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Preparing Minority Students for Law School: The Program for Minority Access to Law School

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I. INTRODUCTION

Students of color traditionally have been under-represented in law school admissions,¹ and those admitted have higher attrition rates² than their white counterparts. In response to these concerns, law schools have instituted a number of programs in recent years designed to increase minority enrollments and retention rates.³ Most of these programs target minority students immediately before or during their time in law school. Receiving less attention have been programs designed to provide instruction and motivation to minority undergraduates interested in law early in their college careers.

This past summer (1991), the law schools at Northern Illinois University, the University of Illinois, and Southern Illinois University co-sponsored a pilot instructional program for minority undergraduate students. Entitled the Program for Minority Access to Law School (PMALS), the project involved six weeks of on-campus instruction at Northern Illinois University from June 17 to July 26, 1991. The primary

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1. Despite significant progress in recent years, minorities remain under-represented in law school admissions. Nationally, African-Americans and Latinos represented 9.2% of entering law school classes, less than one-half their percentage of the overall population. See Dannye Holley & Thomas Kleven, *The Bar Examination and Other Barriers to African and Hispanic American Fair Representation Among American Lawyers: A 1990 Update — Perspectives — and Recommendations*, 16 T. MARSHALL L. REV. 477, 481-83 (1990-91).

2. Throughout the 1980's the national attrition rate for African-Americans and Latinos was more than twice that for other students. See *id.* at 485 ("During the second half of the 1980's the attrition rate for African-Americans was 27.0% and for Hispanic-Americans was 22.1%, as against an attrition rate for all others of only 11.3%.").

3. For a listing of special minority recruitment and retention programs, see LAW SCHOOL ADMISSION COUNCIL, MINORITY DATABOOK (1990).

goals of the program were to stimulate interest in the legal profession and to enhance the analytical and writing skills necessary to success in law school, thereby increasing the pool of qualified minority law applicants.

This article will describe the purpose, structure, and evaluation of the pilot PMALS program. Part I will discuss the background and goals of the program. Part II will discuss the program's structure, including student recruitment and curricular design. Part III will discuss the evaluation of the program. Finally, the conclusion will discuss the role that programs such as PMALS might play in the minority recruitment and retention process.

II. BACKGROUND AND PURPOSE

The Program for Minority Access to Law School grew out of the sponsoring schools' difficulties in both recruiting and retaining qualified minority law students. The schools perceived two basic problems in their efforts to recruit and retain African-American and Latino law students. First, many minorities had poor undergraduate records and low LSAT scores which precluded their admission to law school. Further, those actually admitted had a much lower success rate than the general law school population. Second, the schools perceived that among those minorities clearly qualified for law school, only a small percentage actually chose to go to law school.⁴

To address these concerns, the sponsoring schools proposed a collaborative pre-law program for undergraduate minorities to increase the pool of qualified law school applicants.⁵ As originally contemplated, the program would involve two summers of on-campus instruction to prospective law students.⁶ The program was not designed as a specific recruitment device for the sponsoring schools, but rather as an effort to increase the pool of qualified minority law school applicants.

4. The accuracy of this perception might be debatable, because the percentage of students of color applying to law school exceeds their percentage share of college graduates. Similarly, the number of students of color applying to law school in the 1980's increased faster than the number of students of color actually admitted to law school. See Holley & Kleven, *supra* note 1, at 481-82.

5. The PMALS program was actually the vision of former Dean Leonard Strickman of Northern Illinois University College of Law, presently Dean at the University of Arkansas at Fayetteville College of Law.

6. Although the original grant contemplated a two-summer program, it became apparent even before the 1991 session began that long-term funding would probably support only a one-summer program. Thus, the actual implementation of the program was premised on a one-summer model.

The proposed program specifically targeted undergraduate students entering their sophomore or junior years of college. This distinguished it from other types of pre-law programs, such as CLEO and law school summer orientation programs, which occur in the summer immediately before law school.⁷ The targeting of undergraduate students several years before graduation reflected the "early intervention" rationale of the program.

