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Analyzing Pathways to the J.D. with National Student Clearinghouse Data

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ANALYZING PATHWAYS TO THE J.D.

WITH NATIONAL STUDENT CLEARINGHOUSE DATA

Authors:
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ANALYZING PATHWAYS TO THE J.D. WITH NATIONAL STUDENT CLEARINGHOUSE DATA

Authors: Tiffane Cochran and Lauren Walker

INTRODUCTION

The lack of diversity in legal education and the profession is a well-established fact. Data and rich commentary from law school scholars clearly illustrate barriers to entry for historically underrepresented groups.¹ Yet, we continue to see persistent gaps in law school and bar admission among ethnic minorities—particularly, Black and Latinx students.² And although information on first-generation and socioeconomically disadvantaged groups is harder to obtain, we also find inequitable access for these students where data are available.³

Although discussions of law school diversity necessitate examination of students' racial and socioeconomic backgrounds, they also require an analysis of the pathways students must navigate to obtain law school admission. Conceptually, the law school admission process is depicted as a single, linear and uniform path for all students; in reality, it is a series of paths that can lead to disparate outcomes depending on the student and the route taken.

Observing these pathways and where they lead can help us better understand how students of all backgrounds come to access legal education, and how we might improve these paths to advance diversity and equity in law school admission and enrollment. At a time when our nation is embroiled in social unrest, racial injustice, and political discord, ensuring that law school graduating classes reflect the diversity of society is even more paramount.

Utilizing data from the National Student Clearinghouse (“Clearinghouse”) and the American Bar Association (ABA), this paper describes undergraduate pathways to the J.D. and how those pathways lead to different law school destinations. We use Clearinghouse data to conduct a retrospective analysis of the 2017-2018 cohort of law students and graduates to examine their demographics, undergraduate majors, undergraduate institution types, and educational experiences before and during law school. To examine law school destinations, we utilize ABA data to categorize law schools based on first-time bar passage rates, scholarship generosity, law job placement, and student retention.⁴ Each school is scored based on its combined performance on these metrics, then grouped according to its relationship to the mean score. Hereafter, these law school groupings are described as follows: Above Average, Just Above Average, Just Below Average, and Below Average. Law schools that have since closed are grouped separately.⁵

Part I of the report disaggregates and summarizes the cohort by student demographics, pathways to law school, and law school destination. Part II examines law school destinations by student demographics and pathways. Finally, Part III discusses the results and their implications, offering suggestions for broadening pathways to law school and improving outcomes for underserved groups who successfully enroll.

¹ See, e.g., Diane Curtis, *The LSAT and the Reproduction of Hierarchy*, 41 W. NEW ENG. L. REV. 307 (2019); Aaron N. Taylor, *The Marginalization of Black Aspiring Lawyers*, 13 FIU L. REV. 489 (2019); Alisa Cunningham & Patricia Steele, *Diversity Pipeline Programs in Legal Education: Context, Research, and a Path Forward* (AccessLex Inst. Research Paper No. 15-02, 2015), <https://ssrn.com/abstract=2618777>.

² ACCESSLEX INST., LEGAL EDUCATION DATA DECK 7 (2020), <https://www.accesslex.org/legal-education-data-deck>.

³ See LAW SCH. SURVEY OF STUDENT ENGAGEMENT, LOOKING AHEAD: ASSESSMENT IN LEGAL EDUCATION 10–11 (2014), https://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE_2014_AnnualReport.pdf; Julie R. Posselt & Eric Grodsky, *Graduate Education and Social Stratification*, 43 ANN. REV. SOC. 353 (2017); Richard H. Sander, *Class in American Legal Education*, 88 DENV. U. L. REV. 631 (2011); Caroline Kitchener, *How the LSAT Destroys Socioeconomic Diversity*, ATLANTIC (Oct. 18, 2016), <https://www.theatlantic.com/education/archive/2016/10/the-lsat-is-rigged-against-the-poor/504530/>.

⁴ See *infra* Appendix for the description of the methodology and the complete list of law schools.

⁵ Closed law schools captured in the data for this report are Arizona Summit Law School, Charlotte School of Law, and Valparaiso University.

Overall, this report makes the following observations:

- American Indian/Alaskan Native, Black, Hispanic, and Native Hawaiian/Pacific Islander law students were more likely to attend Just Below Average and Below Average law schools than other racial and ethnic groups.
- Students who began their postsecondary education at a community college were overrepresented in Just Below Average and Below Average law schools.
- Law students who earned a bachelor's degree from a historically black college or university (HBCU) were disproportionately enrolled in Below Average law schools. Similarly, law students who earned a bachelor's degree from a Hispanic-serving institution (HSI) were more likely to attend Just Below Average and Below Average law schools.
- Native Hawaiian/Pacific Islander, American Indian/Alaskan Native, Black and Asian students were more likely to take four or more years between college and law school than other racial and ethnic groups.
- American Indian/Alaskan Native students and Native Hawaiian and Pacific Islander students withdrew from law school at higher rates than other racial groups.
- Law students whose undergraduate majors were in law or law-related fields, such as criminal justice and legal studies, are highly concentrated in Just Below Average and Below Average law schools compared to those who majored in other areas.

PART I: DEMOGRAPHICS AND PATHWAYS OF 2017-2018 LAW STUDENTS AND GRADUATES

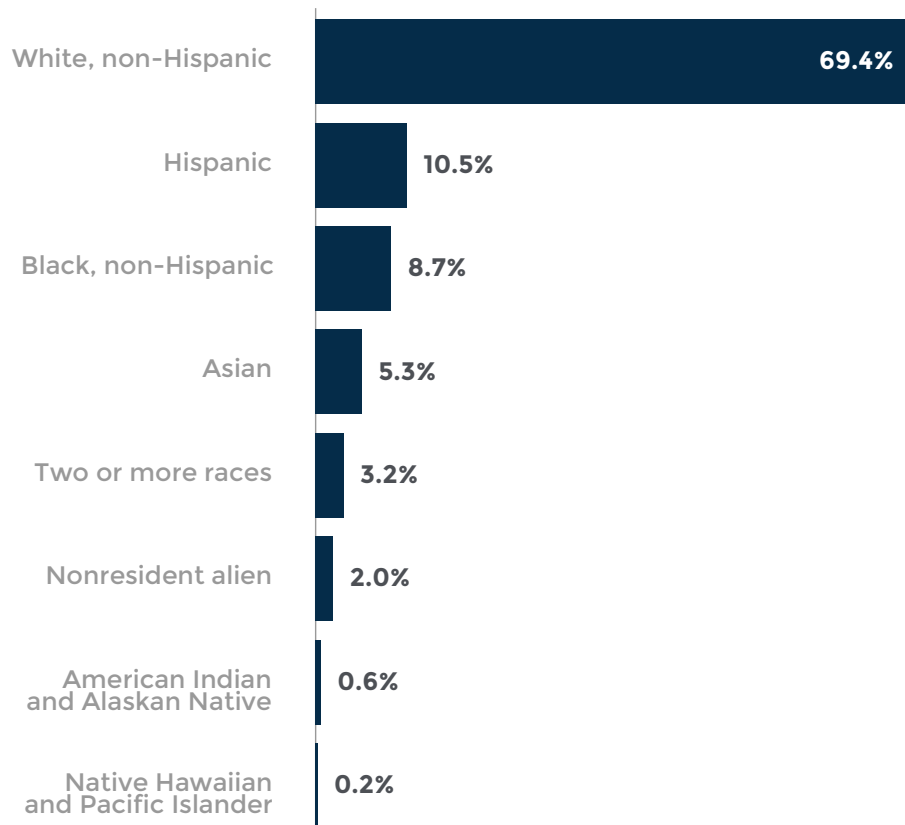
Cohort Demographics

Our analysis is based on a total cohort of 98,283 J.D. graduates and law students from 187 law schools during the 2017-2018 academic year. Due to limitations of the Clearinghouse data, student demographic information is incomplete. Data on gender was available for nearly the entire cohort (97 percent), but race/ethnicity data was only available for about 78 percent.⁶ As a result, analyses by gender and race/ethnicity only include those for whom these characteristics were reported.

