



DIVERSITY AND INCLUSION

DEMOGRAPHIC TRENDS IN DIVERSITY AT MICHIGAN'S LAW SCHOOLS AND THE STATE BAR OF MICHIGAN

A Report by the State Bar of Michigan Diversity Advisory Committee

September 12, 2013

I. INTRODUCTION

This report focuses on the diversity in Michigan's five law schools. It begins by taking a quick look at diversity in the membership of the State Bar of Michigan ("SBM"). Data available from the SBM shows that the active resident numbers of the SBM who have joined the bar in the last 15 years are significantly more diverse than those who joined in prior years. Similarly, female lawyers comprise a greater percentage of those who have joined the SBM in recent years, although the percentage of female lawyers joining each year appears to have leveled off in the mid-40% range and has yet to equal the proportion of women in the general population.

With this background, we look at the diversity in Michigan's five law schools. We first examine diversity among the faculty at Michigan's law schools for the years 2004 through 2011. These years were selected because of the availability of data published annually by the American Bar Association and the Law School Admission Council in the ABA-LSAC Official Guide to ABA-Approved Law Schools (the "Guide"). The Guide includes American Bar Association ("ABA") data on the demographics of law schools' faculty, student enrollment, and degrees awarded. The Law School Admission Council's website provides the data from the Guides published between 2006 and 2013.¹

The data will show that while the number of minority faculty has grown, it still lags the presence of minorities in the general population and among active members of the State Bar of Michigan. The number of female faculty grew during the period under review. At two schools, in fact, female professors account for at least 50% of tenured or tenure-track professors. The percentage of female faculty members at Michigan law schools is now approaching the percentage of female lawyers who are members of the SBM, but still lags the percentage in the general population.

Our review moves next to the student bodies at Michigan's five law schools. We look at the percentage of law minority law students in the student body, as a whole, in the first year class, and among those who have received juris doctor degrees during the 2004 to 2011 period. The number of minority students enrolled in law school increased overall during this period, although there are differences between the private and public law schools. Minority enrollment increased at the private law schools, but decreased at the two public law schools. One could conjecture that this decline was due in part to Michigan's Proposition 2,² but this report has not attempted to pinpoint the cause. The number of JD degrees awarded to minorities grew during the period. As with enrollment, the number of degrees awarded to minorities in private schools increased, while they decreased at public schools. The percentage of degrees awarded to minority students lags the representation of minorities in the State's and nation's population.

The ability of Michigan's law schools to admit minority students depends in large part on the pipeline of available applicants. The final section of this report looks at the pipeline of minority students as it becomes more and more constricted, reducing the number who are potentially and actually admitted in to law school. The report concludes with a brief description of some of that activities that Michigan law schools engage in to expand the pool of minority students.

II. STATE BAR OF MICHIGAN

The *State Bar of Michigan Member Demographics Report* for 2012–2013 includes data on the demographics of the SBM's membership by admit/join year. These data provide the basis for the analysis below, and are summarized in Tables 1 and 2, which appear in the appendix to this report. Although data are provided for admit/join years 1980 through 2012, all changes are calculated between 1980 and 2011, which was the last full admit/join year for which data was available.

A. Minorities

The *State Bar of Michigan Member Demographics Report* reports on the ethnicity of attorneys who are active, resident members of the SBM. Table 1 presents the data, broken down by the following classifications: American Indian, Asian–Pacific Islander, African Origin, Hispanic–Latino, Multi-Racial, Arab Origin, and European Origin.

The data reflect that attorneys in active resident membership in the SBM who were admitted beginning in 1995 are increasingly likely to be a member of a minority group. Only 12.6% of active resident members admitted in 1980 are minorities. For each subsequent admit year, the percentage of minority attorneys hovers in the low teens (dropping to 8.4% in 1994) before showing significant growth beginning with attorneys admitted in 1996. Minority attorneys admitted in 1996 comprise 15.4% of all active resident members admitted that year. For admit years after 1996, minorities comprise an increasing proportion of active resident members. Minority attorneys comprise at least 29.8% of active resident members in each admit year from 2005 to 2011. Notably, the percentage of minority lawyers in active resident

membership in the SBM who were admitted in 2011 (29.8%) exceeds the minority representation in Michigan's population (24.1%).³

Asian–Pacific Islanders show the greatest increase in admitted active resident members between the 1980 and 2011 admit years. Only three Asian–Pacific Islanders in active resident membership were admitted in 1980, compared to 30 in 2011, representing a 900.0% increase. As a percentage of active Michigan resident members, Asian-Pacific Islanders constituted only 0.6% of the 1980 admissions, compared to 5.3% of the 2011 admissions. Furthermore, the Asian–Pacific Islander percentage of 2011 admissions to the SBM (5.3%) is more than double the 2011 Asian percentage of Michigan's population (2.5%).⁴ As shown in Table 1, Hispanic–Latino members, and members of Arab origin also experienced dramatic increases in admitted active resident members between the 1980 and 2011 admit years were members of other ethnic origin.

In contrast, active Michigan resident members of African origin show a significant decline between the 1980 and 2011 admit years. There are 37 active resident members of African origin who were admitted in 1980, compared to 24 in 2011, representing a 35.1% decline. As a percentage of active resident members, those of African origin constituted 6.8% of the 1980 admissions, compared to 4.2% of the 2011 admissions. Moreover, the African origin percentage of 2011 admissions (4.2%) is well below the relevant percentage of Michigan's 2011 population (14.3%).⁵

B. Females

The *State Bar of Michigan Member Demographics Report* reports on the gender of SBM members by year in which they joined, without regard to whether they are active members. As such, the data include information on nearly twice as many attorneys as the data on ethnic origin. Table 2 analyzes SBM's membership by join year and gender. The data show that the percentage of females in each join year has trended upward steadily since 1980. Female attorneys comprise 24.9% of members who joined in 1980 and 46.8% of members who joined in 2011. Female lawyers comprise at least 40.0% of SBM members in each join year beginning with 1997. For the ten-year period of 2002 through 2011, female lawyers averaged 44.8% of each join year, but never exceeded 47.7%, the highest percentage, achieved in 2007.

