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Law and Diversity Program: A Model for Attracting, Retaining, and Preparing Diverse Students for Law School

Julie A. Helling¹

In the Law and Diversity Program, I confronted ideas and viewpoints new to me. I came to understand that justice did not come in neat packages with bright bows. It is through this program that I have developed into a confident, questioning, focused student of color that has received an education that is both empowering as well as enriching.²

-Law and Diversity Program Student in Cohort VI

LAW AND DIVERSITY PROGRAM: AN INTRODUCTION

In 1991, Fairhaven College at Western Washington University (WWU) developed a program to enhance admission to and success in law school for underrepresented communities. The program has already received scholarly attention,³ most notably in an article by Professors Lorraine K. Bannai and Marie Eaton entitled *Fostering Diversity in the Legal Profession: A Model for Preparing Minority and Other Non-Traditional Students for Law School*, 31 U.S.F. L. REV. 821, 821-838 (1997). Now, over a decade after the program began, it is necessary to reexamine this unique⁴ approach to increasing access to law school and to the legal profession for underrepresented communities.

The American Bar Association notes that “despite all of our efforts over the last three decades, slightly over 10 percent of lawyers in the United States are members of a racial minority group.”⁵ Not only are persons of color underrepresented in the legal field, but persons from other underrepresented communities, such as persons with disabilities,⁶ and gays and lesbians,⁷ are also underrepresented in the legal field. When all voices

are heard in the courtroom, there is far greater legitimacy to the decisions rendered.⁸ Because law affects everything from crime to fishing rights to employment disputes, and because lawyers advocate for all interests in these matters, it is critical that the pool of lawyers reflects society's increasing diversity. The undergraduate Law and Diversity Program (LDP) at WWU, with its unique structure, is one promising route to increasing the number of attorneys from racial minority groups and those from other underrepresented communities, so the legal profession and the courtroom are more diverse and more reflective of society's diverse population.

This article examines the LDP in its second decade. Part I introduces the topic of underrepresentation in law school and the legal profession and LDP's promise to remedy that underrepresentation. Part II describes the obstacles people of color face on the road to becoming a lawyer. Part III explores the LDP structure and curriculum, and Part IV provides statistics from the first fourteen years of LDP's existence, demonstrating the program's success.

WHY THE LDP IS NECESSARY: BEFORE, DURING, AND AFTER LAW SCHOOL

A. Before Law School

A quick overview of the road to becoming a lawyer reveals many potential obstacles throughout the process, particularly those obstacles people from disadvantaged groups may face. To even get into law school, let alone become a licensed attorney, requires a long-term academic plan. The steps at a glance are:

- High school diploma (or G.E.D.)
- Required Test: SAT/ACT for college admission
- College degree (typically, four years to obtain a bachelor's degree, any major)

- Required Test: Law School Admission Test (LSAT) at end of junior year if student is planning to go to law school directly after undergraduate school
- Law School degree (three years to obtain a Juris Doctor)
- Bar Examination (different standards and requirements for each state)
- Admission to state bar (moral fitness requirement)

Theoretically, it is in high school that students develop academic skills,⁹ begin plotting career paths based on desires and aptitudes, and take the necessary steps to apply for college admission.¹⁰ Most high school students who are considering attending law school down the road know that a good grade point average and college entrance exam scores are required to qualify for scholarships and admission to many undergraduate universities.

Currently, students of color complete high school at a lower rate than white students. This gap is demonstrated in the following chart:

Public High School National Graduation Rates for Class of 2001¹¹	
National Graduation Rate	68%
Asian	76.8%
White	74.9%
Hispanic	53.2%
Black	50.2%
Native American	51.1%

The reasons for these disparities are complex and subject to debate.¹² In any case, the poverty gap by racial classification is documented early in the educational process.¹³ The unfortunate outcome is that beginning in high school, if not before, there are fewer students of color than white students who are on the path to becoming lawyers. Given the alarming statistics of

failure to graduate from high school, it is no wonder many students of color cannot conceive of going on to law school.

Not only are students of color disadvantaged with regard to high school graduation rates, but these same students may not have the knowledge and encouragement to take the steps to apply to college. Students who are the first in their family to go to college have parents who have not navigated the process of preparing for tests such as the ACT and SAT or filled out college applications. Additionally, students without financial resources may not be able to afford the college admission test fees, let alone a preparation course for the test or undergraduate application admission fees.

Assuming that a student completes high school or receives a G.E.D., the next step is a four-year bachelor's degree. While the numbers have improved, the college graduation rate for students of color still lags behind the college graduation rate for asian and white students.

Summary of Education Attainment for Populations 25 and Older Percent Holding Bachelor's Degree or Above in 2003¹⁴	
Ethnicity	Percentage
Asian	49.8%
White (non-Hispanic)	30%
Black	17.3%
Hispanic (of any race)	11.4%

While law schools require a bachelor's degree, a specific area of study or major is not required. Unlike medical school, for example, law school does not require a specific base of knowledge;¹⁵ rather, the skills of reading, writing, and thinking critically are imperative in studying law, and many fields of undergraduate study promote these skills.¹⁶ This indicates it should be easier to assist students from underrepresented communities to get into law school than into medical school or other graduate fields, as it is

difficult to make up for inadequate high school preparation in math, or to provide a condensed exposure to a substantive body of knowledge necessary for graduate study in such fields as chemistry or physics. In contrast, law school bound students can use the four undergraduate years to build skills, rather than four years to build knowledge in a narrow discipline.