The gender composition of the entire cohort was fairly even, with female students (51 percent) slightly outnumbering male students (49 percent). White, non-Hispanic students made up nearly 70 percent of those in the cohort whose race/ethnicity was reported. Hispanic students were the largest minority group (10 percent), followed by Black, non-Hispanic students (9 percent). This distribution differs somewhat from actual 2017-18 J.D. enrollment reported in the American Bar Association data, where White students made up 61 percent of enrollment and Hispanic students comprised 13 percent. Other reported racial and ethnic groups are fairly representative.

⁶ The Clearinghouse data included race/ethnicity for 78 percent of the cohort (75,055 of 98,283) and gender for 97 percent of the cohort (95,214 of 98,283). Demographic information is limited because some law schools do not provide race/ethnicity and gender data to the Clearinghouse when reporting enrollment and degree information.

Figure 1: Cohort of law students and graduates by race/ethnicity



Cohort Pathways

Undergraduate enrollment data from the Clearinghouse informs our examination of pathways to law school. As Part II explains in more detail, this analysis sheds light on paths that begin at institutions known to serve historically underrepresented, first-generation, and socioeconomically disadvantaged students—specifically, community colleges and minority-serving institutions.

Pathways from Community Colleges and Minority-Serving Institutions

Of those whose undergraduate enrollment data were available (92 percent of the cohort), 24 percent started their postsecondary education at a community college. Less than two percent earned their bachelor's degree from a historically black college or university (HBCU).⁷ Eight percent earned a bachelor's from a Hispanic-serving institution (HSI) and 17 percent earned a bachelor's from an emerging HSI.⁸ Combined, these percentages suggest that most students enter law school via predominately white, four-year institutions. However, roughly 15 percent of Black J.D. students earned their bachelor's from an HBCU and 53 percent of Hispanic J.D. students earned their bachelor's from an HSI or an emerging HSI. These percentages signal the influential role these institutions play in creating law school pathways for Black and Hispanic students, respectively.

⁷ Undergraduate institution designations, such as HBCU and HSI, were available for 88 percent of the cohort.

⁸ HSIs have 25 percent or more Hispanic undergraduate full-time enrollment. According to *Excelencia in Education*, Emerging HSIs have Hispanic undergraduate full-time enrollment between 15 and 24 percent. *Emerging Hispanic-Serving Institutions (HSIs)*, EXCELENCIA IN EDUC., <https://www.edexcelencia.org/research/series/emerging-hispanic-serving-institutions> (last visited Nov. 19, 2020).

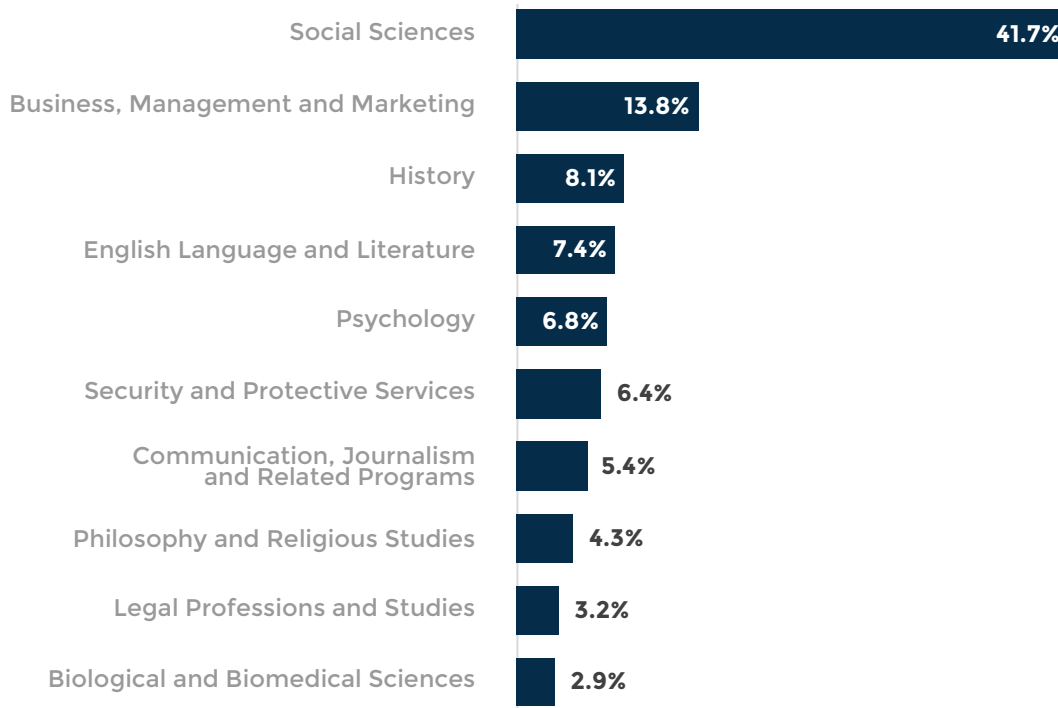
Pathways by Undergraduate Field of Study

Law schools admit students from nearly every undergraduate field of study. As a result, students enter legal education with a wide variety of academic experiences and perspectives. Pathways by undergraduate field of study are consistent with well-known feeder majors.⁹ Top fields include the social sciences, business/management and marketing, history, and English (Figure 2).¹⁰ Collectively, these majors accounted for over 70 percent of students for whom undergraduate field of study was reported.¹¹



The top 10 undergraduate fields of study collectively accounted for over 70 percent of law students whose major was reported.

Figure 2: Top 10 undergraduate fields of study among law students and graduates, 2017-18



⁹ *Applicants by Major*, LSAC, <https://report.lsac.org/View.aspx?Report=ApplicantsByMajor> (last visited Nov. 19, 2020).

¹⁰ The Clearinghouse collected undergraduate fields of study from the Integrated Postsecondary Education Data System at the U.S. Department of Education. Social Sciences include anthropology, archeology, criminology, demography, economics, geography, international relations, political science and sociology. Security and Protective Services include criminal justice and corrections, fire protection and homeland security. Legal Profession and Studies include legal studies and pre-law studies. Biological and Biomedical Sciences include biology, botany, cellular and molecular biology, ecology, genetics, microbiology, pharmacology, physiology and zoology.

¹¹ The Clearinghouse data included undergraduate field of study for 73 percent of the cohort (71,844 of 98,283).

Pathway Timing

Most pathways to law school include more than a year of gap time between college and J.D. program enrollment (62 percent), likely because many law schools give preference to applicants who have post-college experience.¹² Just over a quarter of the 2017-18 cohort enrolled the fall after college graduation (Figure 3).¹³

However, timing of law school enrollment seems to vary across racial/ethnic groups. White students were more

likely to start law school within two years of receiving their bachelor's degree (64 percent) than other racial groups (Figure 4). In contrast, Native Hawaiian and Pacific Islander (25 percent), American Indian and Alaskan Native (22 percent), Black (21 percent), and Asian students (21 percent) were most likely to take more than four years off between college and law school. Investigating the causes and implications of these lengthier delays could generate new, more targeted efforts to ensure equitable outcomes for underrepresented groups.