Several rationales arguably existed for such an "early intervention" program. First, the potential to stimulate student interest and redirect career paths was greater at that time. Second, skill enhancement could more fully occur by allowing students to take advantage of their remaining undergraduate years to work on specific skills. Third, early exposure to the demands and expectations of law school would hopefully motivate students to take full advantage of their remaining years, including the development of as strong an undergraduate record as possible to help ensure admission into law school.

The three sponsoring law schools sought funding for the program from the Illinois Board of Higher Education through what is known as a HECA grant.⁸ The Board approved the proposed grant with the expectation that the program, if successful, would eventually be privately funded.⁹ Indeed, the initial grant proposal included provision for student stipends of \$100 per week, the money for which was raised from several law firms in Chicago.¹⁰ It is the intention to eventually have full funding come from the private bar.

III. STUDENT RECRUITMENT

The initial, and in many respects most critical, part of implementing the program was student recruitment. Recruitment efforts began in

7. The Council of Legal Education Opportunities (CLEO) has for more than twenty years operated a highly successful program for students in the summer immediately preceding the first year of law school. A number of law schools have recently also begun to offer summer orientation programs for minorities immediately before law school. For a summary of some programs, see generally LAW SCHOOL ADMISSION COUNCIL, *MINORITY DATABOOK* (1990). For a discussion of CLEO, see Denise W. Purdie, *The Role of CLEO in Successful Recruitment and Retention of Minority Students*, 12 N. ILL. U. L. REV. 287 (1992).

8. HECA stands for Higher Education Cooperative Act, which is a special Illinois Board of Higher Education grant program that provides grant money for collaborative projects by Illinois colleges and universities.

9. The grant proposal anticipated that state funds would be phased out after three years. Total expenditures for the first year of the program were approximately \$123,000.

10. Chicago law firms contributed about \$21,000 for student stipends.

the fall of 1990, with the identification and compilation of a list of contacts at colleges throughout Illinois and work on a brochure. Letters describing the program were mailed in December and January to about 275 contacts on college campuses. About 5,000 brochures were distributed in early 1991.¹¹

Student response to the program was quite strong for a first year program. More than 130 students applied to the program, and represented more than 30 different undergraduate institutions. Although the quality of applicants varied, the overall applicant pool was quite strong. Thirty-eight offers of admission were made, with 34 students accepting the offers and actually participating in the program. The students came from 17 different undergraduate institutions and included 19 African-Americans and 15 Latinos.

Overall, the recruitment process indicated a strong interest in this type of program. A number of faculty and counselors at undergraduate institutions expressed enthusiasm for the program when initially contacted. Moreover, the large number and high quality of students who applied to the program suggest a significant interest on the part of minority students in such a program in Illinois.

IV. PROGRAM DESCRIPTION

The 1991 session of the Program for Minority Access to Law School took place at the College of Law at Northern Illinois University. The 34 participating students were housed in a dormitory about a half mile from the law school where the classes occurred. Four teaching assistants, including two law students, also resided in the dorm and functioned as resident assistants in addition to their TA responsibilities.

The curriculum for the 1991 session was divided into two three-week units. The first three-week unit consisted of courses entitled Law and the News¹² and Criminal Law. The second three-week unit consisted of courses on Student Rights and Minorities and the Law.¹³ A writing seminar, taught by an English professor, ran the entire six weeks of

11. Recruitment efforts were made at all public and private colleges and universities in Illinois, including two-year colleges. Contacts on campuses included pre-law advisors, directors/deans of minority affairs, counseling offices, honors programs, and minority student groups.

12. The Law and the News course examined several legal issues that make headlines, such as capital punishment. It also examined the way the media addresses some of those issues.

13. Minorities and the Law primarily examined United States Supreme Court decisions that affected the rights of minorities.

the program. Factors considered in selecting instructors for the program were teaching ability, racial diversity and the desire to have a balance of undergraduate and law professors. The actual faculty composition included two law professors and three undergraduate teachers, one of whom was a lawyer.