Along with obtaining an undergraduate degree, students must take the LSAT to apply to law school. Students usually take the LSAT at the close of junior year of college if they plan to start law school directly after completing undergraduate school. A student's undergraduate grade point average and LSAT score are the two most important things that determine admission to law school.¹⁷

The LSAT, divided into segments on reading comprehension, analytical reasoning (logic games), and logical reasoning (argument evaluation), consists of five, thirty-five minute multiple-choice sections. The test also includes a thirty-minute writing sample section, which is not scored but is provided to law schools to which the student applies.¹⁸ Here again, knowledge of and encouragement to take the LSAT is critical.

Financial resources play a significant role in registering for the LSAT as well as the law school application process. The LSAT test registration fee is \$115, while registering for the Law School Data Assembly Service requires an initial \$106 fee, and reporting test scores to each law school costs another \$12 thereafter.¹⁹ Furthermore, many students take an LSAT preparation course, and the typical cost is over \$1,000.²⁰ The exorbitant cost of preparing to apply to law school, as well as the intense time commitment to the process, may explain the considerable differences in the number of people by racial group who take the LSAT exam. In the fall 2003 LSAT testing cycle, the number of test takers by self-identified racial group was as follows:²¹

Ethnicity	Number of Test Takers	Percentage
Caucasion	64,110	70.2%
African American	10,600	11.6%
Asian American	8,060	8.8%
Hispanic/Latino	4,330	4.7%
Puerto Rican	1,830	2%
Chicano/Mexican American	1,630	1.8%
Native American	740	.8%
TOTAL	91,300	

Interestingly, while the racial disparities in numbers of people taking the LSAT are glaring, the gender gap has closed considerably.²² For the fall 2003 testing cycle, 48,170 women sat for the test, compared to 49,690 men.²³

Raw scores on the LSAT are converted to a scaled score of 120 to 180.²⁴ Typically, students must score around 151 or higher to be a viable candidate for admission to law school.²⁵ When examining the mean scores of LSAT test takers by self-identified racial groups, it is apparent how the selection process may contribute to a lack of diversity in law school admittance.

LSAT Testing year 1999-2000: Mean LSAT Scores²⁶	
(out of a scale of 120-180)	
Ethnicity	Mean LSAT Score
Caucasian	152.10
Asian American	151.30
Native American	147.23
Hispanic	146.39
African American	141.64

The LSAT, however, is only a predictor of success in law school and eventual bar examination passage. Students may outperform or underperform their predictive LSAT score, which is why it is critical to review the student's entire file to accurately assess law school potential. The Law School Admissions Council, which administers the LSAT, cautions that "test scores and grade point averages should play only a limited role in the admission process. Defining them as the sole or overwhelming indicators of merit is inaccurate."²⁷

Unfortunately, many law schools use the LSAT score as a main factor or even a cut-off point in the admissions process for two main reasons. First, referring only to the LSAT score saves the admission committee time because the entire application file is not read. Second, law schools are ranked by the *U.S. News and World Report* annually, and higher LSAT scores of admitted students typically influences a strong rank for a law school. A study commissioned by the American Association of Law Schools noted that "about 90 percent of the overall differences in ranks among schools can be explained solely by the median LSAT score of their entering classes."²⁸

The *U.S. News and World Report* annual law school rankings are considered to have such an impact on the law school admissions process that 175 deans out of 185 American Bar Association approved law schools signed an open letter criticizing the methodology of the *U.S. News and World Report* rankings, noting these "ranking systems are inherently flawed" and exclude or severely undervalue factors such as "racial and gender diversity within the faculty and student body."²⁹ In spite of this concern, the *U.S. News and World Report* ranking system continues to be a source of prestige for many law schools as well as the only source of information on law schools for many potential law students. The heavy emphasis on the LSAT for admission to law school ultimately results in fewer people of color being admitted to law school. While the acceptance rate for white students has varied from 71.2 percent to 77.4 percent, the

overall acceptance rate for racial minorities “has hovered around 50 percent.”³⁰

Even at law schools where LSAT scores are not determinative and the applicant’s entire file is thoroughly read, students from underrepresented communities may still have more obstacles to overcome than majority students. Letters of recommendation from faculty members at a student’s undergraduate university are typically required for many law school applications.³¹ For students from underrepresented communities, there may exist a lack of encouragement to seek out faculty members or make the personal contact necessary for a glowing letter of recommendation. In addition, students who feel vulnerable and exposed in a classroom setting because of their race, gender, sexual orientation, or disability may not speak out in class, thus failing to distinguish themselves to any professors.

B. During Law School

Assuming one successfully navigates the several obstacles to get to law school, there are still many pitfalls in the three years of law school itself to influence the student’s ability to become a lawyer and have a legal career. For example, law school examinations can affect a student’s performance. Law school classes typically have one written exam that determines the grade for the entire semester. To obtain a competitive summer internship, a student must score highly on exams in the first semester of the first year of law school. Thus, if a student does not start out strong it can affect the student’s opportunities for employment the following summer, and, by extension, upon graduation.

Superior grades may also earn students a spot as a staff member of the law review or other legal scholarship journals, a factor weighed heavily by employers. Essentially, one bad semester in law school, particularly the first one, makes it very difficult to raise a student’s low grade point average and class rank, and can alter a student’s entire career path.

Furthermore, law school is an experience that produces anxiety even for the best and most balanced students. Coupled with a feeling of “not belonging,” whether due to disability, race, gender, socioeconomic status, or sexual orientation, the anxiety of underrepresented students can reach debilitating levels. For students who do not possess the knowledge of how to study efficiently, how to strategize for the particular tests, or how to find support systems, academic success in law school may be elusive.