Female attorneys comprise 39.6% of all members who joined the SBM between 1980 and 2011, still significantly below the percentage of females in Michigan's 2011 population (50.9%).

III. DEMOGRAPHICS OF MICHIGAN'S LAW SCHOOLS

The five Michigan law schools are: the Thomas M. Cooley Law School (“Cooley”), University of Detroit Mercy School of Law (“Detroit”), Michigan State University College of Law (“Michigan State”), the University of Michigan Law School (“Michigan”), and Wayne State University Law School (“Wayne State”). Cooley, Detroit, and Michigan State are private schools; Michigan and Wayne State are public. This section of the report examines the demographic trends at Michigan law schools using data provide by the law schools to the ABA

the Law School Admissions Council, which is published in the Guide. The data are based on questionnaires completed by the law schools during the fall of the previous academic year; *e.g.*, the data in the 2013 Guide are based on questionnaires completed during the fall 2011 semester.⁶ These data provide the basis for the analysis below.

A. Faculty

The annual ABA data on law schools' faculty report the number of male, female, and minority faculty members who are: (1) tenured or tenure-track; (2) non-tenured professional skills or legal writing instructors; (3) law school administrators such as deans and librarians who teach at least half-time; or (4) part-time. The data are provided for both fall and spring semesters; the trends discussed below are based on the spring semesters.

1. Generally

The number of faculty members across Michigan law schools increased by 184 people (34.3%) from 537 in 2004 to 721 in 2011. (Table 3) The number of tenured and tenure-track faculty members also increased, growing by 77 people (37.9%) from 203 to 280.

2. Minority Faculty

The number of minority faculty members across Michigan law schools increased by 38 people, from 44 in 2004 to 82 in 2011. (Table 4) This 86.4% increase exceeded the overall increase in faculty of 34.3%. As such, minority faculty members increased from 8.2% to 11.4% of the total faculty.

The number of minority faculty more than doubled at Michigan between 2004 and 2011, growing from 6 to 14 faculty members, a 133.3% increase. Cooley (91.3% increase), Michigan State (83.3% increase) and Detroit (75% increase) also saw significant increases in the number of minority faculty members. In raw numbers, Cooley, which added 21 minority faculty members, accounted for the largest portion of the 38 additional minority faculty added at Michigan law schools. At each of the law schools, minority faculty comprised a greater percentage of the total faculty in 2011. At two schools, Cooley (14.1%) and Michigan (10.9%), minority faculty exceeded 10% of the total faculty.

The number of minority tenured and tenure-track faculty members across Michigan law schools increased by 10 people, or 38.5%, from 26 in 2004 to 36 in 2011. However, minorities as a percentage of tenured and tenure-track faculty remained relative flat, constituting 12.8% of such faculty in 2004 and 12.9% in 2011. Although none of the schools experienced a reduction in the absolute number of minority tenured and tenure-track faculty members, the percentage of tenured or tenure-track professors who are minorities declined at Detroit (from 13.0% in 2004 to 9.7% in 2011), Wayne State (from 11.5% in 2004 to 8.8% in 2011), and Cooley (from 14.1% in 2004 to 13.4% in 2011). The percentage of tenured or tenure-track faculty that are minorities grew at Michigan (from 10.9% in 2004 to 13.9% in 2011) and Michigan State (from 13.5% in 2004 to 15.2% in 2011).

Notably, the representation of minority professors among all faculty and tenured and tenure-track faculty in 2011 (11.4% and 12.9%, respectively) still lagged behind minorities as a percentage of the population. Minorities constituted approximately 24.1% and 38.5% of the 2011 populations in Michigan and the United States, respectively.⁷ Tenured and tenure-track minority professors also lagged behind the percentage of minority lawyers who are active resident members of the SBM (18.6%).

3. Female Faculty

The number of female faculty members across Michigan law schools has increased by 91 people, from 183 in 2004 to 274 in 2011. (Table 5) This 49.7% increase exceeded the overall increase in faculty of 34.3%. As such, the percentage of female faculty increased from 34.1% to 38.0%.

The number of female faculty members increased at all of the Michigan law schools, with the largest increases occurring at Detroit (70.0%), Michigan (55.2%), Cooley (51.9%) and Michigan State (50.0%). Wayne State experienced the smallest increase in female faculty members (20.0%). While the number of female faculty members increased at every law school, the percentage of faculty who were females declined slightly at Michigan (-2.6%) and Detroit (-2.3%).

The number of female tenured and tenure-track faculty members increased at every Michigan law school for an aggregate increase of 44 people. This represents a 58.7% increase in the number of tenured and tenure-track female faculty members since 2004. The percentage of female tenured and tenure-track faculty members increased from 36.9% to 42.5% at the five Michigan law schools. Females comprised at least 50.0% of the tenured and tenure-track faculty at Detroit (54.5%) and Michigan State (50.0%), comparable to the percentage of females in the general population of Michigan (50.9%) and the United States (50.8%).⁸ The percentage of female tenured and tenure-track faculty in 2011 (38.0%), was only slightly lower than the percentage of female lawyers who are active resident members of the SBM (39.7%).