The four law-related classes met five mornings a week for 75 minutes each. The writing seminar met for 75 minutes a day, four afternoons a week. The total in-class time was approximately 21 hours a week. Although this proved to be a reasonable work load for the most part, the combination of extensive reading assignments and the unfamiliarity with legal analysis, especially briefing cases, made the first week extremely difficult for the students.

The above curriculum was selected primarily because of its potential to stimulate interest in the law, which was one of the two stated program objectives. We decided to have four separate courses in order to introduce the students to the societal impact law has in a number of different contexts. The particular subjects were chosen both because of their inherent interest and to demonstrate the significant role law plays in our society.

The other stated program objective was the enhancement of writing and analytical skills necessary for success in law school. The writing seminar was, of course, the primary mechanism for enhancing writing skills. It was decided that the seminar should not focus on legal writing, but instead attempt to enhance basic writing skills. For this reason, the course was taught by an English professor and consisted of more traditional writing assignments with regular feedback from the instructor and the English teaching assistants.¹⁴ Although most students eventually perceived the seminar as being beneficial, there was some resistance to it throughout, with the feeling by some students that there should have been a legal focus or at least some integration with the other law-related courses.

On the other hand, the program attempted to enhance analytical skills by replicating the law school experience in most of the substantive curriculum. Three of the four substantive courses — Criminal Law, Student Rights, and Minorities and the Law — were modeled on a law

14. The writing seminar involved a number of different assignments designed both to analyze and improve basic writing skills and also to develop skills for different writing forms. Students were initially given diagnostic tests. Other assignments included two impromptu writing assignments, writing a personal statement for admission to law school, a critical essay, and a persuasive writing assignment. A computer lab was set up for the students and basic instruction in word processing was given to the students as well.

school format, employing law school materials and, to varying degrees, using a "Socratic" method of teaching. The students were introduced to case briefing and critical case reading in these classes. The Law and the News course was also discussion oriented, but did not use legal materials or a Socratic style.

Of course, exposing students to law school teaching with its emphasis on analysis does not necessarily develop or enhance the basic analytical skills which are a prerequisite to success in that process. As a practical matter, however, using a law school format provided a structure in which to demonstrate the type of analytical thinking process required in law school and required the students to begin to use some of those skills. We assumed, or at least hoped, that through immersion in a process comparable to law school, students would begin to develop the necessary skills.

This "hands on" approach to analytical skill enhancement was further reinforced by giving law school type examinations on a weekly basis. Exams were given every week in Criminal Law and Student Rights, and final exams were given in Law and the News and Minorities and the Law. Thus, the students had a law school examination at the end of each week. This provided not only a basis to evaluate student progress, but a means to further reinforce the basic analytical skills developed in class.

The exams, together with in-class performance, also served as the program's primary evaluative tool. Although students did not receive grades for the courses, they were provided a written evaluation of their performance with suggested areas where work was needed. As program director, I prepared composite evaluations for each of the students reflecting their overall performance in the program.

Although the primary focus of the program was the coursework, minority attorneys and a judge were brought in to speak to the students one afternoon or evening each week from the second to the sixth week of the program. The speakers represented a variety of backgrounds and generally were very well received by the students. The students also took field trips to see a Chicago White Sox game and to the Daley Center to observe a trial in progress.

The actual implementation of the program generally went as described above, with some minor adjustments and despite some problems. The first week of the program proved to be unnecessarily intense for both the students and instructors. In addition to several lengthy reading assignments, students were introduced to case briefing and analysis. This resulted in little sleep and significant frustration as the students attempted to master foreign material.

Instruction went well after the first week, however. Most students were quite motivated in their work¹⁵ and were eager to participate in the law school experience. As is often true in law school, case briefing and analysis continued to be a struggle for the students, but arguably a productive struggle. Class discussion was active and students showed some progress in their ability to both brief and understand cases. As will be discussed below, both student and instructor response was very positive, especially regarding those aspects of the program replicating the law school experience.