C. After Law School

To become a licensed lawyer, however, graduation from law school and receiving a juris doctorate is not enough; one must also be admitted to the state bar to practice law. Each state has a different bar examination and application process, and to practice in a particular state, an applicant must apply and pay the fees for that jurisdiction.³²

Bar passage rates demonstrate yet another disparity between white students and students of color. For example, the bar passage rate in 1991 broke into the following categories:³³

Ethnicity	Percentage
White	96.7%
Asian-American	91.9%
Hispanic	87.7%
Native American	82.2%
African-American	77.6%

Despite all of these obstacles, from the high costs of the LSAT and the application process, to the initial knowledge of and encouragement to embark on the path to apply to law school, people of color do become attorneys. To encourage and facilitate law school admission for students of color, it is important to find ways to reduce the obstacles.

DESCRIPTION AND CURRICULUM OF LDP

A. General Overview

LDP offers one possible remedy to the unfortunately low number of students of color in the law school and in the legal profession. LDP is a rigorous two-year interdisciplinary course of study for upper-level undergraduate students aimed at developing skills and knowledge necessary for success in law school. The program emphasizes the development of skills essential to legal thinking, including critical reading, writing, research, oral communication, and analytical ability. Ultimately, students in the LDP receive a Bachelor of Arts degree.

LDP admits students who are interested in increasing access to the justice system. The program welcomes students whose ethnic, social, or economic community is underrepresented in the legal profession and who have the potential to be leaders and role models in their communities. The program specifically seeks those students who show such potential, but whose academic credentials might not otherwise make them desirable candidates for law school.

As one LDP alum described her experience in the program:

LDP prepared me in more ways than I ever imagined for this experience [law school]. Having made a case, done research, argued in front of a “judge” and written a brief were all invaluable preparatory experiences for where I am now. . . . [M]y only hope is that students are still getting the preparation, support, and encouragement that I got.

B. LDP Resources: How the Program is Funded

LDP was conceived in 1990, and the first cohort began just a year later in 1991. Fairhaven College resources provided the initial faculty. The first professor and chief architect of LDP, Professor Rand Jack, was already on staff with the College. Later, a part-time instructor was added and, finally, a full-time program director. The first cohort (1991-93) was funded entirely

by the college. The Fund for the Improvement of Post Secondary Education (FIPSE) provided a three-year grant totaling over \$125,000 for the second cohort (1993-95), and after the FIPSE grant ended, WWU has since funded the program entirely. From 1995-2000, the program consisted primarily of a full-time director, an attorney who served as a half-time professor, and one Fairhaven College faculty member who frequently taught in the program.

In 2000, the original director departed, and the author joined the program as its director, leaving the half-time professor and the author as the LDP staff. In 2002, with LDP's success record established, the dean of Fairhaven College successfully persuaded the provost to provide not only a replacement when the half-time professor retired, but also to add two full-time Fairhaven College faculty members to teach in the LDP. Today, the LDP, with three professors who teach in the program, can accommodate many more students than when the program began in 1991.

C. LDP Curriculum: Supporting the Students

The traditional approach to university education—a large lecture class with the teacher doing all of the talking—may not serve all students' educational needs. Thus, the LDP currently follows a model of small seminar classes in which students take all classes together as a group.

First, however, the LDP tried the "Master Learner" model, where at least one of the LDP faculty members literally attended all of the students' classes, including those classes taught in the standard university curriculum. This ambitious approach meant a teacher knew exactly what students were studying in class and could help coach the students in all subjects as well as help tie the studies together. However, because of its labor intensive demands, the Master Learner plan had to be abandoned.

From its inception, the LDP had Integrative Seminars as a way to synthesize the information of the quarter's classes, to provide focus on skills as necessary, and to track the well-being of the students. Classes

outside the Integrative Seminars were set in sequence and were required by the program, leaving little room in a student's schedule for elective courses.

Around the time of Cohort 5 (2000-02), however, the curriculum had become significantly more relaxed. Students were expected to follow a more "typical" Fairhaven College approach, which permitted students to personally design their own majors, thus creating more time for electives. Core classes in the LDP, such as legal research and writing, were abandoned.

The author came on as director in 2000 shortly after Cohort 5 began its two-year cycle. Fearing students would not be prepared for law school because core classes like legal research and writing were abandoned, the author swung the curriculum pendulum back to a more regimented and law school-oriented approach. As the cohort was small—only ten students at the start of the first year and six at the end of the first year—tracking the well-being of the students was not difficult for the LDP faculty. Integrative Seminars became more focused, with a legal skill set such as legal research, legal writing, or oral advocacy at the core of the seminar.