B. Demographics of Law Students in Michigan

1. Generally

Table 6 displays the number of students enrolled, as well as the number of first-year students and JDs awarded, at the five law schools in Michigan. Total enrollment has increased by 437 students, or 6.7%, from 6,494 in 2004 to 6,931 in 2011. This modest increase is the result of increases of 26.5% and 10.8% at Cooley and Detroit, respectively, and declines at the other three schools. In contrast, the number of first-year students has declined at every school. As a result, Michigan law schools enrolled 168 fewer first-year students in 2011 than in 2004, a decline of 5.8 percent. The decline in first-year enrollment in 2011 (the only year in which first-year enrollment was lower than in 2004) could be explained by the overall decline in law school applications and admissions nationwide.⁹ During this same time period, the number of JDs awarded across Michigan law schools increased 52.1%, from 1,362 to 2,072. Cooley and Detroit accounted for the largest increases, 143.1% and 73.6%, respectively.

2. Minority Students

The ethnicity classifications included in the minority subtotals for 2004–2009 are: African American, American Indian, Asian American, Mexican American, Puerto Rican, and Hispanic. The ethnicity classifications included in the minority subtotals for 2010–2011 are: All Hispanics, American Indian/Alaska Native, Asian, Black/African American, Native Hawaiian/Pacific Islander, and 2 or more races.

a. Total Enrollment

The number of minority students enrolled in Michigan law schools increased from 1,378 in 2004 to 1,661 in 2011. (Table 7) This was an increase of 283 students (20.5%). A total of 11,773 minority students matriculated to a Michigan law school. On average there were 1471.6 minority students enrolled each year, representing an average total enrollment of 20.9%. Minority enrollment in 2011 represented 24.0% of total enrollment compared to 21.2% in 2004.

The number of minority students enrolled at each of the three private schools increased, for a combined increase of 384 students (40.7%), from 943 in 2004 to 1,327 in 2011. A total of 8,616 minority students enrolled in Michigan's private law schools during the 8-year period. On average, there were 1,077.0 minority students enrolled each year, representing 20.6% of the student body. Two of the state's three private law schools, Detroit and Michigan State, experienced dramatic increases in minority students as a percentage of total enrollment. At Detroit, the minority percentage more than doubled from 7.3% to 16.3%. The minority percentage at Michigan State nearly doubled, growing from 10.9% to 21.0%. Minority enrollment at the third private school, Cooley, increased from 27.1% to 28.3% of the student body. Combined, the minority percentage of enrollment across private schools in Michigan increased from 20.5% in 2004 to 25.5% in 2011, its peak year.

In contrast, the two public schools, Michigan and Wayne State, both experienced a decline in minority students in absolute terms and as a percentage of total enrollment between 2004 and 2011. Combined, the number of minority students at public schools declined by 101 students, or -23.2%, from 435 to 334 students. A total of 3,157 minority students enrolled in Michigan's public law schools during the 8-year period. On average, there were 394.6 minority students enrolled at public law schools each year, representing 22.1% of the student body. Minority enrollment, which represented 22.8% of the student body in 2004, reached a peak of 24.5% in 2006 before declining to a low of 19.4% in 2011.

The 2011 minority representation in the student bodies of Michigan law schools (24.0%) is quite comparable to the minority percentage of Michigan's 2011 population (24.1%), but still lags behind the minority percentage of the United States' 2011 population (38.5%).¹⁰

b. First-Year Enrollment

The number of minority first-year students at Michigan law schools increased by 112 students (18.1%), from 619 in 2004 to 731 in 2011. (Table 7) Minorities as a percentage of

first-year students at Michigan law schools increased even more between 2004 and 2011, rising from 21.5% to 27.0%. On average, minority students comprised 22.5% of the first-year class at Michigan's law schools during the period. The growth in minority first-year students was accounted for by increases at the three private law schools, which offset declines at the public law schools.

The number of minority first-year students at the three private schools increased by 146 students, or 30.5%, from 478 in 2004 to 624 in 2011. As with total enrollment, Detroit and Michigan State experienced dramatic increases in minorities as a percentage of first-year students between 2004 and 2011. At Michigan State, the minority percentage increased from 10.8% to 24.0%. The percentage of minority first-year law students at Cooley grew from 24.9% in 2004 to 32.0% in 2011. At Detroit, the percentage of minority first-year students doubled from 5.2% to 10.5%. Detroit's minority percentage of first-year students has fluctuated significantly rising as high as 23.8% in 2010. Combined across the private law schools, the percentage of minority students in the first year class increased from 20.9% to 28.7%.

The experience at Michigan's two public law schools, Michigan and Wayne State, has been different. Each school experienced declines in minority first-year students both in absolute and percentage terms. Combined, the number of minority first-year students at public schools declined by 34 students, or -24.1%, from 141 to 107 students. The percentage of first-year students who were minorities fell from 23.8% in 2004 to 19.9% in 2011. Minority first-year enrollment peaked at 25.5% in 2005 and hit a low of 18.8% in 2010. Over the 8-year period, minority enrollment averaged 21.7% of the first-year class.

The 2011 minority percentage of first-year students (27.0%) in all Michigan law schools is somewhat greater than the minority percentage of Michigan's 2011 population (24.1%), but still lags behind the minority percentage of the United States' 2011 population (38.5%).¹¹

c. JDs Awarded

The number of minority students to receive their juris doctorate from a Michigan law school increased by 135 (45.9%), from 294 in 2004 to 429 in 2011. (Table 7) The number of JDs awarded to minorities at the private schools increased from 172 to 314 (82.6%) and declined at the public schools from 122 to 115 (-5.7%). Notwithstanding the growth in the number of degrees awarded to minority law students in the 8-year period, the percentage of JDs awarded to minority students by Michigan law schools actually declined slightly from 21.6% in 2004 to 20.7% in 2011. The percentage peaked in 2004 at 21.6% and hit its low point in 2008 and 2009 at 19.1%. On average 20.0% of degrees were awarded to minority students during the 8-year period.