Figure 3: Time between college graduation and law school, 2017-18

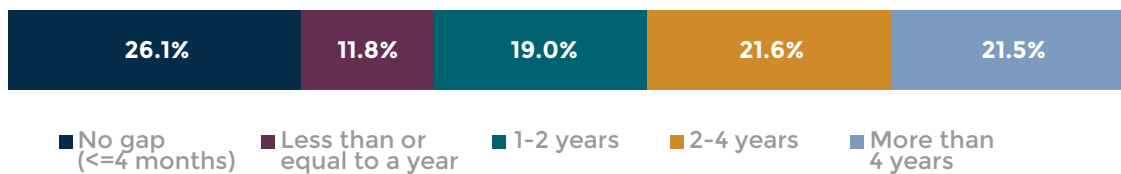
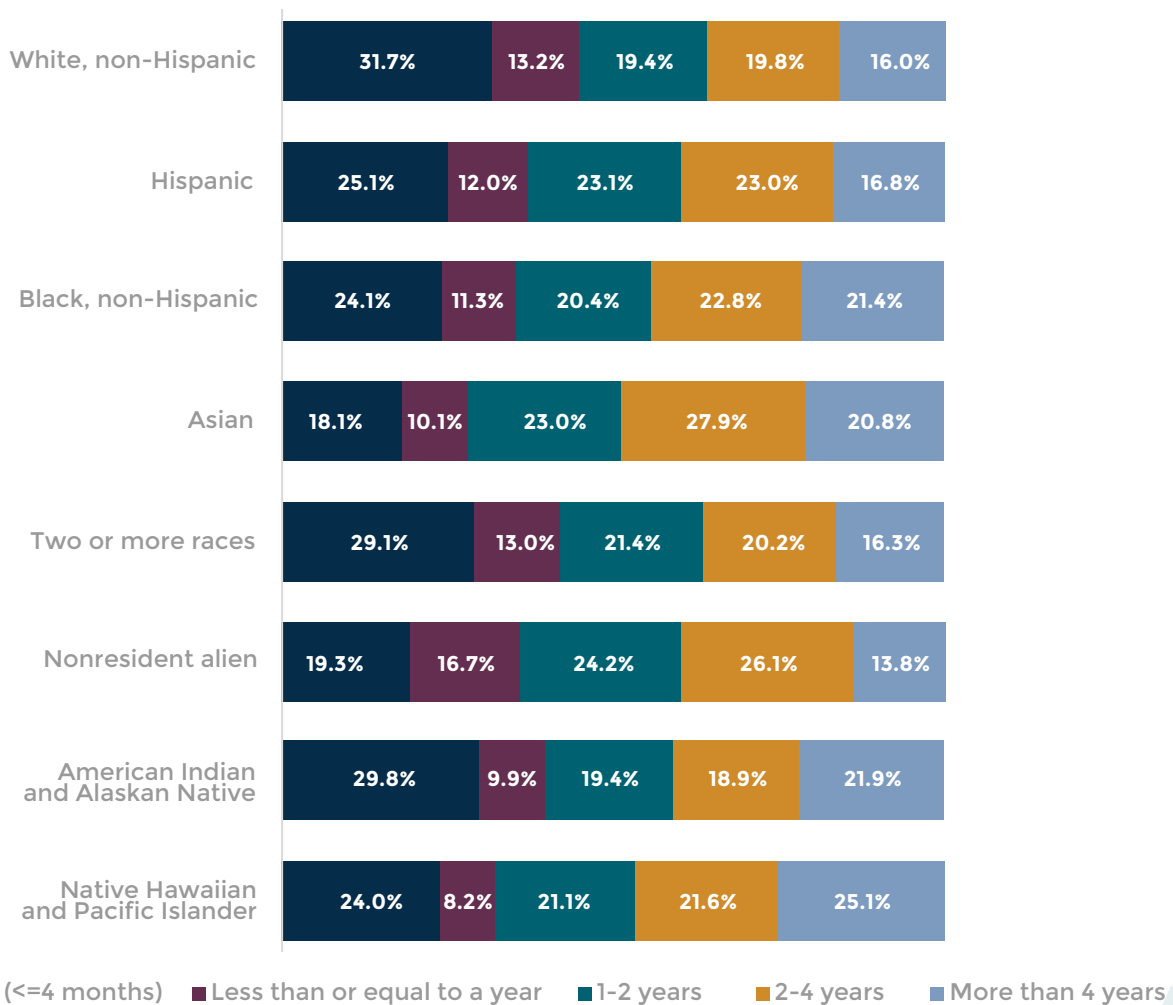


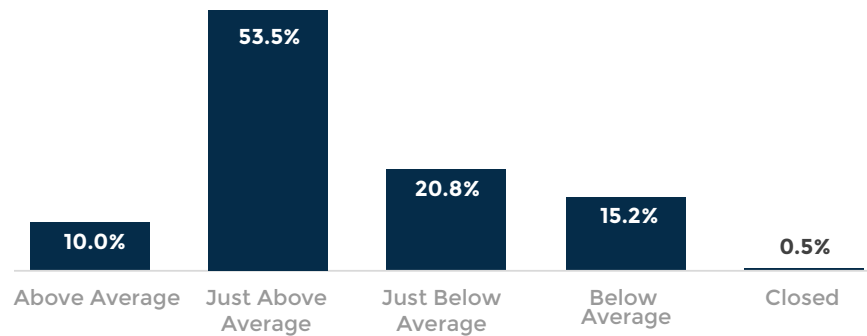
Figure 4: Time between college graduation and law school by race/ethnicity, 2017-18



¹² See Daniel Waldman, *Why Work Experience Matters for Law School Applicants*, U.S. NEWS & WORLD REP. (May 21, 2018), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/2018-05-21/why-work-experience-matters-for-law-school-applicants>.

¹³ The Clearinghouse data included gap time between bachelor's degree and start of J.D. program for 93 percent of the cohort (86,595 of 98,283).

Figure 5: Cohort of law students and graduates by law school grouping, 2017-18



Pathways by Law School Destination

To help determine the relative quality of law school destinations, we grouped law schools based on a composite score comprised of the following metrics: 1) the proportion of students receiving scholarships equal to at least half tuition, 2) the percentage of conditional scholarships eliminated, if offered (negative impact on score), 3) the percentage of graduates employed in bar passage required or J.D.-advantaged positions, and 4) the total non-transfer attrition rate (negative impact on score). Final groupings were determined based on the distribution of composite scores relative to the mean: Above Average, Just Above Average, Just Below Average, and Below Average. This methodology was informed by the financial and academic outcomes most favorable to entering and graduating law students. The majority of the cohort (63.5 percent) attended schools whose scores fell above the mean (Figure 5). The remaining 36.5 percent attended law schools with scores below the mean or schools that ceased operations.

Pathway Transfers and Departures

The Clearinghouse data also provided insight into transfers and withdrawals among law students. Forty percent of the cohort transferred undergraduate institutions at least once before earning a bachelor's degree. Nearly all law students and graduates (95 percent) remained at their original law school.¹⁴ Of the students who were enrolled in 2017-18 but did not graduate, most persisted in their J.D. program—just under 4 percent withdrew.¹⁵

¹⁴ Based on 96 percent of the cohort for whom law school enrollment data was available.

¹⁵ This percentage is based on those who were enrolled and withdrew during the 2017-2018 academic year.

PART II: LAW SCHOOL DESTINATIONS BY STUDENT AND PATHWAY CHARACTERISTICS

Destinations and Withdrawal by Gender and Race/Ethnicity

Since achieving gender parity in law student enrollment in the 2016-17 academic year, female enrollment has surpassed male enrollment.¹⁶ However, our analysis (Figure 6) finds that female enrollment slightly lags male enrollment at Above Average and Just Above Average law schools (54 percent).

A greater percentage of female students (17 percent) attended Below Average law schools than male students (14 percent). This pattern aligns with previous findings that women are less likely than men to attend top-tier law schools with better bar passage rates and employment outcomes.¹⁷

These disparities come into greater focus when gender is disaggregated by race/ethnicity. In doing so, we find gender enrollment distinctions are largely explained by racial and ethnic differences. Figure 7 shows that White and Asian women J.D. students enroll in Above Average and Just Above Average schools at similar rates as men overall. However, Black, indigenous and multiracial women J.D. students enroll at lower rates.