The following discussion examines the program from the spring of 2000—when the author arrived—to the spring of 2005. In 2003, two full-time professors joined the Fairhaven College faculty to teach primarily in the LDP. With the influx of perspectives and expertise from the new professors, the curriculum began undergoing modification. For Cohort 9 the pendulum has swung back to the curriculum focus of Cohort 5; LDP students now have a more "typical" Fairhaven College experience with each student designing his/her own major, creating more room for electives.³⁴

The list of courses that made up the curriculum for 2000-05 is as follows:

Law and Diversity Program Course List³⁵ for Cohorts 5, 6, and 7

Fall Quarter—Year One		
Fair 307	LDP Integrative Seminar: Conflict Resolution	3 Credits
Fair 211 LDP	American Legal System/Case Analysis	5 Credits
Poli Sci 250	American Political System	5 Credits
Phil 107	Logical Thinking	3 Credits

Winter Quarter—Year One		
Fair 308	LDP Integrative Seminar: Legal Writing	4 Credits
Fair 396	Power, Privilege, and the Law	3 Credits
*Fair 262	Swimming with the Sharks: The Life of a Lawyer	2 Credits
Fair 224	Writing Arguments	3 Credits
Econ 206	Microeconomics	4 Credits

Spring Quarter—Year One		
Fair 309	LDP Integrative Seminar: Legal Research	4 Credits
Fair 395	LDP Commercial Relationships	4 Credits
*Potential ISP	Critical Thinking & Reading (LSAT Preparation)	4 Credits

Fall Quarter—Year Two		
Fair 407	LDP Integrative Seminar: Advanced Legal Writing	5 Credits
Fair 415	Constitutional Law I- Government Powers	5 Credits
Fair 398	LDP Political Economy and the Law	4 Credits

Winter Quarter—Year Two		
Fair 408	LDP Integrative Seminar: Oral Advocacy	4 Credits
Fair 416	Constitutional Law II- Individual Rights	5 Credits

Spring Quarter—Year Two		
Fair 409	LDP Integrative Seminar: Legal Profession and Ethics	3 Credits
Fair 480	LDP Internship	10 Credits

The LDP recruits students in their sophomore year to participate in the program through the junior and senior years of college. This early recruitment provides the students support to prepare for the LSAT and to fill out applications for law schools, not to mention an extended period to gauge and meet a student's educational needs. Giving students two full years to work closely with faculty is vital to the program's success and, most importantly, the student's success.

D. Cohorts

Before I heard about the Law and Diversity Program I was going to do a combined major of economics, philosophy, and political

science. If I had chosen that path, I am not sure I would be on my way to law school. There is something about being with students from similar backgrounds as yours that is comforting. Cohort VI's goals of being the first in their family to graduate, first professional in their family, or even the first one to make it as far as college became a collective focus that drove us all to succeed.

-Student in Cohort VI

The cohort structure exposes students to many points of view and drives the uniqueness of the LDP. Past cohorts have included students from diverse racial, ethnic, religious, and socioeconomic backgrounds, as well as students who speak English as a second language, gay and lesbian students, students with disabilities, and students who are the first in their families to go to college. The cohort approach of LDP allows for a close and mutually supportive learning community. A key feature of the cohort structure is that the instructors and students spend many hours together each week so that instructors are very aware of how the students are doing, and students feel more comfortable seeking additional help. The support of the cohort, as well as one-on-one mentoring from the faculty, have helped many students get into law school who did not think they had the skills and confidence necessary to pursue a legal career.

Even when taking classes outside of LDP, such as classes in political science or economics, the cohort students are often "block registered," so they are all in the same section. Block registration makes large lecture classes more inviting and hospitable to the students, and encourages collaborative learning even in graded classes.

Beyond the classroom, learning communities devoted to the study of legal issues, diversity, and social justice, like LDP cohorts, will inevitably encounter discussions involving strongly held, and often opposing, points of view. This type of learning environment can be exhilarating, intense, and sometimes rancorous. Yet, most LDP graduates view this exchange of life experiences and viewpoints as one of the best things about the program. As one LDP graduate reflected in 2001:

I hope I never forget that: the process of attempting the difficult dialogues is what matters most—not whether everyone understands each other’s perspective when you leave the table. Everyone in my cohort didn’t “get it”—differences and conflicts didn’t vanish. But maybe minute cracks were begun, that might expand with time and experience. Erosion is a slow process—eroding stereotypes doesn’t happen in a few years.

-Student in Cohort II

One member of Cohort IV described the positive side of conflict as the following: “Regular conversations, often leading to heated conflicts, aided my understanding of possible arguments I may be exposed to in disagreement with my efforts.” Another graduate from the same cohort noted that “LDP broadened my mind. My acceptance of humanity completely changed from a close-minded racist to a critical thinking person that articulates why I believe what I believe.”

While the small size of the cohort may potentially lead to conflict, it can also offer support to all of its members.

I found the cohort was my greatest source of support, helping me to move, encouraging me and offering practical and emotional help when I found it necessary to leave my husband and move to a new and safer house.

-Student in Cohort VI

In informal exit interviews with members of Cohort VII, the overwhelming response to the question “what was the best thing about the program?” was “the cohort.” A two-year commitment of resources to a small group of students is an extraordinary investment, but it is this support that can make the difference for students from disadvantaged groups who only dream of going to law school.

E. The LDP Evaluation System: No Letter Grades

In addition to the cohort structure another distinguishing feature of LDP is the absence of letter grades. Like the remainder of the Fairhaven College

classes, all assignments in the LDP receive extensive written feedback, but teachers do not give letter grades to their students. Instead, students write a narrative self-evaluation at the end of each quarter, and a teacher responds to the student with a narrative assessment. This system encourages students to reflect on personal academic strengths and weaknesses and to take responsibility for their own education. One example of a student recognizing this is evident in the following:

What does it mean to say that one owns [his or her] education? I did not know the answer to this question until six weeks before graduation. Education is an intangible tool that touches and impacts every aspect of one's life. You can not taste, see, feel smell or hear education, but yet it can be sensed. Education manifests itself when you begin to question the information around you and form your own opinions. You no longer take what a professor might say at face value. There is always a constant checking of the facts and a critical inquiry into the heart of the matter. Lovers of the surface of issues soon find themselves on a lake of thin ice where premises are cracks that slowly begin to spread until you find yourself soaking wet and very cold.

