), New York (-54), Northern Kentucky (-1), Stetson (-9), Texas Tech (-16), Tulsa (-3), Wayne State (-2), Willamette (-4), William Mitchell (-5)

Quintile 3 (10):

Arkansas (-3), Kansas (-11), Louisiana State (-3), Louisville (-3), Miami (-3), Nevada (-7), Quinnipiac (-2), Rutgers-Newark (-5), Seattle (-1), Seton Hall (-13)

Quintile 2 (23):

American (-41), Arizona (-2), Arizona State (-5), California-Davis (-6), Case Western (-3), Connecticut (-10), Florida (-15), Florida State (-9), Iowa (-6), Loyola-Chicago (-8), Maryland (-20), North Carolina (-11), Pittsburgh (-5), Rutgers-Camden (-5), San Diego (-14), Southern Methodist (-2), St. John's (-5), Temple (-14), Tennessee (-11), Utah (-1), Villanova (-14), Washington (-4), Wisconsin (-2)

Quintile 1 (21):

Brigham Young (-8), California-Berkeley (-13), California-Hastings (-1), Chicago (-5), Columbia (-10), Cornell (-16), Duke (-9), Emory (-6), Fordham (-11), George Mason (-5), George Washington (-34), Illinois (-2), Michigan (-2), Minnesota (-4), Notre Dame (-10), Stanford (-4), Texas (-10), Vanderbilt (-8), Virginia (-2), Washington University (MO) (-4), Yale (-1),

APPENDIX E

Below are the data used to construct Table 13:

INCREASE**PROPORTIONAL***Quintile 5 (9):*

Ave Maria (+1%), Capital (+1.2%), Dayton (+1.5%), Duquesne (+1.3%), New England (+1%), Northern Illinois (+2%), South Dakota (+1.5%), South Texas (+1.7%), Touro (+2.3%)

Quintile 4 (15):

Cleveland State (+2.7%), Drake (+3.7%), Elon (+3.3%), Maine (+2.3%), Mercer (+1.8%), Montana (+2.4%), New Mexico (+4.1%), New York (+3%), Northern Kentucky (+2.4%), Ohio Northern (+1.3%), Pace (+1.4%), Samford (+1.6%), Stetson (+3.3%), Texas Tech (+1.2%), Vermont (+3.1%)

Quintile 3 (5):

Chapman (+8%), Michigan State (+3.8%), Pacific-McGeorge (+1.9%), Seattle (+5.7%), SUNY Buffalo (+2.4%)

Quintile 2 (8):

American (+9.7%), Baylor (+2.1%), California-Davis (+2%), Connecticut (+3.4%), Loyola-Chicago (+2.3%), Maryland (+5.7%), St. John's (+7.1%), Washington (+9.2%)

Quintile 1 (12):

Chicago (+2.4%), Columbia (+9.8%), Duke (+2.4%), Fordham (+1.9%), George Washington (+1.5%), Illinois (+2.1%), Indiana-Bloomington (+1.6%), New York University (+2.3%), Notre Dame (+2.2%), Stanford (+2.9%), Texas (+1.6%), Yale (+4.7%)

ACTUAL NUMBER*Quintile 5 (8):*

Charlotte (+5), Duquesne (+1), Mississippi College (+1), Northern Illinois (+1), South Dakota (+1), South Texas (+4), Southern (+1), St. Mary's (+2)

Quintile 4 (15):

Cleveland State (+3), Drake (+4), Elon (+3), Maine (+2), Mercer (+4), Missouri-Kansas City (+1), Montana (+2), New Mexico (+5), New York (+2), Northern Kentucky (+3), Ohio Northern (+1), Samford (+3), Stetson (+7), Texas Tech (+1), Vermont (+1),

Quintile 3 (4):

Chapman (+6), Michigan State (+10), Seattle (+6), SUNY Buffalo (+4)

Quintile 2 (8):

American (+44), Baylor (+3), Connecticut (+3), Florida State (+1), Loyola-Chicago (+2), Maryland (+4), St. John's (+14), Washington (+9)

Quintile 1 (9):