Figure 6: Cohort of law school students and graduates by gender and law school grouping

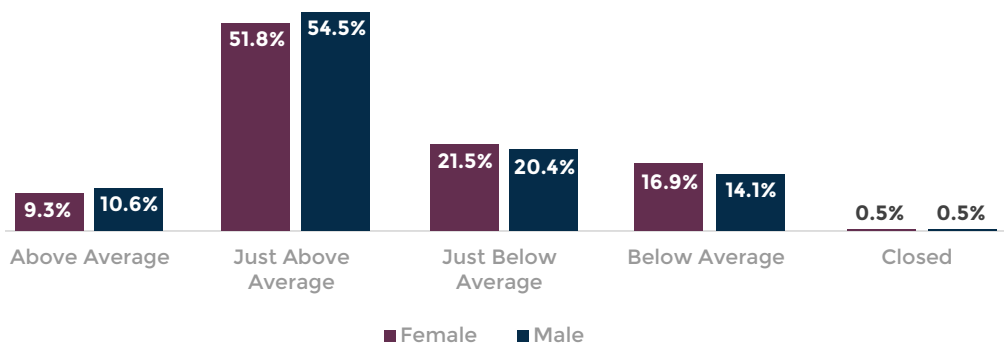
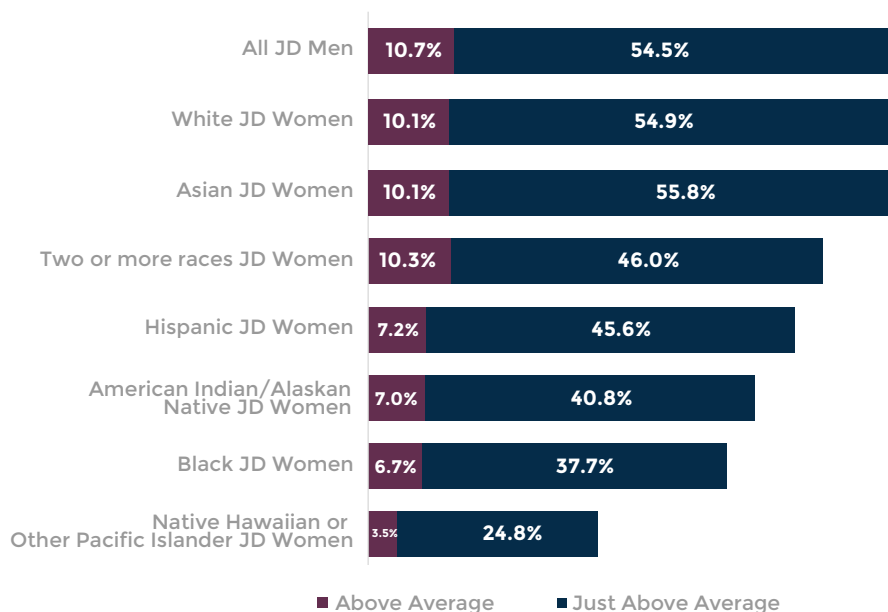


Figure 7: 2017-2018 Percent of J.D. women enrolled in Above Average and Just Above Average law schools by race/ethnicity, compared to J.D. men



Source: Am. Bar Ass'n (2020) (downloaded from Analytix by AccessLex, <https://www.accesslex.org/analytix-by-accesslex>).

¹⁶ ACCESSLEX INST., *supra* note 2, at 5.

¹⁷ Deborah J. Merritt & Kyle McEntee, *The Leaky Pipeline for Women Entering the Legal Profession 2-3* (Nov. 2016), http://www.lstradio.com/women/documents/MerrittAndMcEnteeResearchSummary_Nov-2016.pdf.

Disparate enrollment patterns are much more pronounced among racial/ethnic groups. While over half of most groups attended law schools in the Above Average or Just Above Average categories, the majority of Black, American Indian and Alaskan Native, and Native Hawaiian and Pacific Islander students and graduates attended schools whose scores fell below the mean (Figure 8).

Notably, more than a quarter of Black (29.4%) and Hispanic (25.9%) students attended Below Average law schools. Overall, the distribution of enrollment among historically underrepresented law students skews toward Just Below Average and Below Average law schools, highlighting the critical role these institutions play in diversifying the legal profession.

Figure 8: Cohort of law school students and graduates by race/ethnicity and law school grouping

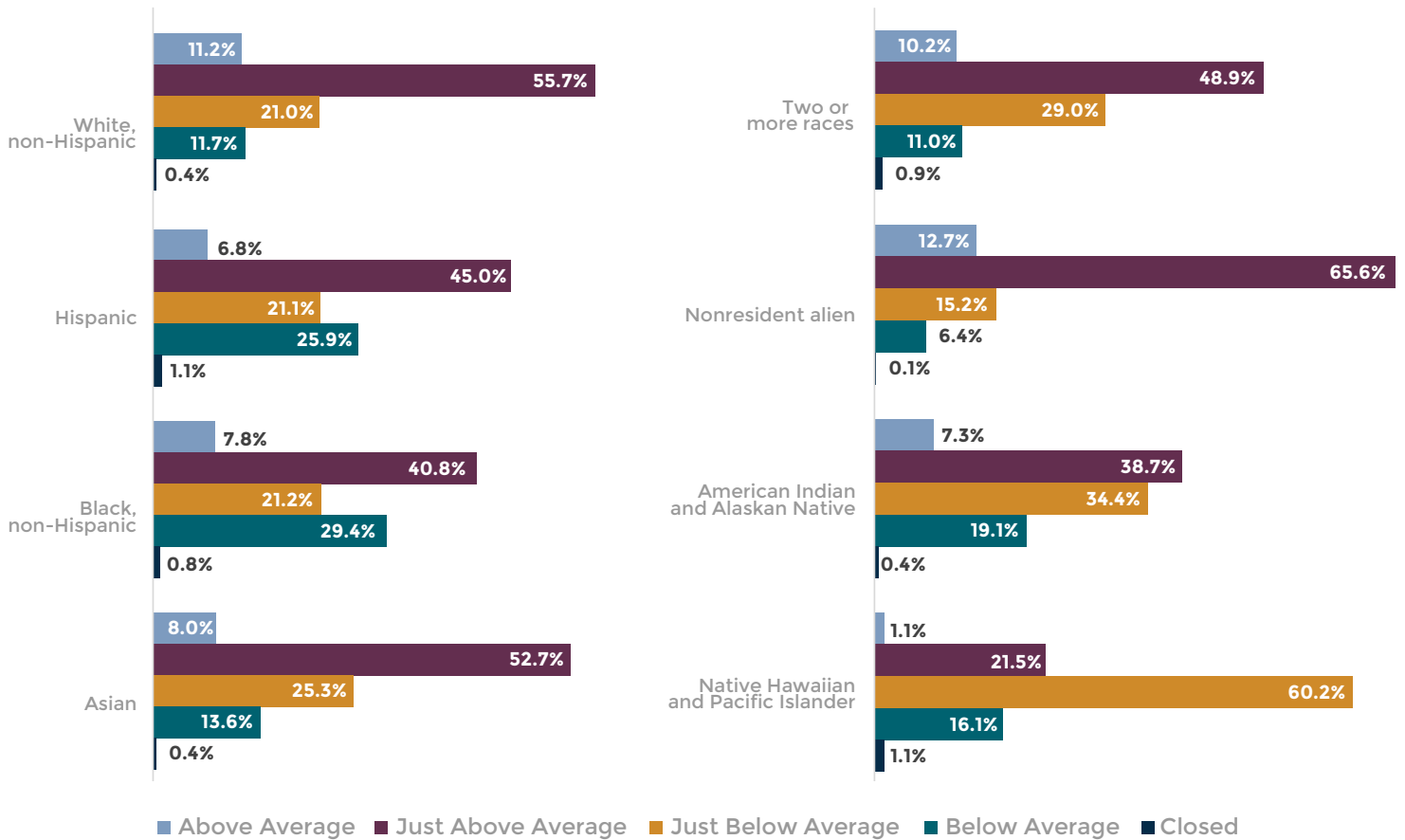
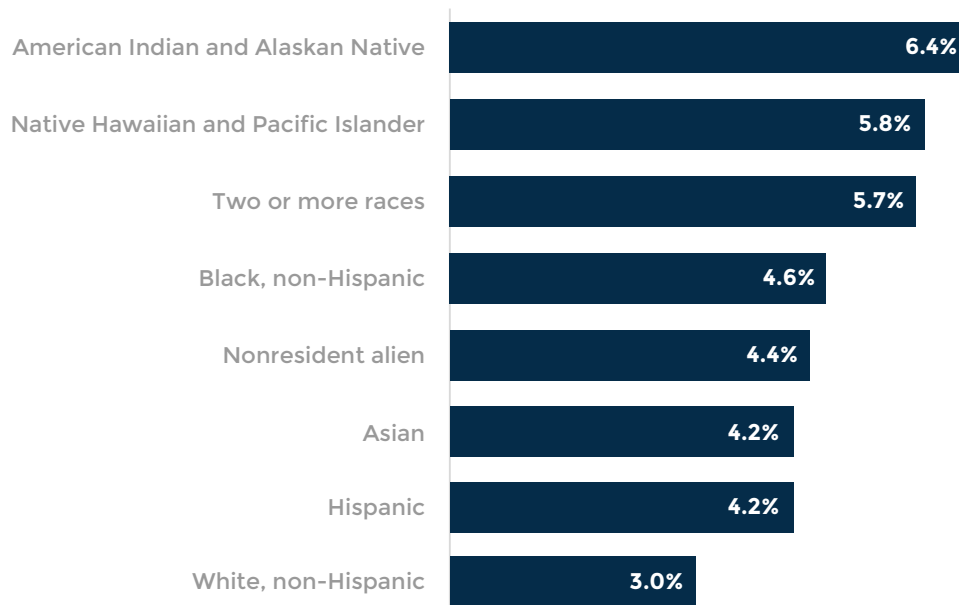