-Student in Cohort VI

The absence of grades can be a shock for those students used to doing well in school and having the validation of grades. One such student from Cohort VI noted her initial frustration with the lack of grades, but then came to the following conclusion: "I value others' ideas, appreciate praise and encouragement, relish a little competition, am less devastated by criticism. I judge myself more on my own personal progress and less on class standing."

One concern students often raise is, "how will I get into law school without a grade point average?" Of course, LDP students do have grade point averages from their first two years of college and from the classes they take on the main campus of WWU.

Perhaps more importantly, however, LDP students have teachers who know their work intimately and can provide detailed letters of recommendation for a student's admission to law school. The absence of letter grades has not shown to be a significant hindrance, as LDP students have been admitted to the University of Michigan Law School, University of Washington Law School, Seattle University School of Law, and Hamline University School of Law in Minnesota, among others. Despite the flaws of the *U.S. News and World Report* rankings by placing an emphasis on LSAT scores and grades, the rankings do provide a look at which law schools are considered "high-quality" schools. For example, in 2006, the University of Michigan was ranked eighth in the country, while the University of Washington law school was ranked twenty-seventh.³⁶

From a teacher's perspective, the use of narrative assessment removes the often crippling competition for grades that can turn a classroom into an adversarial and unsupportive learning environment. Instead of comparing the students to each other, as professors are often required to do if the school mandates a grading curve, the teacher can look at the student as an individual and work to make each student stronger. Thus, students with unimpressive academic records may, within the two years of the LDP, overcome learning difficulties, improve their skills, and earn admission to law school.³⁷

F. Other Features of LDP: Attorney Teachers, Moot Court, and an Internship

Another important feature of LDP is that the seminars and additional required classes, such as two quarters of Constitutional Law, are taught by attorneys who have practiced law. The presence of real attorneys in the classroom means LDP students are learning from people who know what it takes to succeed in law school and the legal profession beyond and who can offer specific, personal, and motivating guidance. Attorneys as teachers also means that law school-specific activities and skills, such as moot court,

writing an appellate brief, trial tactics, and the ethics of the legal profession, can be taught from firsthand perspective.

In addition to having attorneys as teachers, the textbooks used in the core LDP classes are actual casebooks used in most law schools.³⁸ This means that students have a chance to do case analysis, become familiar with legal vocabulary, and develop law school study skills in a supportive environment. Because the LDP students become familiar with the texts, including how to write a case brief and how to use the “IRAC” method of analysis,³⁹ LDP students are better prepared to face the fierce competition of law school.

The most anxiety-provoking quarter for many of the LDP students is perhaps the seminar on oral advocacy. During this quarter, students participate in moot court before a panel of attorneys and judges in a real courtroom. The student’s oral argument is videotaped, and the student receives extensive feedback from the faculty and judges, helping students improve oral skills, as well as practicing to be real attorneys. This quarter of study also includes a trip to watch oral arguments at the Washington State Supreme Court and a chance to meet the supreme court justices. Again, this process helps students visualize themselves in the role of a lawyer.

In the last quarter, LDP students are required to obtain a legal internship, averaging about thirty hours per week. LDP internships range from working in the public defender’s office, to working with domestic violence advocacy providers, to working on a project to survey—and ultimately challenge as unconstitutional—juvenile curfew laws around Washington State. The internship is the capstone experience of the LDP, allowing students to apply the legal research, writing, and critical thinking skills learned over the two-year program. It provides students with a valuable experience in how to obtain a legal job and how to work in a legal environment among professionals. The internship experience also gives students legal contacts in the community for possible future employment.

THE LDP STATISTICS

The success of the LDP is best measured by the success of its students. Overall, of 113 students who have actually begun the program since its inception, 82.3 percent of students completed the program.⁴⁰ Perhaps most exciting is that 49.5 percent of those students who completed LDP were eventually admitted to law school.⁴¹ The following chart illustrates the completion rates of LDP students along with the corresponding law school acceptance rates.

Cohort #	Started LDP	Completed LDP	Admitted to Law School
I	15	15	5
II	16	14	8
III	20	18	11
IV	15	13	5
V	10	6	5
VI	19	13 (2 pending)	7
TOTAL	113	93	46

Figure 1: Graduation Statistics of the Law and Diversity Program as of July 2005

The LDP graduation rate for students of color also illustrates the program's success. The breakdown of students by ethnic group, however, is complicated because of the lack of complete records throughout the

program, as well as the presence of multiracial identities. Records indicate sixteen students, or 14.2 percent, who began the program identified as “bi-racial.” For these students, the ethnic groups identified were “double counted,” meaning they were counted in each known column of ethnic group (including the Caucasian column). They are also “triple counted” by appearing in the “bi-racial” column as well.

Cohort	I	II	III	IV	V	VI	VII	TOTAL
African/ African American	5	4	6	4	1	3	0	23
Asian/Asian American	0	3	5	1	1	0	3	13
Caucasian	4	3	4	4	7	6	5	33
Latino/a	4	4	4	4	1	5	5	27
Native American/ Indigenous	3	2	0	1	1	3	5	15
Bi-racial	1	2	4	5	2	1	1	16
Not represented elsewhere	0	0	0	0	0	2	1	3

Figure 2: Breakdown of Cohorts by Racial/Ethnic Groups

Even if students do not pursue a law or other graduate degree, the Law and Diversity Program provides support so that students who might not otherwise finish their bachelor’s degree do indeed finish college.