While minority enrollment as a percentage of total enrollment at private schools increased 23.9% from 2004 to 2011, the percentage of JDs awarded to minorities by those schools declined from 22.8% to 21.1%. During the 8-year period, private schools on average awarded 19.1% of their degrees to minority students, peaking at 22.8% in 2004 and reaching a low of 15.7% in 2008.

The percentage of JDs awarded to minorities by Michigan's public law schools declined slightly from 20.1% of graduates in 2004 to 19.8% in 2011. During the 8-year period 22.4% of JD degrees awarded by the public law schools have gone to minority students, hitting a peak of 26.9% in 2008 and a low of 18.4% in 2004. The percentage of JDs awarded to minority students at public schools has been greater than the 2004 percentage in five of the past seven years, despite a simultaneous decline in minority representation.

The percentage of JDs awarded by all Michigan law schools in 2011 (20.7%) was below the percentage of students enrolled (24.0%). It was also below the minority percentage of Michigan's 2011 population (24.1%), and lagged further behind the minority percentage of the United States' 2011 population (38.5%).¹²

3. By Ethnic Group

Tables 9, 10, 11, and 12 provide detail of the data for African American, Hispanic, Asian, and Native American students, respectively. Tables 8a, 8b, and 8c. summarize the data allowing ready comparison among the groups. In 2011, 2.3% of the student body described itself as "two or more races." The option of choosing this designation was first made available in 2010. Students at Cooley, Michigan, and Michigan State used this option. Students at Detroit and Wayne State did not.

a. Minority Enrollment

African American students made up the largest portion of minority students enrolled in Michigan's law schools. (Table 8a.) In 2011, they comprised 10.6% of the total enrollment, growing from 10.2% in 2004. Asian students were the second largest minority group at 5.6% of the student body in 2011, but their enrollment as a total percentage of the student body actually shrank from since 2004, when they represented 5.9% of students enrolled. Hispanic students were the fastest growing group, increasing by 19.7% since 2004. In 2011, Hispanics comprised 4.8% of the total student body. Native American students experienced a 16.7% decline between 2004 and 2011 and comprised less than 1.0% of the student body.

b. First-Year Enrollment

Among first year students, African Americans experienced the greatest growth (18.2%) between 2004 and 2011, growing from 9.9% to 12.5% of the student body. (Table 8b.) Hispanic enrollment in the first year class grew by 11.5%, while Asian and Native American first year students declined by 19.6% and 15.8%, respectively. Students who described themselves as having two or more races comprised 3.1% of the entering class in 2011.

c. JDs Awarded

In 2011, 20.7% of JD degrees were awarded to minority students, down nearly 1.0% from 2004. (Table 8c.) Private law schools saw a slightly greater percentage decline (from 22.8% in 2004 to 21.1% in 2011) than did public law schools (from 20.1% in 2004 to 19.8% in

2011). There was virtually no change in the percentage of degrees awarded to Hispanic, Asian or Native American students. Although the total number of degrees awarded to African Americans in 2011 exceeded the number awarded in 2004 by 16.4%, as a percentage of total degrees awarded, degrees to African Americans actually declined from 10.7% in 2004 to 8.2% in 2011.

IV. THE LEGAL PIPELINE

Generally, admittance to the bar requires twenty years of education, including a high school diploma, a bachelor's degree, and a law degree, plus several rounds of testing, including the LSAT and the bar exam. One of the possible root causes of the lack of diversity in the bar is the significant achievement gap between members of underrepresented minority groups and other students, which can be seen in children from elementary to high school. The lack of diversity in the legal profession, however, is not inevitable. Other professions, like the health professions and the military, have succeeded in increasing the diversity of their professions in a way that the legal profession has not.¹³ Increasing the number of minority law school applicants and law students is an important step to meaningful diversity in the bar.

The pipeline to the legal profession has often been described as “broken,” “leaking,” and “narrow.”¹⁴ This section will explore the challenges to maintaining a robust pipeline of minority law school applicants. The pipeline narrows at each successive step – from elementary school through high school, to gaining admission to college and law school – reducing the “flow” of students who ultimately seek admission to the practice of law. After reviewing the pipeline challenge, the report will end with a brief discussion of some affirmative steps being taken by some of Michigan law schools to improve the pipeline and increase the number of minority students who are able to gain admission.

A. Preparing Students for College

Disparities in foundational academic skills appear as early as elementary school. According to the National Center for Education Statistics, math scores of African-American fourth graders were 10% lower than those of white fourth graders and 13% lower than those of Asian fourth graders in 2011.¹⁵ Scores of Hispanic fourth graders were 8% lower than those of their white and Asian peers.¹⁶ Children with the average score of white students were in the “proficient” range, and able to label sections on a grid from a list of coordinates and determine the sum of numbers on a number line.¹⁷ Children with the average score of African-American children were in the “basic” range, and able to divide a square into different shapes and describe a real-world item in geometric terms.¹⁸

The gap widens slightly as children grow older. In 2011, math scores of African-American eighth graders were still 11% lower than their white peers and 14% lower than their Asian peers, and the scores of Hispanic children were 8% lower than those of white eighth graders and 12% lower than Asian eighth graders.¹⁹ Children with the average score of Asian children were in the “advanced” range and could solve a story problem involving time and use graphs to compare data sets.²⁰ Children with the average score of Hispanic children were in the

“proficient” range and could compare figures to identify a common property and create a pictograph using a set of data.²¹

The disparity in reading, a critical skill in both college and law school, is slightly greater. In 2011, African-American fourth graders’ reading scores were 11% lower than those of white fourth graders and 13% lower than those of Asian fourth graders; scores of Hispanic fourth graders were 11% lower than those of whites and 12% lower than those of Asians.²² An even greater gap, 13%, existed between the scores of Native American fourth graders and their white peers.²³ Students with the average score of white and Asian students were in the “basic” range and could recognize dialogue from a story, while students in the African-American students range were below the “basic” range and could recognize the meaning of a word used in context.²⁴