As might be expected, the extracurricular dimensions of the program also occupied significant time and energy. Particularly important was the residential component, which required supervision of the students as well as opportunities for recreation. The teaching assistants ultimately played a vital role in this respect, much greater than originally contemplated. Although matters remained under control, there were some discipline problems that had to be addressed, as well as the necessity for informal counseling to help students make the adjustment to the program. Future programs will need to pay additional attention to this very important part of any pre-law program involving undergraduate students.¹⁶

Despite these and other problems, the program went quite well and both student and instructor response to it was very positive. The next section of the article will discuss evaluation of the program.

V. PROGRAM EVALUATION

A. STUDENT/INSTRUCTOR EVALUATIONS

Students were given an attitudinal assessment at the start of the program and a comprehensive evaluation at the end, which both reassessed attitudes and provided students an opportunity to evaluate the program. Although students had some criticisms and suggestions for change, they generally were very positive about the program and their experience. Almost all of the students perceived the program as enhancing their writing and analytical skills. They also thought the program gave them a better understanding of the demands of law school and better prepared them for that undertaking. Perhaps most

15. However, there were two or three students who did have some motivation problems at times. Also, several students although motivated, lacked sufficient study and time management skills to complete the required work.

16. For a discussion of some of the issues concerning pre-law programs for undergraduates see Brenda Saunders Hampden, *Preparing Undergraduate Minority Students for the Law School Experience*, 12 SETON HALL LEG. J. 207, 220-21 (1989).

significant is that every student who responded said they would recommend the program to others, in most cases saying so with enthusiasm.

Students appeared to most appreciate those aspects of the program that were demanding and comparable to the law school experience. Although student response was positive for all the classes, those that were the most Socratic were the best received. Similarly, students struggled enormously with case analysis and case briefing at the beginning, but often identified that as one of the most important aspects of the program.

Instructor evaluation of the program also was favorable. The instructors found that most of the students were motivated and believed that the program was at least partially successful in developing the skills necessary for law school. The law professors teaching in the program also believed that it served a very important function in exposing students to the demands and particular mode of thinking found in law school.

B. STIMULATION OF INTEREST

The program's first stated objective, the stimulation of student interest in the legal profession, was evaluated by attitude assessments given at the beginning and the end of the program. Two questions in both instruments asked about student interest in attending law school and becoming an attorney. Responses indicated that most students were already planning to attend law school and become attorneys at the start of the program, with a slight increase in the composite score appearing at the end.¹⁷ This result is consistent with impressions from the application/selection process, where it appeared that most of the qualified applicants to the program were already seriously thinking about law school.

At the same time, however, it would appear that even for those students already planning to go to law school the program solidified their commitment. Almost everyone said that the program had increased their desire to go to law school. In two instances, however, students indicated that they might consider another field now that they knew how demanding law school could be.¹⁸

17. Students were assessed on whether they hoped to attend law school (Question 9) and hoped to become an attorney (Question 10) on both the pre- and post-program evaluations. Students could respond on a scale from 1 to 5, with 1 being very little and 5 being very much. The composite score for hoping to attend law school was 4.42 on the pre evaluation and 4.73 on the post evaluation. The composite score on hoping to become an attorney was 4.33 on the pre evaluation and 4.68 on the post evaluation.

18. Another consequence of the program was to raise the students' anxiety

C. ENHANCEMENT OF SKILLS

The primary evaluative tools for the program's second objective, the enhancement of writing and analytical skills, were the law school type exams administered at the end of each of the six weeks and the various writing assignments. It was assumed that the law school exams would reflect not only substantive knowledge of the areas covered, but also the student's ability to synthesize, identify issues, and reason — skills that are critical to success in law school. Although such exams are a very imprecise evaluative tool, they provide some basis to assess skill development and have the advantage of being the evaluative tools used in law school itself.