Nationally, only 63 percent of students graduate with a bachelor's degree within six years of beginning undergraduate school.⁴² Overall, 62 percent of WWU students graduate within six years.⁴³ The statistics for completion of the undergraduate degree for LDP students, however, are far superior to this percentage. Over time, 82.3 percent of LDP students have graduated with bachelor's degrees.

LDP graduation statistics are also superior when examining the obtainment of bachelor's degrees by racial group. Nationally, 46 percent of African American students graduate with a bachelor's degree within six years.⁴⁴ For Latino students nationally, 47 percent graduate in the six-year time frame.⁴⁵ At WWU, 52 percent of Latino students graduate within six years, while 36 percent of African American students graduate within six years.⁴⁶ In LDP, however, 81.5 percent of Latino students obtained bachelor's degrees, while 91.3 percent of African American students did the same. Also, 86.7 percent of our Native American students in LDP graduated with a bachelor's degree. Finally, 49.7 percent of Asian students generally graduate within six years at WWU,⁴⁷ while 92.3 percent of LDP's Asian students graduated with a bachelor's degree.

Ethnic Group	Completed LDP by Ethnic Group (and received B.A.)	LDP Graduates Admitted to Law School By Ethnic Group
African/African American	91.3% (21 out of 23)	42.9% (9 out of 21)
Asian/Asian American	92.3% (12 out of 13)	50% (6 out of 12)
Caucasian	78.8% (26 out of 33)	57.7% (15 out of 26)

Latino/a	81.5% (22 out of 27)	40.9 % (9 out of 22)
Native American/ Indigenous	86.7% (13 out of 15)	38.5% (5 out of 13)
Bi-racial	87.5 % (14 out of 16)	42.9% (6 out of 14)
Not represented elsewhere	33.3% (1 out of 3)	100% (1 out of 1)

Figure 3: Completion and Law School Admittance Rates by Racial/Ethnic Group

LDP students have attended or are attending the law schools listed in the following chart. Although 11.1 percent of LDP students who began law school did not complete it, it was for reasons including English as a second language and personal difficulties, such as family matters.

Law School	LDP students attended or are currently attending	Students who did not complete Law School
American University College of Law	1	0
Brooklyn Law School	1	0
California Western School of Law	1	0
Cleveland-Marshall College of Law	1	0
Gonzaga University School of Law	3 (two on full tuition waivers)	0

Hamline University School of Law	9 (two on full tuition waivers)	1
Loyola-Marymount University Law School	1	0
Seattle University School of Law	7	0
Texas Southern University Thurgood Marshall School of Law	1	1
University of Akron Law School	1	1
University of Idaho College of Law	3	1
University of Illinois College of Law	1	0
University of Montana School of Law	1	0
University of New Mexico School of Law	3	0
University of Oregon School of Law	2	0
University of Washington School of Law	7	0
Willamette College of Law	1	1
Whittier College of Law	1	0
TOTAL	45	5

Figure 4: Law Schools LDP students have attended or are attending

Of the LDP alumni who have graduated from law school, two served as law clerks for a justice on the Washington State Supreme Court, while another served as a law clerk for a federal magistrate judge. One LDP graduate worked as a magistrate in a small village in Alaska while another LDP graduate is working today as an assistant attorney general in the Northern Mariana Islands.

Many LDP graduates chose not to apply to law school, however, and instead pursued other graduate degrees or entered the workforce. Four alumni pursued a master's degree in higher education, and one alumnus received an MBA, while another pursued a Ph.D in history.

Similarly, LDP graduates have pursued a number of different options in the workforce, though not all alumni can be traced to their current occupations. For example, LDP graduates have worked in the juvenile justice system, as a multicultural outreach coordinator, and in city government. Additionally, one LDP alumnus worked as a domestic violence advocate, and one is working as a buyer for Boeing.

CONCLUSION

These numbers and short descriptions do not capture the real heart of the LDP—the student who came to the United States as a refugee, learned English as a teenager, and is now in law school; or the student who is the daughter of migrant farm workers and the first in her family to go to college (let alone law school on a full-ride scholarship); or the student who came out of poverty, who had the desire to make things right for others, and held onto the dream of a graduate degree despite numerous obstacles.

As attacks on affirmative action rise,⁴⁸ it is more important now than ever that a place exists to welcome and support students from all disadvantaged groups. In a just society there must be access to the legal system for all people and a way for all voices to be heard in the courtroom. There is no quick fix or easy solution to the problem of underrepresentation in the legal

profession; it takes hard work and requires intense resource investment. But the existence of such a program is worth it, and it does make a difference in the lives of the students and in the legal community beyond.

¹Julie A. Helling graduated from the University of Michigan Law School in 1993. She clerked for the Minnesota Court of Appeals before becoming a domestic violence prosecutor. She has served as the director of the Law and Diversity Program at Fairhaven College, Western Washington University since 2000. She would like to thank the faculty of Fairhaven College, Western Washington University for their support. She would particularly like to thank Marie Eaton for reviewing early drafts of this article, and Rand Jack for his continual encouragement.

² Quotes from Law and Diversity Program students are extracted from a survey conducted in 2001 and from the Summary and Evaluations documents all students are required to complete at the conclusion of their course of study. Permission has been granted to use the quotes, but specific identifying information may not be used.