Figure 9: Withdrawal from J.D. program by race and ethnicity



Withdrawal was uncommon among the cohort analyzed for this report, and rates of attrition were nearly even between men and women. However, disparities emerged when examining attrition among racial/ethnic groups. Our analysis finds that pathways for minority law students more often lead to withdrawal compared to White students (Figure 9). Given the low rate of withdrawal overall and the variation in enrollment among racial/ethnic groups, these differences should be interpreted with caution. Nonetheless, more robust data on law student attrition confirms rates of withdrawal for academic and other non-transfer reasons are highest among historically underrepresented groups.¹⁸

Destinations by Undergraduate Institution Type: Community Colleges

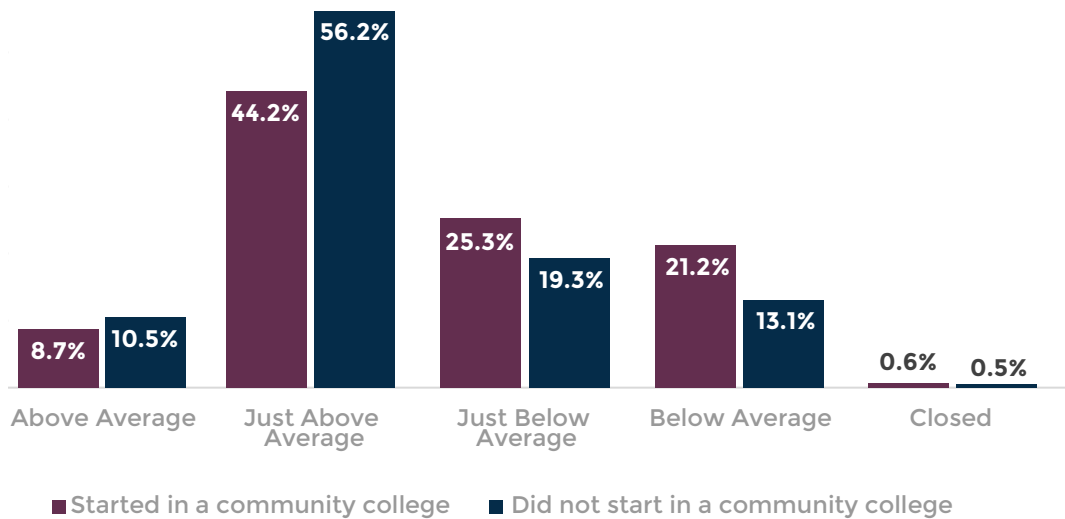
Community colleges play a critical role in expanding access and opportunity in American higher education; in fall 2018, they enrolled 41 percent of all undergraduates.¹⁹ Given their open access missions, low tuition, and proximity to local communities, community colleges tend to have diverse student bodies. Racial and ethnic minorities, economically disadvantaged students, and first-generation college students are more likely to enter community colleges than any other postsecondary sector.²⁰

¹⁸ Kylie Thomas & Tiffane Cochran, *ABA Data Reveals Minority Students Are Disproportionately Represented in Attrition Figures*, XBLOG (Sept. 18, 2018), <https://www.accesslex.org/xblog/aba-data-reveals-minority-students-are-disproportionately-represented-in-attrition-figures>.

¹⁹ *Fast Facts 2020*, AM. ASS'N COMMUNITY C. (Mar. 2020), <https://www.aacc.nche.edu/research-trends/fast-facts/>.

²⁰ Lindsey E. Malcolm, *Student Diversity in Community Colleges: Examining Trends and Understanding the Challenges*, in UNDERSTANDING COMMUNITY COLLEGES 19, 21 (John S. Levin & Susan T. Kater eds., 2013).

Figure 10: Cohort of law students and graduates who started postsecondary education in a community college by Law School Grouping, 2017-18



Relatively few (31 percent) community college students transfer to a four-year institution within six years of their initial enrollment, and of those who transfer, 46 percent complete a bachelor’s degree within six years of beginning postsecondary study.²¹ So students who arrive at law school from community colleges have already jumped three significant hurdles—transfer, college completion, and law school admission—by the time they enroll in a J.D. program. Most fare well in law school destination; over half (53 percent) attended Above Average and Just Above Average law schools in 2017-2018 (Figure 10).²² However, compared to students who started postsecondary education in a four-year institution (32 percent), community college starters enrolled in Just Below Average and Below Average law schools at higher rates (46.5 percent).

Destinations by Undergraduate Institution Type: Minority-Serving Institutions

Minority-serving institutions (MSIs) also play a vital role in broadening college access to millions of low-income and historically underrepresented students, and are therefore essential to diversifying the legal academy and profession.²³ While most MSI designations are federally granted based on the percentage of a certain ethnic group attending the institution, historically black colleges and universities (HBCUs) are an exception.²⁴ HBCUs are institutions established before 1964 with the mission of educating Black students who had been excluded from higher education due to racial discrimination and segregation. Although HBCUs comprise three percent of all postsecondary institutions, HBCUs conferred 13 percent of all bachelor’s degrees to black students in 2017-18.²⁵

21 NAT’L STUDENT CLEARINGHOUSE RESEARCH CTR., TRACKING TRANSFER: 2020 UPDATE FOR THE FALL 2013 COHORT (2020), <https://nscresearchcenter.org/tracking-transfer/>.