Chicago (+4), Duke (+1), George Washington (+4), Indiana-Bloomington (+2), New York University (+6), Notre Dame (+3), Stanford (+5), Texas (+3), Yale (+9)

DECREASE

PROPORTIONAL

Quintile 5 (22):

Appalachian (-3.3%), Barry (-5.2%), Florida A&M (-2.1%), Florida Coastal (-3.4%), Hamline (-4.6%), John Marshall-Atlanta (-11%), La Verne (-5.7%), Liberty (-6.1%), New Hampshire (-6%), North Carolina Central (-1%), North Dakota (-2.4%), Regent (-1.8%), Roger Williams (-3%), Southern Illinois (-3.4%), Texas Southern (-4.1%), Texas Wesleyan (A&M) (-2.2%), Thomas Cooley (-3.2%), Thomas Jefferson (-2.5%), Valparaiso (-5.8%), Whittier (-8.2%), Widener (DE) (-3.2%), Widener (PA) (-1.5%)

Quintile 4 (19):

Akron (-2.7%), Arkansas-LR (-4.4%), City University of New York (-2.6%), Creighton (-1.3%), Florida International (-2.3%), Gonzaga (-1.2%), Hawai'i (-6.1%), Howard (-2.4%), Idaho (-2.2%), Indiana-Indianapolis (-3.7%), John Marshall-Chicago (-2%), Mississippi (-1%), Southwestern (-2.4%), St. Thomas-Minneapolis (-4.2%), Suffolk (-3.9%), Washburn (-4%), Wayne State (-4.9%), Willamette (-3%), William Mitchell (-2.7%)

Quintile 3 (13):

Arkansas (-1.3%), Catholic (-5.6%), Denver (-1.3%), Drexel (-3.9%), Hofstra (-6.8%), Missouri (-1.2%), Oklahoma (-1.2%), Penn State (-3.6%), Quinnipiac

(-3.7%), Rutgers-Newark (-1.5%), San Francisco (-2.7%), Seton Hall (-5%), South Carolina (-1.7%)

Quintile 2 (20):

Brooklyn (-2.1%), Case Western (-4.6%), Cincinnati (-2.9%), DePaul (-5.4%), Florida (-1.3%), Iowa (-1.6%), Kentucky (-1.5%), Lewis & Clark (-3.6%), Loyola Marymount (-2.5%), Northeastern (-4.2%), Ohio State (-2.7%), Pittsburgh (-2.6%), Richmond (-5.2%), Rutgers-Camden (-6.1%), San Diego (-1%), Santa Clara (-1.8%), Southern Methodist (-8.2%), Tennessee (-1.5%), Utah (-1.4%), Villanova (-6%)

Quintile 1 (13):

Alabama (-2.5%), Brigham Young (-3.8%), California-Berkeley (-10.4%), California-Hastings (-4.2%), Colorado (-1.2%), Cornell (-3.2%), Emory (-2.1%), Michigan (-1.3%), Northwestern (-1.8%), Vanderbilt (-2.3%), Virginia (-4.4%), Washington University (MO) (-3.5%), William & Mary (-1.5%)

ACTUAL NUMBER

Quintile 5 (36):

Appalachian (-4), Arizona Summit (-7), Barry (-13), Dayton (-1), Detroit-Mercy (-4), District of Columbia (-3), Faulkner (-2), Florida A&M (-9), Florida Coastal (-37), Hamline (-15), John Marshall-Atlanta (-27), La Verne (-19), Liberty (-8), Loyola-New Orleans (-3), New England (-3), New Hampshire (-10), North Carolina Central (-1), North Dakota (-2), Nova Southeastern (-5), Oklahoma City (-3), Regent (-6), Roger Williams (-7), Southern Illinois (-5), St. Thomas (-2), Texas Southern (-9), Texas Wesleyan (A&M) (-8), Thomas Cooley (-102), Thomas Jefferson (-21), Toledo (-1), Touro (-1), Valparaiso (-12), Western New England (-1), Western State (-18), Whittier (-34), Widener (DE) (-19), Widener (PA) (-7)

Quintile 4 (30):