In eighth grade, the gaps narrowed slightly, with gaps of 9% between African-American students and white and Asian students, 8% between Hispanic students and white and Asian students, and 9% between Native American students and white and Asian students.²⁵ Students with the average score of white students were in the “advanced” range and were able to use events in a story to support an opinion and recognize character development techniques.²⁶ Students with the average score of Native American students were in the “proficient” range and able to recognize relevant information in a detailed explanation.²⁷

These gaps stem from a variety of persistent inequalities in the American educational system. Underrepresented minority students have access to fewer and less qualified teachers, fewer challenging courses, and fewer and less challenging academic resources and materials.²⁸ Low expectations of performance also result in more disengaged students.²⁹

The pipeline is narrowed further by the gap in graduation from high school. While, nationwide, in the 2009-2010 school year, 83% of white students and 93.5 % of Asian students graduated in four years, only 66.1% of African-Americans and only 71.4% of Hispanics graduated on time.³⁰ In Michigan, the gap was even more dismal – only 59.2% of African-American students and 62.9% of Hispanic students graduated in four years compared to 81.5% of white students and 92.6% of Asian students.³¹

B. College Entrance Examinations

As students prepare to enter college, they must generally take at least one standardized college entrance exam, either the SAT or the ACT. Unfortunately, the achievement gap carries over into performance on these standardized tests. On the SAT mathematics section, which is required for admission to some of the most prestigious universities in the country, there was a 108-point gap between African-American and white students for the 2010-2011 year; Asian students averaged 168 points higher than African-American students.³² African-American students averaged a score in the 23rd percentile, Asian students averaged a score in the 82nd percentile, and white students averaged a score in the 67th percentile. There was a 73-point gap between white students and Hispanic students, who scored in the 36th percentile, and a 44-point gap between white students and Native American students, who scored in the 41st percentile.³³

On the SAT reading section, the gaps are similar: 100 points separate the average scores of white students, who averaged in the 60th percentile, and African-American students, who averaged in the 27th percentile.³⁴ 77 points separate Hispanic students, who scored in the 34th percentile, and white students, and 44 points separate Native American students, who averaged in the 44th percentile, and white students.³⁵ Asian students fared worse than white students on the reading portion of the exam by an average of 11 points, averaging in the 58th percentile.³⁶

On the ACT, which is required for many schools in the South and the Midwest, gaps are just as apparent. The average score of white students was 22.4, in the 62nd percentile, while the average score of Asian students was 23.6, in the 68th percentile in 2011.³⁷ Hispanic students averaged a score of 18.7, in the 34th percentile, African-American students averaged a score of 17.0, in the 28th percentile, and Native American students averaged a score of 18.6, in the 34th percentile.³⁸

C. Graduating from College

Almost all law schools also require a four-year degree as a prerequisite for entry. At public colleges, African-American students graduate within six years 43.4% of the time and Hispanic students graduate 47.6% of the time, compared with white students who graduate 59.5% of the time.³⁹ At private colleges, African-American students graduate within six years 54.7% of the time and Hispanic students graduate 65.7% of the time, compared with white students, who graduate 73.4% of the time.⁴⁰ Not all universities have such dramatic gaps in graduation rates, however—some colleges, like the University of North Carolina at Greensboro, graduate a greater percentage of African-American students than white students.⁴¹ Similarly, some colleges, like Western Oregon University and Florida International University, graduate a greater percentage of Hispanic students than white students.⁴²

Law schools often rely heavily on college grade point averages to determine which prospective students they will admit. An achievement gap exists in college grades, as well. In 2009, 40% of white students had a college GPA of 3.5 or higher, while only 19.5% of African-Americans and 24.8% of Hispanics had the same GPA.⁴³

D. The LSAT

After college, the achievement gap on standardized testing continues, with significant gaps between underrepresented minorities and other test-takers on the LSAT. For the 2011-2012 academic year, the average score for white and Asian applicants was 152, which in the 52nd percentile, while the average score for African-American applicants was 142, which in the 18th percentile. The average score for Hispanic applicants was 146, in the 30th percentile.⁴⁴ These gaps have remained relatively consistent over the past 8 years.⁴⁵

E. Gaining Admission to Law School: The High Shut Out Rate

Those who have successfully traveled through our elementary and secondary education system, graduated from college, and taken the LSAT, face the final hurdle that

narrows the pipeline of potential lawyers even further – gaining admission to law school. When it comes time to apply for law school, African-American and Hispanic students are disproportionately shut out of the opportunity to get a legal education. In 2011, 65% of African-American law school applicants failed to gain admission to *any* ABA-accredited school to which they applied.⁴⁶ In the same year, the shutout rate for Hispanic applications was 41% and was 45% for Native American applicants. That year only 22% for white applicants and 20% for Asian applicants failed to gain admission to an ABA-accredited school.⁴⁷

F. Building a Pipeline of Minority Candidates

Recognizing the pipeline challenge, some of Michigan’s law schools have taken affirmative steps to increase the pool of minority students who qualify for admission. This report concludes with a brief summary of those initiatives. This information is provided by the law schools. For more information we encourage you to visit each law school’s website and to contact their admissions office.

1. Thomas M. Cooley School of Law

Thomas M. Cooley Law School has many pipeline programs which are inclusive of under-represented groups, as well as programs which are particularly geared to promoting the participation of under-represented groups in activities which enhance diversity and inclusion in the profession of law.

Cooley participates in three programs in particular – Just the Beginning Foundation High School Summer Legal Institute, the ABA Council of Legal Education Opportunity College Prelaw Summer Institute, and the Wolverine Bar Association Judicial Externship Program – which are nationally recognized to connect the high school, college, and law school parts of the pipeline-to-the-profession in a way that holds great promise for increasing the diversity of our profession. These programs directly contribute to the diversity of the profession by inspiring high school, college, and law school students to improve their academic skills and become a part of America’s next generation of lawyers.