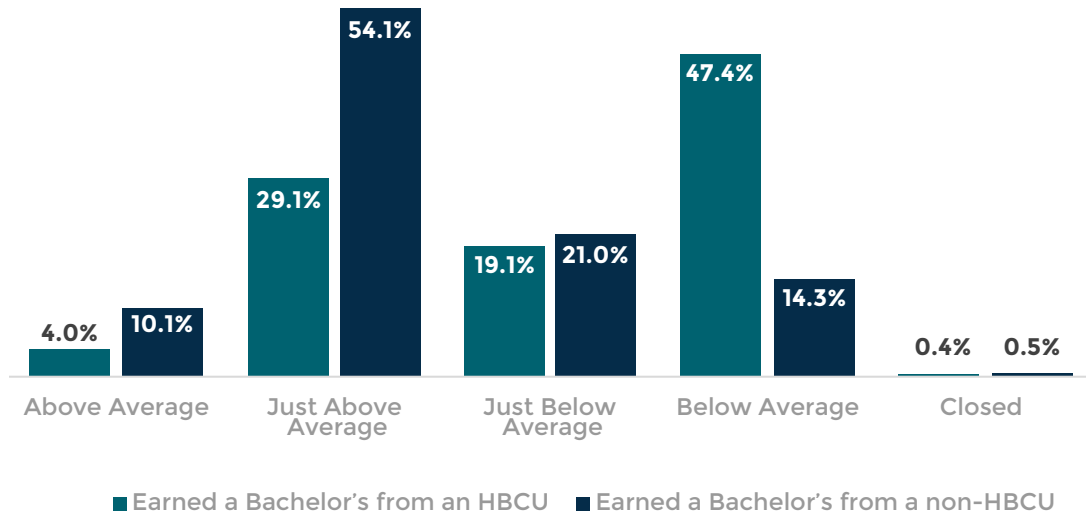
22 Based on 92 percent of the data (90,749 out of 98,283).

23 See Lorelle L. Espinosa, Robert Kelchen & Morgan Taylor, MINORITY SERVING INSTITUTIONS AS ENGINES OF UPWARD MOBILITY 1 (2018), <https://www.acenet.edu/Documents/MSIs-as-Engines-of-Upward-Mobility.pdf>.

24 The designation for Tribal Colleges and Universities is also historic and unrelated to enrollment percentage. For more information on MSI designations, see Marybeth Gasman, Thai-Huy Nguyen & Clifton F. Conrad, *Lives Intertwined: A Primer on the History and Emergence of Minority Serving Institutions*, 8 J. DIVERSITY HIGHER EDUC. 120 (2015).

25 *Historically Black Colleges and Universities*, NAT’L CTR. FOR EDUC. STATISTICS., <https://nces.ed.gov/fastfacts/display.asp?id=667> (last visited Nov. 19, 2020).

Figure 11: Cohort of law students and graduates who earned a Bachelor's degree from an HBCU prior to law school enrollment, 2017-18



Our analysis finds HBCU graduates were more likely to attend Just Below Average and Below Average law schools (Figure 11). While a third of HBCU graduates attended law schools with composite scores above the average, nearly two-thirds of non-HBCU graduates attended Above Average and Just Above Average law schools. The uneven distribution between HBCU and non-HBCU graduates is due, in part, to the lower average LSAT scores of HBCU graduates.²⁶ However, given the position of HBCU law schools below the composite score mean, the distribution could also be due to preference—some Black students may opt to attend law schools where they see themselves reflected in their faculty and peers.

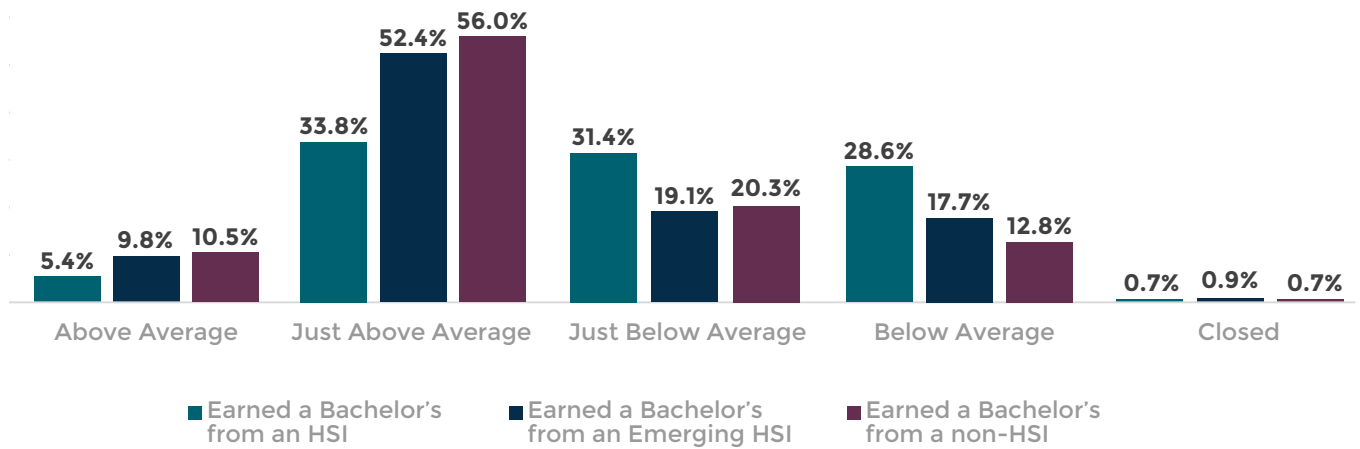
Hispanic-Serving Institutions (HSIs) are a powerhouse among minority-serving institutions, representing 17 percent of all postsecondary schools and enrolling 67 percent of Latinx undergraduates.²⁷ HSIs have student bodies comprising 25 percent or more Hispanic undergraduate full-time enrollment. As Latinx enrollment continues to grow, HSI discussions also include emerging HSIs—those with Hispanic undergraduate full-time enrollment between 15 and 24.9 percent.²⁸ HSIs, as well as emerging HSIs, educate a large proportion of Hispanic college students in two-year and four-year institutions.

²⁶ Kylie Thomas & Tiffane Cochran, *Graduates of Minority-Serving Institutions Show High Law School Interest, But Have Fewer Admission Options*, XBLOG (Sept. 6, 2018), <https://www.accesslex.org/xblog/graduates-of-minority-serving-institutions-show-high-law-school-interest-but-have-fewer-admission-options>.

²⁷ *25 Years of Hispanic-Serving Institutions (HSIs) 1994-2019*, EXCELENCIA IN EDUC., <https://www.edexcelencia.org/research/hispanic-serving-institutions-hsis> (last visited Nov. 19, 2020).

²⁸ *Emerging Hispanic-Serving Institutions (HSIs)*, *supra* note 8.

Figure 12: Cohort of law students and graduates who earned a bachelor's degree from an HSI prior to law school enrollment, 2017-18



Like HBCU graduates, HSI graduates are also underrepresented at Above Average and Just Above Average law schools (Figure 12). Thirty-nine percent of HSI graduates attend law schools with composite scores above the mean. The distribution of Emerging HSI graduates across law school groupings approximates that of students who attended non-HSI schools, but students who earned their bachelor's degree from an emerging HSI were more likely to attend Below Average law schools (17.7 percent) than non-HSI graduates (12.8 percent).

Destinations and Withdrawal by Undergraduate Field of Study

Earlier, we reported the variety of undergraduate disciplines represented among law students and graduates. Here, we illustrate the disparate law school destinations across the top 10 undergraduate fields of study.

Generally, we find that law school destinations are similar across undergraduate disciplines with two notable exceptions: Security and Protective Services, which includes criminology and criminal justice majors, and Legal Professions and Studies, which includes pre-law majors.



Figure 13: Cohort of law students and graduates by undergraduate field of study and law school grouping, 2017-18



Figure 14: Withdrawal from law school by undergraduate field of study, 2017-18



These fields of study are popular among Black and Hispanic students, who disproportionately obtain bachelor's degrees in these majors. In 2019, Black and Hispanic students comprised 9 and 14 percent of bachelor's degree awardees overall, but 15 and 18 percent of Legal Professions and Studies degrees awarded. Similarly, Black and Hispanic graduates made up 18 and 22 percent of degrees awarded in Security and Protective Services.²⁹ Overall, students from these law and law-adjacent fields were disproportionately enrolled in Just Below Average and Below Average law schools (Figure 13). Collective totals for these groups were 59 percent for Security and Protective Services students and 49 percent for students from Legal Professions and Studies backgrounds. Comparatively, more than half of students in other fields of study were enrolled in Above Average and Just Above Average law schools.