Akron (-6), Albany (-2), Arkansas-Little Rock (-7), Baltimore (-1), California Western (-13), Campbell (-1), Charleston (-2), City University of New York (-9), Creighton (-2), Florida International (-4), Golden Gate (-31), Gonzaga (-4), Hawai'i (-25), Howard (-4), Idaho (-3), Indiana-Indianapolis (-16), John Marshall-Chicago (-14), Memphis (-2), Mississippi (-2), Pace (-1), Southwestern (-13), St. Louis (-2), St. Thomas-Minneapolis (-8), Suffolk (-24), Syracuse (-3), Washburn (-7), Wayne State (-11), West Virginia (-1), Willamette (-7), William Mitchell (-13)

Quintile 3 (20):

Arkansas (-2), Catholic (-16), Denver (-4), Drexel (-6), Hofstra (-29), Kansas (-2), Louisiana State (-1), Louisville (-1), Miami (-5), Missouri (-2), Nevada (-2), Oklahoma (-3), Oregon (-4), Pacific-McGeorge (-26), Penn State (-11), Quinnipiac (-8), Rutgers-Newark (-15), San Francisco (-19), Seton Hall (-30), South Carolina (-4)

Quintile 2 (31):

Arizona (-5), Arizona State (-3), Brooklyn (-23), California-Davis (-6), Cardozo (-3), Case Western (-16), Chicago-Kent (-3), Cincinnati (-5), DePaul (-18), Florida (-4), Georgia State (-4), Houston (-5), Iowa (-9), Kentucky (-2), Lewis & Clark (-14), Loyola Marymount (-17), North Carolina (-1), Northeastern (-12), Ohio State (-8), Pepperdine (-2), Pittsburgh (-10), Richmond (-8), Rutgers-Camden (-21), San Diego (-16), Santa Clara (-23), Southern Methodist (-22), Temple (-8), Tennessee (-3), Utah (-2), Villanova (-17), Wisconsin (-5)

Quintile 1 (26):

Alabama (-4), Boston College (-1), Boston University (-6), Brigham Young (-6), California-Berkeley (-30), California-Hastings (-26), California-Los Angeles (-5), Colorado (-2), Columbia (-9), Cornell (-8), Emory (-13), Fordham (-1), George Mason (-14), Georgetown (-3), Georgia (-1), Harvard (-4), Illinois (-1), Michigan (-10), Minnesota (-1), Northwestern (-12), Southern California (-6), Vanderbilt (-5), Virginia (-19), Washington and Lee (-1), Washington University (MO) (-18), William & Mary (-3)

APPENDIX F

Data used to calculate proportional enrollment of black, Hispanic, and Asian students by quintile and sector (Table 14):

BLACK*Private law school enrollment:*

Quintile 5: 2010: 1040/12190 = 8.5%; 2013: 1188/8471 = 14%

Quintile 4: 2010: 421/7018 = 5.9%; 2013: 450/5122 = 8.8%

Quintile 3: 2010: 164/3460 = 4.7%; 2013: 124/2313 = 5.4%

Quintile 2: 2010: 346/6559 = 5.3%; 2013: 300/5277 = 5.7%

Quintile 1: 2010: 512/6800 = 7.5%; 2013: 400/6122 = 6.5%

Public law school enrollment:

Quintile 5: 2010: 551/1642 = 33.6%, 2013: 509/1322 = 38.5%

Quintile 4: 2010: 232/3789 = 6.1%, 2013: 193/3083 = 6.2%

Quintile 3: 2010: 186/2577 = 7.2%; 2013: 126/2033 = 6.2%

Quintile 2: 2010: 227/3850 = 5.9%, 2013: 194/3010 = 6.4%

Quintile 1: 2010: 188/3727 = 5%, 2013: 153/3163 = 4.8%

HISPANIC*Private law school enrollment:*

Quintile 5: 2010: 1091/12190 = 8.9%; 2013: 1211/8471 = 14.3%

Quintile 4: 2010: 434/7018 = 6.2%; 2013: 484/5122 = 9.4%

Quintile 3: 2010: 241/3460 = 7%; 2013: 295/2313 = 12.8%

Quintile 2: 2010: 555/6559 = 8.5%; 2013: 543/5277 = 10.3%

Quintile 1: 2010: 508/6800 = 7.5%; 2013: 430/6122 = 7%

Public law school enrollment:

Quintile 5: 2010: 157/1642 = 9.6%; 2013: 139/1322 = 10.5%

Quintile 4: 2010: 255/3789 = 6.7%; 2013: 251/3083 = 8.1%

Quintile 3: 2010: 131/2577 = 5.1%; 2013: 124/2033 = 6.1%

Quintile 2: 2010: 315/3850 = 8.1%; 2013: 225/3010 = 7.5%

Quintile 1: 2010: 283/3727 = 7.6%; 2013: 262/3163 = 8.3%

ASIAN

Private law school enrollment:

Quintile 5: 2010: 752/12190 = 6.2%; 2013: 361/8471 = 4.2%

Quintile 4: 2010: 400/7018 = 5.7%; 2013: 273/5122 = 5.3%

Quintile 3: 2010: 292/3460 = 8.4%; 2013: 161/2313 = 7%

Quintile 2: 2010: 627/6559 = 9.6%; 2013: 473/5277 = 9%

Quintile 1: 2010: 714/6800 = 10.5%; 2013: 650/6122 = 10.6%

Public law school enrollment:

Quintile 5: 2010: 56/1642 = 3.4%; 2013: 34/1322 = 2.6%

Quintile 4: 2010: 255/3789 = 6.7%; 2013: 127/3083 = 4.1%

Quintile 3: 2010: 121/2577 = 4.7%; 2013: 88/2033 = 4.3%

Quintile 2: 2010: 284/3850 = 7.4%; 2013: 223/3010 = 7.4%

Quintile 1: 2010: 401/3727 = 10.8%; 2013: 293/3163 = 9.3%

APPENDIX G

In calculating figures displayed in Table 15, declines in overall enrollment between 2010 and 2013 within each quintile were subtracted from changes in group enrollment. Below is the data used in those calculations.

PRIVATE LAW SCHOOLS*Quintile 5:*

Overall: 12190 (2010); 8471 (2013) = minus-30.5%

Black: 1040 (2010); 1188 (2013) = 14.2%

- Group change minus overall decline = 44.7

Hispanic: 1091 (2010); 1211 (2013) = 11%

- Group change minus overall decline = 41.5

Asian: 752 (2010); 361 (2013) = minus-52%

- Group change minus overall decline = minus-21.5

Quintile 4:

Overall: 7018 (2010); 5122 (2013) = minus-27%

Black: 421 (2010); 450 (2013) = 6.9%

- Group change minus overall decline = 33.9

Hispanic: 434 (2010); 484 (2013) = 11.5%

- Group change minus overall decline = 38.5

Asian: 400 (2010); 273 (2013) = minus-31.8%

- Group change minus overall decline = minus-4.8

Quintile 3:

Overall: 3460 (2010); 2313 (2013) = minus-33.2%

Black: 164 (2010); 124 (2013) = minus-24.4%

- Group change minus overall decline = 8.8

Hispanic: 241 (2010); 295 (2013) = 22.4%

- Group change minus overall decline = 55.6

Asian: 292 (2010); 161 (2013) = minus-44.9%

- Group change minus overall decline = minus-11.7

Quintile 2:

Overall: 6559 (2010); 5277 (2013) = minus-19.5%

Black: 346 (2010); 300 (2013) = minus-13.3%

- Group change minus overall decline = 6.2

Hispanic: 555 (2010); 543 (2013) = minus-2.1%

- Group change minus overall decline = 17.4

Asian: 627 (2010); 473 (2013) = minus-24.6%

- Group change minus overall decline = minus-5.1

Quintile 1:

Overall: 6800 (2010); 6122 (2013) = minus-10%

Black: 512 (2010); 400 (2013) = minus-21.9%

- Group change minus overall decline = minus-11.9

Hispanic: 508 (2010); 430 (2013) = minus-15.4%

- Group change minus overall decline = minus-5.4

Asian: 714 (2010); 650 (2013) = minus-9%

- Group change minus overall decline = 1

PUBLIC LAW SCHOOLS

Quintile 5:

Overall: 1642 (2010); 1322 (2013) = minus-19.5%

Black: 551 (2010); 509 (2013) = minus-7.6%

- Group change minus overall decline = 11.9

Hispanic: 157 (2010); 139 (2013) = minus-11.5%

- Group change minus overall decline = 8

Asian: 56 (2010); 34 (2013) = minus-39.3%

- Group change minus overall decline = minus-19.8

Quintile 4:

Overall: 3789 (2010); 3083 (2013) = minus-18.6%

Black: 232 (2010); 193 (2013) = minus-16.8%

- Group change minus overall decline = 1.8

Hispanic: 255 (2010); 251 (2013) = minus-1.6%

- Group change minus overall decline = 17

Asian: 255 (2010); 127 (2013) = minus-50.2%

- Group change minus overall decline = minus-31.6

Quintile 3:

Overall: 2577 (2010); 2033 (2013) = minus-21.1%

Black: 186 (2010); 126 (2013) = minus-32.3%

- Group change minus overall decline = minus-11.2

Hispanic: 131 (2010); 124 (2013) = minus-5.3%

- Group change minus overall decline = 15.8

Asian: 121 (2010); 88 (2013) = minus-27.2%

- Group change minus overall decline = minus-6.1

Quintile 2:

Overall: 3850 (2010); 3010 (2013) = minus-21.8%

Black: 227 (2010); 194 (2013) = minus-14.5%

- Group change minus overall decline = 7.3

Hispanic: 315 (2010); 225 (2013) = minus-28.6%

- Group change minus overall decline = minus-6.8

Asian: 284 (2010); 223 (2013) = minus-21.5%

- Group change minus overall decline = 0.3

Quintile 1:

Overall: 3727 (2010); 3163 (2013) = minus-15.1%

Black: 188 (2010); 153 (2013) = minus-18.6%

- Group change minus overall decline = minus-3.5

Hispanic: 283 (2010); 262 (2013) = minus-7.4%

- Group change minus overall decline = 7.7

Asian: 401 (2010); 293 (2013) = minus-26.9%

- Group change minus overall decline = minus-11.8

APPENDIX H

Below are the 40 schools in Quintiles 4 and 5 that experienced actual number increases in black first-year students:

Private (31):

Albany, Appalachian, Barry, California Western, Capital, Charlotte, Creighton, Drake, Elon, Faulkner, Florida Coastal, Gonzaga, Howard, John Marshall—Atlanta, John Marshall-Chicago, Liberty, Mercer, Mississippi College, New England, Nova Southeastern, Ohio Northern, Oklahoma City, Pace, South Texas, St. Thomas, Suffolk, Syracuse, Texas Wesleyan (A&M), Valparaiso, Western New England, Whittier

Public (9):

Akron, Baltimore, North Carolina Central, Maine, Montana, Northern Kentucky, Southern Illinois, Texas Southern, Wayne State

Below are the 51 schools in Quintiles 4 and 5 that experienced actual number increases in Hispanic first-year students:

Private (36):

Albany, Ave Maria, Barry, Campbell, Capital, Charleston, Charlotte, Creighton, Dayton, Duquesne, Elon, Golden Gate, Howard, John Marshall-Chicago, Mercer, New England, Nova Southeastern, Oklahoma City, Pace, Roger Williams, Samford, Southwestern, St. Mary's, St. Thomas—Florida, St. Thomas-Minneapolis, Suffolk, Syracuse, Texas Wesleyan (A&M), Thomas Jefferson, Touro, Valparaiso, Vermont, Washburn, Western New England, Whittier, Widener (DE)

Public (15):

Baltimore, Cleveland State, District of Columbia, Florida A&M, Florida International, Hawai'i, Missouri-Kansas City, Nebraska, New Mexico, North Carolina Central, Northern Illinois, South Dakota, Southern Illinois, Texas Southern, Wyoming

Below are the 24 schools in Quintiles 4 and 5 that experienced actual number increases in both black and Hispanic first-year students:

Private (20):

Albany, Barry, Capital, Charlotte, Creighton, Elon, Howard, John Marshall-Chicago, Mercer, New England, Nova Southeastern, Oklahoma City, Pace, St. Thomas-Florida, Suffolk, Syracuse, Texas Wesleyan (A&M), Valparaiso, Western New England, Whittier

Public (4):

Baltimore, North Carolina Central, Southern Illinois, Texas Southern

APPENDIX I

Listed below are the 54 schools that experienced proportional increases of 1% or more in both black and Hispanic students, separated by quintile.