The **Just the Beginning Foundation High School Summer Legal Institute** is a week-long discover law program for metropolitan Detroit high school students. This past year, 32 aspiring students from 22 high schools participated in the program, which is free of charge and run by Judge Victoria Roberts and Cooley Auburn Hills Dean John Nussbaumer at the federal courthouse in Detroit. The students learn about the legal system, watch court proceedings, and participate in mock trials, oral arguments, and negotiations. Each student is then matched by Judge Roberts with a lawyer-mentor to work with them during the upcoming school year. Cooley contributes primarily faculty and staff support for this program, which is now in its third year.

The **ABA Council of Legal Education Opportunity College Prelaw Summer Institute** is a month-long intensive academic program held at Cooley Law School’s Auburn Hills campus for students of color, low-income, and otherwise disadvantaged college students. It is designed to increase their LSAT scores and prepare them for the rigors of law school. This

past year 19 students from more than a dozen undergraduate schools participated in the program, which is free of charge and includes approximately 100 hours of law school instruction in five subjects – Logic and Critical Reasoning, Legal Writing, Torts, Trial Advocacy, and LSAT Test Preparation. Cooley contributes primarily faculty and staff support for this program, which is now in its fourth year.

The **Wolverine Bar Association Judicial Externship Program** is a summer-long program that places promising law students in the chambers of U.S. District Court judges and Michigan Supreme Court justices. The students work as legal interns on federal and state court cases pending before these courts. This past year 17 students from Michigan’s law schools and other schools around the country were placed by Judge Roberts with her colleagues. In addition to the invaluable writing skills learned by these students, they are exposed to a wide range of substantive areas, and they form professional relationships with the judges that benefit them in their career development. Cooley faculty and staff help provide the orientation and training for the student externs and Cooley Auburn Hills Dean John Nussbaumer leads the fundraising efforts for the program, which has been in place for more than a decade.

In addition, The Thomas M. Cooley School of Law participates in the following pipeline programs:

- **Professional Exploration Program:** Week-long alternative admission program for applicants who do not meet the qualifying requirements for admission but show strong writing. Students who succeed in the week-long program may enroll in three of the school’s five campuses, and receive academic support services while attending law school.
- **GM Street Law Immersion Program:** Day-long immersion program in Detroit and Pontiac high school classrooms. Students hear panel discussions of law students and attorneys and participate in a negotiation exercise or mock trial. Wayne State, Cooley, and Detroit Mercy all support the Street Law program.

2. University of Detroit Mercy School of Law

The University of Detroit Mercy School of Law participates in the following program:

- **Special Summer Program:** for applicants who are minority, disadvantaged, or disabled and who show promise although they do not meet the minimum standards for admission. The eight-week program includes one doctrinal course and one legal writing course. The students are evaluated on their attendance, class participation, and success in legal skills such as reading and analyzing case law, legal reasoning, and oral and written communication. The program faculty must unanimously agree on their admission to the law school at the end of the program.

3. The University of Michigan Law School

The University of Michigan School of Law participates in the following programs:

- **Dores McCree Day:** Michigan Law's Black Law Student Alliance hosts Dores McCree Day to provide interaction between members of the Michigan Law community and Ann Arbor, Ypsilanti, Detroit and Flint high school students. Visiting high school students receive a law school tour, engage with professors and students, and participate in a mock class.
- **Future Advocates in Training (FAIT):** FAIT was developed as a volunteer outreach program that seeks, through the development of mock trial teams, to (1) improve high school students' reading, writing, and critical thinking skills; and (2) increase law student participation in surrounding communities through youth mentorship.

4. Michigan State University College of Law

The Michigan State University College of Law participates in the following programs:

- **Legal Education Opportunity Program:** The Legal Education Opportunity (LEO) Program at Michigan State University College of Law is an intensive six-week program that develops and assesses fundamental skills for law school that is now in its 8th year of existence. Designed with our over 100 year open admissions policy of seeking to have diverse class of students regardless of race, gender or national origin, this program has matriculated trailblazers in the 21st Legal Profession.

Individuals selected to participate in the LEO Program are considered to have the potential for academic success, despite less-competitive performance on the traditional admissions indicators (Law School Admission Test scores and undergraduate record). LEO students who demonstrate their academic potential through successful completion of the program benefit from the one-on-one guidance and feedback they receive, in addition to the opportunity to gain admission into the fall incoming class.

LEO Program participants enroll in two non-credit doctrinal courses, a Legal Research and Writing course, an Academic Skills course, and a Writing Workshop. These courses are taught by full-time faculty members who provide participants with intensive instruction and feedback. Enrollment in the LEO Program is limited to a maximum of 30 students each year, thereby ensuring that all participants receive intensive skills training and the opportunity to demonstrate their potential for success in law school. MSU Law commits significant resources to the LEO Program with the expectation that most participants will join the first-year class. Since its establishment in 2005, 75 percent of students who completed the LEO Program were offered admission to the Law College. More than 95 percent of LEO Program students who entered MSU Law achieved satisfactory academic standing at the end of their 1L year.

- **Street Law:** The Street Law program serves as a bridge between MSU Law and the greater Lansing community and includes service to a diverse population traditionally underrepresented in the legal profession. The program aligns with the Law College mission statement, in that the program “teaches and reinforces the ethical core of good lawyering, the values of professionalism and service, the art of client representation ... and the understanding of legal principles, private rights, and public policy.” The Street Law course addresses all of these aspects of this legal education framework. Each spring, 12 law students teach basic first-amendment legal principles to Lansing-Area high school students.