We also find variation in withdrawal when examining undergraduate fields of study (Figure 14). Students with majors in Security and Protective Services as well as Communication and Journalism had higher rates of withdrawal than those from other disciplines. Students from both groups comprise a small percentage of the cohort sample, so the higher rates could be a function of their small size. However, differences in admission outcomes by major suggest that students who pursue these undergraduate fields tend to have lower LSAT scores, undergraduate GPAs (UGPA), and admission rates compared to students from other areas of study (Table 1).³⁰ These differences by discipline provide insight into how law school preparation initiatives can target and steer law-interested undergraduates toward courses and activities that will help boost their LSAT performance and likelihood of law school admission and success.

²⁹ Only includes first majors. *IPEDS, AWARDS/DEGREES CONFERRED BY PROGRAM (6-DIGIT CIP CODE), AWARD LEVEL, RACE/ETHNICITY, AND GENDER: JULY 1, 2018 TO JUNE 30, 2019 (2019)*, https://nces.ed.gov/ipeds/datacenter/data/C2019_A.zip.

³⁰ While communications majors have relatively lower admission outcomes, journalism majors tend to perform better. In 2017-2018, the median LSAT and UGPA for journalism applicants were 154 and 3.46, respectively.

Table 1: Comparison of admission figures for top 10 feeder majors and top law majors, 2017-2018

Top 10 Law School Feeder Majors, 2017-18					
Major	Median High LSAT	Median UGPA	Number of Applicants	Percent Admitted	Percent Enrolled
Political Science	153	3.40	11,964	80.4%	70.6%
Psychology	153	3.36	3,735	76.7%	66.7%
English	155	3.44	3,151	81.4%	70.4%
History	156	3.47	3,138	84.7%	74.4%
Economics	159	3.49	2,757	86.0%	73.4%
Philosophy	157	3.44	2,238	83.1%	73.5%
Arts and Humanities - Other	155	3.45	1,876	77.8%	68.0%
Sociology	150	3.30	1,872	71.0%	61.4%
Communications	151	3.34	1,840	73.4%	62.8%
Business Administration	149	3.21	1,489	65.8%	55.9%
Top "Law" Majors, 2017-18					
Criminal Justice	146	3.23	3,637	61.1%	52.4%
Criminology	150	3.30	935	73.6%	63.0%
Legal Studies	149	3.37	915	73.2%	64.2%
Pre-law	148	3.24	649	65.6%	58.6%
Law	148	3.27	379	67.8%	57.3%

Source: Applicants by Major, LSAC, <https://report.lsac.org/View.aspx?Report=ApplicantsByMajor> (last visited Nov. 19, 2020).

PART III: RECOMMENDATIONS

This report illustrates the ways in which student demographics and pre-law pathways lead to disparate and inequitable outcomes. Law students from low-income, historically underrepresented backgrounds, as well as those from undergraduate institutions serving these groups, more often land at law schools with fewer and smaller scholarships, lower first-time bar passage rates, and lower job placement in legal jobs. While there are several reasons for this, chief among them is the lower performance of minority students on the LSAT. LSAT scores largely determine law school admission decisions and are also correlated with bar exam performance. Consequently, Just Below Average and Below Average law schools are critical to diversifying legal education and the profession, but they need not bear this responsibility alone. To that end, we offer a few recommendations to both broaden law school pathways and increase equity in law school destinations and outcomes.

Equitably invest in recruitment strategies and activities that include engaging prospective applicants from community colleges and minority-serving institutions.

As this report notes, MSIs and community colleges are more likely to provide pathways to law school for low-income and historically underrepresented students. Recognizing this, the California State Bar has created an entire initiative to support pathways between community colleges and law schools in that state.³¹ Some law schools have also built strategic partnerships with HBCUs, HSIs and community colleges. But there is much need for law schools and legal organizations to foster alliances with these institutions centered on rigorous academic support, generous financial commitments, and robust advising and mentoring. The more these initiatives invest in students who may have difficulty attending law school without robust intervention, the more potential impact they could have on increasing diversity in legal education and the profession.

Reassess the relationship between law school admission criteria and law student outcomes.

Law schools are required to admit students “who appear capable of satisfactorily completing its program of legal education and being admitted to the bar.”³² However, overreliance on LSAT and UGPA can limit opportunities for students who would likely succeed in law school and on the bar exam. Given the disparate enrollment of underrepresented students in Above Average and Just Above Average law schools, these institutions should thoughtfully examine whether their admission policies tend to perpetuate racial and socioeconomic disparities in legal education access and outcomes. Law schools can use empirical research methods, such as regression analyses, to gain a better understanding of the relative impact of admission factors on student outcomes and identify more equitable indicators of law school success.³³

Encourage prospective law school applicants to pursue academic experiences that will help them develop core skills needed to succeed in law school.

Law schools admit students from all backgrounds of academic study. And while some majors are more common among law students than others, there is no standard course of study for law school entry. There are, however, certain skills that are associated with law school success. Those skills include reading comprehension, critical and analytical thinking, and effective oral and written communication. Undergraduate students should be encouraged to take courses that will help them build these skills, irrespective of their particular major. To the extent necessary, students should be disabused of the notion that a major must have a law-signaling name (e.g., criminal justice, pre-law) in order to be a pathway into law school.

31 CALIFORNIA LAW PATHWAYS, <https://www.calawpathways.org> (last visited Nov. 19, 2020).

32 SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, AM. BAR ASS'N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2020-2021, STANDARD 501(b) AT 31 (2020).

33 See ACCESSLEX INST., ROADMAP TO ENROLLING DIVERSE LAW SCHOOL CLASSES, VOLUME 4: CONTEXTUALIZING ADMISSIONS FACTORS 6–10 (2020), <https://www.accesslex.org/roadmap-to-enrolling-diverse-law-school-classes>.

Identify and resolve admission impediments that unduly exclude underrepresented students.

Aside from lower LSAT scores, there may be other challenges that deter law school admission and attendance for students of color. For instance, we find that over 20 percent of American Indian/Alaskan Native, Asian, Black, and Native Hawaiian/Pacific Islander students delay law school enrollment by at least four years after college graduation. Although law school enrollment should not be rushed, there is an opportunity cost of attending law school that could make later attendance more expensive (in terms of lost wage-earning potential) for these students. Coupled with the lack of scholarship aid distributed to law students of color, this is an alarming finding. Such barriers can be addressed with robust pre-law support, LSAT and law school preparation programming, and increased need-based aid commitments from law schools. Further, law schools should continue evaluating and expanding their flex-time, hybrid, and evening J.D. programs to aid law school enrollment for working adults.

Commit to actions that will lead to increased enrollment of underrepresented students.

As this report and others show, Black and Hispanic students tend to be concentrated in law schools with lower LSAT scores, and therefore, fewer unconditional scholarships and lower rates of first-time bar passage and law-job placement.³⁴ They are also concentrated in fewer law schools generally.³⁵

These indicators demonstrate the tremendous opportunity we have to reach, include, educate, and prepare more students of color for valuable and rewarding careers in law. Above Average and Just Above Average law schools are especially well-positioned for this opportunity given their resources and standing. But doing so takes intentionality and sustained action. In addition to the recommendations above, we encourage well-resourced law schools and legal education stakeholders to partner and strategize to ensure that the weight of diversifying legal education is not solely borne by a select few law schools. For instance, the J.D.-NEXT program at the University of Arizona College of Law provides a free online law school prep course to admitted students at partnering law schools. Additionally, the American Association of Law Schools recently launched the Law Deans Antiracist Clearinghouse project to support law school leaders in achieving racial equity in legal education. Joint initiatives, consortiums and collaborations like these can harness the collective strengths of law schools to better ensure equitable outcomes for all students, irrespective of their path to the J.D.