³ Kathe Taylor et al., *Learning Community Research and Assessment: What We Know Now* (National Learning Communities Project Monograph Series 2003), at 56-58; Marie Eaton, *Learning from Difference: Sustained Impact of the Law and Diversity Program*, (National Learning Communities Project Monograph Series 2003), at 59-73; Tanya Rowe, *Latinos Thrive in Law and Diversity Program*, 11 HISP. OUTLOOK IN HIGHER EDUC. 3, at 33 (2000). The mainstream press also acknowledged the LDP. See Jake Ellison, *Program Gives Wings to Idea of Developing Diversity in Law*, SEATTLE POST-INTELLIGENCER, at B1, May 27, 2003; Tan Vinh, *Turning Hard Luck Into Inspiration*, SEATTLE TIMES, at B1, Nov. 28, 2001; Michelle Nolan, *Law, Diversity Students Expect to Make Difference*, THE BELLINGHAM HERALD, Dec. 8, 2000, at B4.

⁴ The Princeton Review maintains a list of eight-five schools that indicate having a pre-law major: <http://www.princetonreview.com/college/default.asp> (follow "Colleges & Careers" hyperlink; then follow "Majors & Careers" hyperlink; then follow "Go to the Majors Screen" hyperlink; then find "Pre-Law" in "Major Search" hyperlink) (last visited Feb. 24, 2006). This list was narrowed down to the sites of thirty-five pre-law programs nationally that had substantive pre-law programs beyond just offering a pre-law adviser. None had the Law and Diversity Program's unique combination of a full two-year intensive program for the entire junior and senior years of undergraduate education, cohort learning environment, narrative assessments instead of letter grades, attorney instructors, and use of law school textbooks. For another program during the undergraduate years, the University of Texas at El Paso's Law School Preparation Institute was designed specifically to attract students of color by offering two summer institutes. Law School Preparation Institute at University of Texas at El Paso, <http://academics.utep.edu/Default.aspx?tabid=19050> (last visited Feb. 20, 2006). In addition, the Council on Legal Education Opportunity (CLEO) program targets students of color for post-bachelor's degree, pre-law school, summer seminars. CLEO also offers a Sophomore Summer Institute. Available at <http://cleoscholars.com> (last visited Feb. 20, 2006).

⁵ American Bar Association, Joint Conference of the Diversity Planning Committee, *Action and Accountability: Diversity Imperatives for a New Century 2* (Welcoming Statement 2000).

⁶ For a glance at what attorneys with disabilities face, see Kathryn Chapman & Jessica Bowering, *Lawyers with Disabilities: Overcoming Barriers to Equality*, (2004), available at http://www.lawsociety.bc.ca/publications_forms/report-committees/docs/DisabilityReport2004.pdf.

⁷ Given the discrimination still faced by gays and lesbians, the LSAC provides information specifically for LGBT applicants, available at <http://www.lsac.org/LSAC.asp?url=lsac/information-gay-lesbian-bisexual-applicants.asp> (last visited Feb. 11, 2006).

⁸ Consider, for example, the jurisprudence of *Batson v. Kentucky*, 476 U.S. 79, 86; 106 S.Ct. 1712, 1717 n.8 (1986) (noting that for “a jury to perform its intended function as a check on official power, it must be a body drawn from the community”).

⁹ The Scholastic Aptitude Test (SAT) is designed to test skills learned in high school, including critical reading, writing, and mathematics. See Maureen Ewing, Kristen Huff, Melissa Andrews, & Kinda King, *Assessing the Reliability of Skills Measured by the SAT*, Research Notes RN-24 (College Board Office of Research and Analysis) Dec. 2005, at 1, available at <http://www.collegeboard.com/research/pdf/RN-24.pdf>.

¹⁰ Suggestions for high school students on planning their futures available at <http://www.collegeboard.com/plan> (last visited Feb. 11, 2006).

¹¹ Christopher B. Swanson, *The Real Truth About Low Graduation Rates: An Evidence-Based Commentary* (THE URBAN INST., EDUC. POLICY CTR., at 2 (2004), available at http://www.urban.org/UploadedPDF/411050_realtruth.pdf. Statistics were not available for other communities such as gays and lesbians.

¹² The author accepts the premise that one of the major reasons for the lower number of people of color graduating from high school is the existence of institutionalized racism in our society and educational system. See generally JONATHAN KOZOL, *SAVAGE INEQUALITIES* (1991).

¹³ Students of color are more likely to be from low income families. For example, nationwide only 5 percent of white fourth-grade students were in the highest-poverty schools, compared to 47 percent of Black students and 51 percent of Hispanic fourth-graders in 2004. THE CONDITION OF EDUCATION 2004 IN BRIEF 4 (Andrea Livingston & John Wirt eds., 2004), available at <http://nces.ed.gov/pubs2004/2004076.pdf>.

¹⁴ U.S. CENSUS BUREAU, EDUCATIONAL ATTAINMENT IN THE UNITED STATES: 2003, at 3 (2004).

¹⁵ It is worth reflecting that in the British and other European systems of education, the study of law is available as an undergraduate pursuit, resulting in an LL.B (bachelor’s degree in law). The presumption is that students are prepared to study law immediately upon entry to college. This underscores the fact that it is a set of skills, not a base of knowledge, which is required for the study of law.

¹⁶ LSAC.org, <http://www.lsac.org> (last visited Feb. 11, 2006).

¹⁷ See the U.S. News and World Report Rankings, which emphasize the G.P.A. and LSAT scores for each school listed, available at

http://www.usnews.com/usnews/edu/grad/rankings/law/brief/lawrank_brief.php (last visited Feb. 11, 2006).