- **First Amendment Law Clinic:** The First Amendment Law Clinic provides education and advice to Michigan urban high school journalism students, Lansing, Detroit, Flint and some rural areas, on censorship and privacy issues, as well as copyright and libel matters involving Facebook and Internet postings. Clinicians also provide pro bono legal representation to high school and community college journalists whose free speech rights are challenged.

- **Diversity Services Office (DSO):** LSAC Discoverlaw.Org Programs: Due to the generous support of grant funding from the Law School Admissions Council, MSU Law hosts high school students from urban high schools in the Lansing, Detroit and Grand Rapids Area each year. Participants spend one full day at MSU Law learning about the law school admissions process, mock classes and moot court and motivational presentations from faculty, staff and current law students.
 - **Outreach Programs:** DSO collaborates with K-12 schools and access colleges/universities to provide them with programing, law college visits and both in-kind and financial sponsorships.

 - **Community Organizations:** Several years ago, the DSO began serving as a presenter, program host and financial supporter of several of the Lansing Area community organizations that have a mission of promoting higher education to under-represented populations.

 - **College Collaborations:** Many of the MSU and MSU Law programs have an outreach component to the community and in particular those who have been disenfranchised in the legal system. Frequently, there is an opportunity include in another programming theme of obtaining a legal education to these populations, the DSO presents on the law school admissions process and the legal pipeline resources.

- **Indigenous Law and Policy Center (ILPC):** Pre-Law Summer Institute for American Indians and Alaskan Natives: Housed at the American Indian Law Center at the University of New Mexico School of Law, the MSU Law ILPC has served a central support (teaching and fiscal) for this program that is designed to introduce and prepare program participants to the academic rigors of law school.

- **Indigenous Youth Empowerment Program:** This program is focused on enriching the lives of Lansing-Area urban Native American youth, K-12, through developing their sense of community, culture, and health (mental and physical) resulting in potential improvements in their academics. ILPC students serve as mentors to these youth; and, ILPC provides fiscal support to ensure this programs vitality for years to come.
- **Michigan Indian Education Council:** Yearly, ILPC hosts panels and workshops to tribal education leaders around the state of Michigan on a variety of topics which include law school and the legal profession as a career for Native Americans.

5. Wayne State University Law School

The Wayne State University Law School participates in the following programs:

- **LSAC Discover Law Days:** An annual educational program aimed at both high school and community college students. Students participate in mock law school classes and mock trials, a negotiation exercise, and attend presentations on preparing for college and law school.
- **GM Street Law Immersion Program:** A day-long immersion program in Detroit and Pontiac high school classrooms. Students hear panel discussions of law students and attorneys and participate in a negotiation exercise or mock trial. Wayne State, Cooley, and Detroit Mercy all support the Street Law program.
- **Law and (Dis)order (part of Coleman Young Foundation Real Skills Program):** Part of a larger 10-week program to encourage high school graduation and college access for low-income or disadvantaged children.
- **College Jumpstart Program:** A portion of an annual summer program meant to introduce eighth and ninth graders to the college experience. The school's admissions office teaches a law and leadership class that includes a mock trial.
- **Wolverine Bar Association Minority Bar Passage Program:** A seven-week bar passage course for recent law graduates that focuses on the essay portion of the bar exam, general test-taking skills, and time and stress management techniques. Students meet weekly and participate in lectures and mock exams.

ENDNOTES:

¹ *ABA-LSAC Official Guide to ABA-Approved Law Schools Archives (2006–2009)*, LAW SCHOOL ADMISSION COUNCIL, <http://www.lsac.org/lisacresources/publications/official-guide-archives-2.asp> (last visited June 12, 2013); *ABA-LSAC Official Guide to ABA-Approved Law Schools Archives (2010–2013)*, LAW SCHOOL ADMISSION COUNCIL, <http://www.lsac.org/lisacresources/publications/official-guide-archives.asp> (last visited June 12, 2013).

² Michigan's public law schools have been constrained in their ability to admit a diverse student body by an Amendment to the Michigan Constitution that was adopted by referendum (Proposal 2) in November 2006. That amendment reads: "The University of Michigan, Michigan State University, Wayne State University, and any other public college or university, community college, or school district shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting." Mich. Const. art. I, §26(1).

³ UNITED STATES CENSUS BUREAU STATE AND COUNTRY QUICKFACTS, <http://quickfacts.census.gov/qfd/states/26000.html> (last visited June 12, 2013).

⁴ *Id.*

⁵ *Id.*

⁶ ABA-LSAC OFFICIAL GUIDE TO ABA-APPROVED LAW SCHOOLS, at i (2013), *available at* http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/2013_official_guide_aba_approved_schools.authcheckdam.pdf.

⁷ UNITED STATES CENSUS BUREAU STATE AND COUNTRY QUICKFACTS, <http://quickfacts.census.gov/qfd/states/26000.html> (last visited June 12, 2013).

⁸ *Id.*

⁹ *See Law School Applications Take a Dip, U.S. News & World Report*, <http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2011/03/18/law-school-applications-take-a-dip> (last visited September 12, 2013).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Sarah E. Redfield, *The Educational Pipeline to Law School-Too Broken and Too Narrow to Provide Diversity*, 8 PIERCE L REV 347, 350 n 21 (2010).0

¹⁴ *See* Sarah E. Redfield, *The Educational Pipeline to Law School-Too Broken and Too Narrow to Provide Diversity*, 8 PIERCE L REV 347, 362-363 (2010).