³⁴ See, e.g., Wendy Espeland & Michael Sauder, *Rankings and Diversity*, 18 S. CAL. REV. L. & SOC. JUST. 587, 598–602 (2009); Deseriee A. Kennedy, *Access Law Schools & Diversifying the Profession*, 92 TEMP. L. REV. 799, 808 (2020); Aaron N. Taylor, *Diversity as a Law School Survival Strategy*, 59 ST. LOUIS U. L.J. 321, 336–345 (2015); Taylor, *supra* note 1, at 499–508.

³⁵ ACCESSLEX INST., *supra* note 2, at 13.

METHODOLOGY

This report utilizes data from the National Student Clearinghouse. As a nonprofit and nongovernmental organization, the Clearinghouse is the leading provider of educational reporting, data exchange, verification, and research services. The 2017-2018 academic year is defined as the time period between July 1, 2017 and June 30, 2018. Data containing an unknown description (e.g., Race/Ethnicity Unknown or Unreported) are excluded from the analysis. Data on undergraduate fields of study are based on the Classification of Instructional Programs (CIP) code list from the National Center for Education Statistics at the U.S. Department of Education.

Categorizing Law School Destinations

The analysis in the 2017-18 cohort contained a total of 187 law schools.³⁶ Puerto Rico law schools were excluded given their cultural and geographic niche. Thirteen additional schools were excluded because the Clearinghouse did not have complete data on their awarded J.D. degrees.

To describe law school destinations, we categorized the institutions into four groups based upon the following items:

1. Percentage of students receiving scholarships totaling half or more of tuition;
2. Percentage of conditional scholarships eliminated (negative impact on score);
3. Average difference in school's first-time bar passage rate and the state's first-time bar passage rate;
4. Percentage of graduates in bar passage required or J.D.-advantaged jobs; and,
5. Academic attrition among first-year law students (negative impact on score).

Each metric was standardized to create a uniform distribution of schools within each item, creating an average of 0 and a standard deviation of 1. Negative factors were reversed so that schools with higher values received lower standard scores. Composite scores were calculated by totaling the individual standard scores and taking the average. Schools were then grouped in relation to the overall mean, creating the following categories:

Above Average	Within two standard deviations above mean
Just Above Average	Within one standard deviation above mean
Just Below Average	Within one standard deviation below mean
Below Average	Within two standard deviations below mean

Law schools that had ceased operations but had Clearinghouse data were categorized separately as "Closed." Due to the small number of institutions captured in this grouping, results for this category should be interpreted with caution.

³⁶ Schools with multiple campuses (e.g., Pennsylvania State University, Rutgers University and Widener University) are reported as one institution in the Clearinghouse data and are thus treated so for this report.

Above Average Law Schools (N=21)

1. Baylor University
2. Duke University
3. Florida State University
4. George Mason University
5. Indiana University-Bloomington
6. Northwestern University
7. Ohio State University
8. Pennsylvania State University-Penn State Law
9. Stanford University
10. University of Alabama
11. University of California-Davis
12. University of Illinois
13. University of Nebraska
14. University of New Hampshire
15. University of Southern California
16. University of St. Thomas (Minnesota)
17. University of Wisconsin
18. Vanderbilt University
19. Wake Forest University
20. Washington and Lee University
21. Washington University

Just Above Average Law Schools (N=87)

1. Albany Law School of Union University
2. Arizona State University
3. Boston College
4. Boston University
5. Brigham Young University
6. Campbell University
7. Cardozo School of Law
8. Case Western Reserve University
9. Chicago-Kent College of Law-IIT
10. Cleveland State University
11. Columbia University
12. Cornell University
13. Drexel University
14. Duquesne University
15. Emory University
16. Florida International University
17. Fordham University
18. George Washington University
19. Georgetown University
20. Georgia State University
21. Harvard University
22. Indiana University-Indianapolis
23. Liberty University
24. Louisiana State University
25. Loyola Marymount University-Los Angeles
26. Loyola University-Chicago
27. Marquette University
28. Mercer University
29. Michigan State University
30. New York University
31. Northeastern University
32. Ohio Northern University
33. Pepperdine University
34. Quinnipiac University
35. Regent University
36. Rutgers University
37. Saint Louis University
38. Seton Hall University
39. Southern Methodist University
40. St. John's University
41. Stetson University
42. Temple University
43. Texas A&M University
44. Tulane University
45. University of Arizona
46. University of California-Berkeley
47. University of California-Los Angeles
48. University of Chicago
49. University of Cincinnati
50. University of Colorado
51. University of Connecticut
52. University of Denver
53. University of Florida
54. University of Georgia
55. University of Houston
56. University of Iowa
57. University of Kansas
58. University of Kentucky
59. University of Louisville
60. University of Maryland
61. University of Miami
62. University of Michigan
63. University of Minnesota
64. University of Mississippi
65. University of Missouri
66. University of Missouri-Kansas City
67. University of Montana
68. University of Nevada-Las Vegas
69. University of North Carolina
70. University of Notre Dame
71. University of Oklahoma
72. University of Oregon
73. University of Pennsylvania
74. University of Pittsburgh
75. University of Richmond
76. University of Tennessee
77. University of Texas at Austin
78. University of Toledo
79. University of Tulsa
80. University of Utah
81. University of Virginia
82. University of Washington
83. Villanova University
84. Wayne State University
85. West Virginia University
86. William and Mary Law School
87. Yale University

Just Below Average Law Schools (N=46)

1. American University
2. California Western School of Law
3. Catholic University of America
4. Chapman University
5. City University of New York
6. Concordia Law School
7. Creighton University
8. DePaul University
9. Drake University
10. Gonzaga University
11. Hofstra University
12. Howard University
13. John Marshall Law School
14. Lewis and Clark College
15. Loyola University-New Orleans
16. McGeorge School of Law
17. Mitchell Hamline School of Law
18. Northern Illinois University
19. Northern Kentucky University
20. Oklahoma City University
21. Pace University
22. Roger Williams University
23. Samford University
24. Santa Clara University
25. Seattle University
26. Southern Illinois University-Carbondale
27. Syracuse University
28. Texas Tech University
29. University of Akron
30. University of Arkansas-Fayetteville
31. University of Arkansas-Little Rock
32. University of Baltimore
33. University at Buffalo-SUNY
34. University of California-Hastings
35. University of Hawai'i
36. University of Maine
37. University of Massachusetts Dartmouth
38. University of Memphis
39. University of New Mexico
40. University of North Dakota
41. University of San Diego
42. University of South Carolina
43. University of South Dakota
44. University of Wyoming
45. Washburn University
46. Western New England University

Below Average Law Schools (N=30)

1. Atlanta's John Marshall Law School
2. Ave Maria School of Law
3. Barry University
4. Capital University
5. Charleston School of Law
6. University of the District of Columbia
7. Elon University
8. Faulkner University
9. Florida A&M University
10. Florida Coastal School of Law
11. Golden Gate University
12. Mississippi College
13. New England Law | Boston
14. North Carolina Central University
15. Nova Southeastern University
16. Southern University
17. Southwestern Law School
18. St. Mary's University
19. St. Thomas University (Florida)
20. Suffolk University
21. Thomas Jefferson School of Law
22. Thomas M. Cooley Law School
23. Touro College
24. University of Dayton
25. University of Detroit Mercy
26. University of Idaho
27. University of La Verne
28. University of San Francisco
29. Widener University-Delaware
30. Willamette University

Closed Law Schools (N=3)

1. Arizona Summit Law School
2. Charlotte School of Law
3. Valparaiso University

Law Schools Excluded from Analysis (N=16)

1. Appalachian School of Law
2. Belmont University
3. Brooklyn Law School
4. Indiana Tech Law School
5. Inter American University of Puerto Rico
6. Lincoln Memorial University
7. New York Law School
8. Pontifical Catholic University of Puerto Rico
9. South Texas College of Law
10. Texas Southern University
11. University of California - Irvine
12. University of North Texas at Dallas
13. University of Puerto Rico
14. Vermont Law School
15. Western State College of Law
16. Whittier Law School



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