Instructor evaluation of the students' exams indicated that they saw analytical development on the part of most students as reflected in the exams. In particular, students improved in their ability to identify issues and analyze how the law should apply to relevant facts. My own, albeit cursory, reading of many of the exams also suggests that students made some limited progress in the development of analytical skills over the course of six weeks. Although any such review is somewhat impressionistic and subject to variables, it suggests some progress in the development of the analytical reasoning necessary for success in law school.

Any skill development that will occur in six weeks will be, at best, quite modest. For this reason a related, but probably more important, purpose served by the program was exposing students to the culture of law school. Although the first year of law school is a major adjustment for almost everyone, it is particularly difficult for minority students. Among the reasons often given for this difficulty is that the American legal system in general and law schools in particular involve ways of thinking that are foreign to the experiences and culture of many minorities.¹⁹ Therefore, an even more significant goal than skill development for a program like PMALS might be to sensitize minority students to the demands of law school and its particular mode of thinking.

about attending law school. Question 11 on the pre- and post-program evaluations asked whether the thought of going to law school was anxiety producing. The composite score was 3.52 on the pre-program evaluation and 3.82 on the post-program evaluation.

19. See, e.g., Placido Gomez, *White People Think Differently*, 16 T. MARSHALL L. REV. 543 (1990-91); Katherine Vaughns, *Towards Parity in Bar Passage Rates and Law School Performance: Exploring the Sources of Disparities Between Racial and Ethnic Groups*, 16 T. MARSHALL L. REV. 425, 453-56 (1990-91); Paul Lorenz, *Cultural Rhetorics/Legal Rhetoric: Teaching Appropriate Strategies for Legal Discourse*, 16 T. MARSHALL L. REV. 623 (1990-91).

In this respect the program probably was quite successful. The pre- and post-program evaluations indicate that students' own perceptions of their familiarity with law school, law school exams, case analysis, case briefing, and legal thinking greatly increased. Whatever else, the students gained a significant exposure to and understanding of the demands of law school. Moreover, they were also introduced to the particular type of analytical reasoning that dominates law school classrooms. This should not only help students to prepare for law school in their remaining undergraduate years, but also allow them to more adequately make the adjustment to law school when the time comes.

VI. CONCLUSION

The Program for Minority Access to Law School was designed to expose undergraduate minority students to the law school experience and stimulate interest and enhance the skills necessary for success in law school. Unlike other recruitment and retention programs, it hopes to reach undergraduate students relatively early so as to allow time for change. The initial experience was quite positive and suggests potential as a component in a more comprehensive strategy of increasing diversity in the legal profession.

Although PMALS is only one year old, several other law schools have operated similar programs for several years with success. The University of Illinois law school, although a co-sponsor of PMALS, has also offered a similar program for select University of Illinois minority undergraduates for the past two summers. In addition to teaching a Contracts course and legal writing, the program also has included an intern component in which students are placed with law firms for hands-on experience with the legal profession. Student and instructor response to the program has been very positive.²⁰

Perhaps more significant is the experience at Seton Hall Law School, which has run an early intervention program for minority undergraduate students for more than ten years. Professor Brenda Saunders, director of the Seton Hall program, recently wrote an

20. The 1990 session of the University of Illinois Program was six weeks long, with the two classes meeting in the mornings and the students in internships in the afternoon. The 1991 session involved four weeks of instruction only at the Champaign campus and then four weeks of internships with Chicago law firms. Student and instructor response to the program has been very positive both summers. Professor John Colombo of the University of Illinois law faculty has been the program director both summers.

article describing the program.²¹ Although varying in certain respects from PMALS, the Seton Hall program has attempted to provide a law school experience for undergraduates to facilitate their entrance into and success in law school. The tracking of students over the years indicates that the program has been successful.²²

Programs such as PMALS and those described above can potentially be an important component of minority recruitment and retention efforts. Their unique contribution is to provide students of color with an early introduction to law school in a way that hopefully will stimulate interest and enhance skills. More significantly, student exposure to the demands and expectations of law school should help them in both preparation for and adjustment to law school.

21. Hampden, *supra* note 16.

22. *Id.* at 225-27.