¹⁵ National Center for Education Statistics, Digest of Education Statistics, Table 149: Average mathematics scale score of 4th- and 8th- grade public school students and percentage attaining mathematics achievement levels, by race/ethnicity and jurisdiction or specific urban district: 2007, 2009, and 2011 (2011), *available at* http://nces.ed.gov/programs/digest/d11/tables/dt11_149.asp. The National Assessment for Educational Progress math scale measures mathematics skills by how well children can perform a variety of tasks, such as determining a probability or plotting points on a grid. *See* NATIONAL CENTER FOR EDUCATION STATISTICS, *NAEP Item Map: Mathematics, Grade 4, 2011*, *available at* <http://nces.ed.gov/nationsreportcard/itemmaps/?subj=Mathematics&year=2011&grade=4>.

¹⁶ *Id.*

¹⁷ *See* NATIONAL CENTER FOR EDUCATION STATISTICS, *NAEP Item Map: Mathematics, Grade 4, 2011*, *available at* <http://nces.ed.gov/nationsreportcard/itemmaps/?subj=Mathematics&year=2011&grade=4>.

¹⁸ *Id.*

¹⁹ *See* National Center for Education Statistics, Digest of Education Statistics, Table 149: Average mathematics scale score of 4th- and 8th- grade public school students and percentage attaining mathematics achievement levels, by race/ethnicity and jurisdiction or specific urban district: 2007, 2009, and 2011 (2011), *available at* http://nces.ed.gov/programs/digest/d11/tables/dt11_149.asp.

²⁰ *See* NATIONAL CENTER FOR EDUCATION STATISTICS, *NAEP Item Map: Mathematics, Grade 4, 2011*, *available at* <http://nces.ed.gov/nationsreportcard/itemmaps/?subj=Mathematics&year=2011&grade=4>.

²¹ *Id.*

²² National Center for Education Statistics, Digest of Education Statistics, Table 126: Average reading scale score and standard deviation, by sex, race/ethnicity, percentile, and grade: Selected years, 1992 through 2011 (2011), *available at* http://nces.ed.gov/programs/digest/d11/tables/dt11_126.asp.

²³ *Id.*

²⁴ *See* NATIONAL CENTER FOR EDUCATION STATISTICS, *NAEP Reading Item Map: Reading, Grade 4, 2011*, *available at* <http://nces.ed.gov/nationsreportcard/itemmaps/?subj=Reading&grade=4>.

²⁵ National Center for Education Statistics, Digest of Education Statistics, Table 126: Average reading scale score and standard deviation, by sex, race/ethnicity, percentile, and grade: Selected years, 1992 through 2011 (2011), *available at* http://nces.ed.gov/programs/digest/d11/tables/dt11_126.asp.

-
- ²⁶ See NATIONAL CENTER FOR EDUCATION STATISTICS, *NAEP Reading Item Map: Reading, Grade 4*, 2011, available at <http://nces.ed.gov/nationsreportcard/itemmaps/?subj=Reading&grade=4>.
- ²⁷ *Id.*
- ²⁸ Sarah E. Redfield, *The Educational Pipeline to Law School-Too Broken and Too Narrow to Provide Diversity*, 8 PIERCE L REV 347, 362-363 (2010).
- ²⁹ *Id.* at 371.
- ³⁰ National Center for Education Statistics, Public School Graduates and Dropouts from the Common Core of Data: School Year 2009-2010, Table 2, Public high school number of graduates and Averaged Freshman Graduation Rate (AFGR), by race/ethnicity and state or jurisdiction: School year 2009-2010 (2010), available at http://nces.ed.gov/pubs2013/2013309/tables/table_02.asp.
- ³¹ *Id.*
- ³² National Center for Education Statistics, Digest of Education Statistics, SAT mean scores of college-bound seniors, by race/ethnicity: Selected years, 1986-87 through 2010-2011 (2011), available at http://nces.ed.gov/programs/digest/d11/tables/dt11_153.asp.
- ³³ *Id.*
- ³⁴ *Id.*
- ³⁵ *Id.*
- ³⁶ *Id.*
- ³⁷ National Center for Education Statistics, Digest of Education Statistics, ACT score averages and standard deviations, by sex and race/ethnicity, and percentage of ACT test takers, by selected composite score ranges and planned fields of study: Selected years, 1995 through 2011 (2011), available at http://nces.ed.gov/programs/digest/d11/tables/dt11_157.asp.
- ³⁸ *Id.*
- ³⁹ *Graduating Hispanic Students, Graduating African-American Students.*
- ⁴⁰ Mamie Lynch and Jennifer Engle, *Big Gaps, Small Gaps: Some Colleges and Universities Do Better Than Others in Graduating Hispanic Students*, THE EDUCATION TRUST, (2010), available at <http://www.edtrust.org/dc/publication/big-gaps-small-gaps-in-serving-hispanic-students> [*hereinafter Graduating Hispanic Students*]; Mamie Lynch and Jennifer Engle, *Big Gaps, Small Gaps: Some Colleges and Universities Do Better Than Others in Graduating African-American Students*, The Education Trust, (2010), <http://www.edtrust.org/sites/edtrust.org/files/publications/files/CRO%20Brief-AfricanAmerican.pdf> [*hereinafter Graduating African-American Students*].
- ⁴¹ *Graduating African-American Students.*
- ⁴² *Graduating Hispanic Students.*
- ⁴³ National Center for Education Statistics, Profile of 2007-2008 first-time bachelor's degree recipients in 2009 (2012), available at <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2013150>.
- ⁴⁴ Susan P. Dalessandro, Lisa C. Anthony, and Lynda M. Reese, LSAT Performance With Regional, Gender, and Racial/Ethnic Breakdowns: 2005-2006 Through 2011-2012 Testing Years at 20 (2012), available at <http://www.lsac.org/lisacresources/research/tr/pdf/tr-12-03.pdf>.
- ⁴⁵ *Id.*
- ⁴⁶ See LSAC Volume Summary: Admitted Applicants by Ethnic and Gender Group, available at <http://www.lsac.org/lisacresources/data/vs-ethnic-gender-admits.asp>.
- ⁴⁷ *Id.*