¹⁸ LSAC, <http://www.lsac.org/LSAC.asp?url=/lsac/faqs-and-support-lsat.asp> (last visited Apr. 23, 2006).

¹⁹ LSAC, <http://www.lsac.org> (last visited Feb. 11, 2006).

²⁰ For example, the cost in July 2005 for the Kaplan LSAT Preparation Classroom Course was \$1249, <http://www.kaptest.com/> (last visited July 29, 2005).

²¹ LSAC VOLUME SUMMARY BY ETHNIC AND GENDER GROUP, *available at* <http://www.lsacnet.org/LSAC.asp?url=lsac/data/vs-eg.htm> (last visited Feb. 24, 2006).

²² *Id.*

²³ *Id.*

²⁴ LSAC, <http://www.lsac.org/LSAC.asp?url=/lsac/faqs-and-support-lsat.asp#1> (last visited Feb. 11, 2006)

²⁵ LAW SCHOOL ADMISSION COUNCIL, LAW SCHOOL ADMISSION REFERENCE MANUAL, (2004-2005 ed.). Students may take the LSAT three times in two years. However, all of the scores are reported to law schools.

²⁶ In October 2000, the American Bar Association, the Association of American Law Schools, and the Law School Admission Council held a joint conference on diversity in law titled: "Action & Accountability: Diversity Imperatives for a New Century." The conference provided a book of compiled data relevant to diversity in law issues, including mean LSAT scores. CONFERENCE DATA BOOK, 21 [hereinafter DATA BOOK].

²⁷ LAW SCHOOL ADMISSIONS COUNCIL, NEW MODELS TO ASSURE DIVERSITY, FAIRNESS AND APPROPRIATE TEST USE IN LAW SCHOOL ADMISSIONS, 7 (December 1999).

²⁸ STEPHEN P. KLEIN & LAURA HAMILTON, THE VALIDITY OF THE U.S. NEWS AND WORLD REPORT RANKING OF ABA LAW SCHOOLS (1998).

²⁹ The deans' letter can be viewed at the LSAC website:

<http://www.lsac.org/LSAC.asp?url=lsac/deans-speak-out-rankings.asp>. (last visited Feb. 24, 2006).

³⁰ DATA BOOK, *supra* note 26, at 35.

³¹ See LSAC.org, *available at* <http://www.lsac.org/LSAC.asp?url=lsac/letters-of-recommendation.asp> (last visited Feb. 11, 2006).

³² For example, the fee to take the Washington State bar examination for a first time applicant is \$460. <http://www.wsba.org/lawyers/licensing/barexam.htm#5>. (last visited Feb. 24, 2006). If an applicant takes a bar examination preparation course such as the nationwide BarBri course, the fee is \$1800 in Washington State.

http://www.barbri.com/states/pdf_enroll/wa_enroll.pdf. (last visited Feb. 24 2006).

³³ ELIZABETH CHAMBLISS, A.B.A. COMM'N ON RACIAL & ETHNIC DIVERSITY, MILES TO GO 2000: PROGRESS OF MINORITIES IN THE LEGAL PROFESSION, 5 (2000) (CITING LINDA F. WIGHTMAN, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY (1998)).

³⁴ The consistent criticism of the more rigid curriculum was that there was not enough room for electives. This change to a more open curriculum was done in part to allow students more freedom of study rather than being "locked-in" to a rigid curriculum. There

is also a move away from the closed cohort system to allow students to participate who could not commit to a full-time program. As of April 2006, things are still in transition.

³⁵ Courses marked with an * are optional. An "ISP" is an independent study project.

³⁶ U.S. News and World Report Law School Rankings, http://www.usnews.com/usnews/edu/grad/rankings/law/brief/lawrank_brief.php. (last visited Feb. 11, 2006). LDP students have attended all of the law schools listed, with the exception of the University of Michigan. The student admitted to Michigan chose to go elsewhere.

³⁷ For a discussion of the statistics regarding LDP's success, see Part IV.

³⁸ For example, the LDP uses KATHLEEN M. SULLIVAN & GERALD GUNTHER, CONSTITUTIONAL LAW (15th ed. 2004) for Constitutional Law courses.

³⁹ The "IRAC" method is the law school analytical approach to factual scenarios that consists of Issue-Rule-Application (or Analysis)-Conclusion. Students are taught to spot legal issues in hypothetical situations, identify the rule, apply the rule to the facts, and make a conclusion based on this analysis.

⁴⁰ Of those students who did not complete the program, four students still went on to graduate from WWU.

⁴¹ As several of our graduates began law school several years after completing LDP, this number could still increase if the trend continues.

⁴² KEVIN CAREY, EDUCATION TRUST, A MATTER OF DEGREES: IMPROVING GRADUATION RATES IN FOUR-YEAR COLLEGES AND UNIVERSITIES 2 (May 2004).

⁴³ Emily Weiner, *WWU grad rates above average*, BELLINGHAM HERALD, Jan. 19, 2005, at A3.

⁴⁴ Carey, *supra* note 42, at 2.

⁴⁵ *Id.*

⁴⁶ Weiner, *supra* note 43, at A3.

⁴⁷ THE EDUCATION TRUST, COLLEGE RESULTS ON-LINE, REPORT ON WESTERN WASHINGTON UNIVERSITY, <http://www.collegeresults.org/search1a.aspx?InstitutionID=237011> (last visited Feb. 24, 2006).

⁴⁸ See Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STANFORD L. REV. 367 (2004) (arguing that the end of racial preferences would increase the number of black lawyers who graduate from law school and pass the bar).