Quintile 5 (28):

Arizona Summit, Ave Maria, Barry, Capital, Charlotte, Dayton, Florida A&M, Florida Coastal, Hamline, La Verne, New England, North Carolina Central, Nova Southeastern, Oklahoma City, Regent, Roger Williams, South Texas, Southern Illinois, St. Thomas, Texas Southern, Texas Wesleyan (A&M), Thomas Jefferson, Valparaiso, Western New England, Western State, Whittier, Widener (DE), Widener (PA)

Quintile 4 (13):

Albany, Baltimore, California Western, City University of New York, Elon, Gonzaga, Howard, John Marshall-Chicago, Pace, St. Louis, St. Thomas-Minneapolis, Suffolk, Syracuse

Quintile 3 (6):

Catholic, Hofstra, Miami, Seattle, Seton Hall, SUNY Buffalo

Quintile 2 (5):

Arizona, Chicago-Kent, Rutgers-Camden, St. John's, Wake Forest

Quintile 1 (2):

California-Hastings, Colorado

Listed below are the 32 schools that experienced actual number increases in both black and Hispanic students, separated by quintile.

Quintile 5 (14):

Barry, Capital, Charlotte, New England, North Carolina Central, Nova Southeastern, Oklahoma City, Southern Illinois, St. Thomas, Texas Southern, Texas Wesleyan (A&M), Valparaiso, Western New England, Whittier

Quintile 4 (10):

Albany, Baltimore, Creighton, Elon, Howard, John Marshall-Chicago, Mercer, Pace Suffolk, Syracuse

Quintile 3 (1):

SUNY Buffalo

Quintile 2 (5):

Baylor, Cardozo, Chicago-Kent, Pepperdine, Wake Forest

Quintile 1 (2):

Colorado, Harvard

APPENDIX J

Data used to calculate proportions of first-year students of particular groups enrolled in each quintile (Table 18):

| | YEAR | BLACK | HISPANIC | ASIAN | WHITE |
|-------------|------|--------------|--------------|-------------|--------------|
| Total: | 2010 | 3867 | 3970 | 3844 | 34539 |
| | 2013 | 3637 | 3962 | 2683 | 25068 |
| Quintile 5: | 2010 | 1591 = 41.1% | 1248 = 31.4% | 808 = 21% | 8988 = 26% |
| | 2013 | 1697 = 46.6% | 1350 = 34% | 395 = 14.7% | 5302 = 21.1% |
| Quintile 4: | 2010 | 653 = 16.8% | 689 = 17.3% | 597 = 15.5% | 7789 = 22.6% |
| | 2013 | 643 = 17.6% | 735 = 18.5% | 400 = 14.9% | 5733 = 22.9% |
| Quintile 3: | 2010 | 350 = 9% | 372 = 9.3% | 413 = 10.7% | 4294 = 12.4% |
| | 2013 | 250 = 6.8% | 419 = 10.6% | 249 = 9.3% | 2938 = 11.7% |
| Quintile 2: | 2010 | 573 = 14.8% | 870 = 21.9% | 911 = 23.7% | 6965 = 20.2% |
| | 2013 | 494 = 13.6% | 767 = 19.3% | 696 = 25.9% | 5494 = 21.9% |
| Quintile 1: | 2010 | 700 = 18.1% | 791 = 19.9% | 1115 = 29% | 6503 = 18.8% |
| | 2013 | 553 = 15.2% | 691 = 17.4% | 943 = 35.1% | 5601 = 22.3% |

