Expanding Latino Participation in the Legal Profession: Strategies for Increasing Latino Law School Enrollments

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William Malpica and Mauricio A. España

Abstract

This Essay explores how Latinos have fared in the law school admissions process – a hurdle that the group has yet to overcome – and evaluates current efforts to bolster Latino enrollment. It examines the underlying conditions that contribute to low Latino enrollment in law schools by revealing the primary obstacles to Latino admission: the limited pool of eligible Latino college graduates and current law school admissions policies that emphasize Law School Admission Test scores and grade point averages. This Essay review a sampling of responses to low Latino law school enrollment and concludes that the most effective strategies for increasing Latino law school enrollments are those that specifically aim to expand the pool of Latino applicants. Finally, this Essay describes a new effort initiated by the Author to address the problem of low Latino representation in law school.

KEYWORDS: Latino, law school, admissions, enrollment
EXPANDING LATINO PARTICIPATION IN THE LEGAL PROFESSION: STRATEGIES FOR INCREASING LATINO LAW SCHOOL ENROLLMENTS

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INTRODUCTION

Increasing minority representation in the legal profession has concerned the bar since the civil rights movement. Yet the numbers remain appallingly low. In 1999, William G. Paul, the former President of the American Bar Association, noted that while thirty percent of Americans were members of racial or ethnic minorities, a full ninety-two percent of the nation's lawyers were white. He predicted that, if current trends continue, the legal profession's ethnic mix would fall even further behind in the next fifty years. Three years later, the gap has already widened. Minorities now

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** J.D. candidate, Fordham University School of Law, 2003; Associate, Mayer, Brown, Rowe & Maw (as of September 2003). I would like to thank everyone who supported and encouraged me as I strived to carry on my endeavors. I would like to express special gratitude to Sylvia Mamani, my mother, father, and family for their unending support, tolerance, and understanding.


constitute twenty-five percent of the total population, yet they make up only 7.5 percent of entire legal profession. Even several Presidents of the United States have weighed in on the need for diversity. As far back as 1963, President John F. Kennedy summoned the nation's lawyers to combat racism and increase diversity. In 1996, President William J. Clinton created an Advisory Commission on Educational Excellence for Hispanic Americans that "[called] upon the nation to improve education for Hispanic Americans." In 1999, President Clinton called upon the nation's lawyers to help America's poor and minorities share in modern American prosperity and urged the legal profession to take steps to diversify the profession.

Latino representation is particularly alarming. Although Latinos constitute 12.5 percent of the American population, and have become the largest minority group in the United States, they represent only 2.2 percent of the nation's lawyers. Moreover, Latino representation is, in fact, decreasing. In 1998, while Latinos comprised 11.7 percent of the total population, they represented 2.49 percent of the nation's lawyers. The number of Latinos enrolled in the first year of law school—the focus of this Essay—has risen steadily since the 1960s, but remains dismal. The number of Latino first-year law students as a proportion of the total first-year population went from 1.1 percent in 1969-70, to roughly three percent.

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5. Id. at 1.


7. Clinton Issues Call To Nation's Lawyers, 222 N.Y. L.J., July 21, 1999, at 2. In response to the President's call, a number of proposals have surfaced. ABA Head, supra note 2, at 2. The ABA plans to create a scholarship fund to help more racial and ethnic minorities go to law school. Id. More than $300,000 has been pledged to the fund, which the group hopes will reach $1 million during the first year. Id. The ABA will also organize a group of law school deans to examine diversity in law schools by looking at admission tests. Id.


during the 1980s. Currently, Latinos make up approximately 5.8 percent of all students in American Bar Association ("ABA") accredited law schools and 8.4 percent of total law school applicants.

The benefits of increased participation in the legal profession are undisputed. A lack of lawyers limits the group’s ability to advocate for its interests, and otherwise denies that group full political power. Additionally, cultural and linguistic barriers often inhibit Latinos from consulting non-Latino lawyers, limiting access to vital legal services and, to the extent Latino entrepreneurs fail to seek services, limiting the community’s economic growth. In addition, a legal career is generally a ticket out of the lower class. As such, a law school education can be a tool for socioeconomic change.

An increase in the number of Latino lawyers can have a multiplier effect, enhancing upward mobility for Latinos generally by exposing more Latino children to professional role models.

Participation in the legal profession as an attorney is ultimately dependent upon admission to the bar. Before crossing that finish line, future lawyers must overcome a series of hurdles including law school admission, retention, graduation, and bar passage. In addition, true participation in the profession requires gainful employment as an attorney.

This Essay explores how Latinos have fared in the law school admissions process—a hurdle that the group has yet to overcome—and evaluates current efforts to bolster Latino enrollment. Part I


12. Report to Increase Diversity, supra note 4, at 51. It is fair to mention that Latinos’ enrollment rate has increased since 1990. Compare J.D. Degrees 1984-2001, supra note 1, with AM. BAR ASS’N, MINORITY ENROLLMENT 1971-2001 (2002), at http://www.abanet.org/legaled/statistics/minstats.html (last visited May 15, 2003). This increase, however, is not significant when considering that since that time Latinos have become the largest minority. Census, Hispanic Population, supra note 3, at 1.

13. For example, in addition to being a prerequisite for judicial appointments, a law degree is a common background for election to legislative office. Mary Kay Lundwall, Increasing Diversity In Law Schools And The Legal Profession: A New Approach, 14 CHICANO-LATINO L. REV. 147, 148 (1994). Government administrative and regulatory agencies are also staffed with decision makers that often are law school graduates. Id.

14. Id. at 148.


16. Id.

17. Holley & Kleven, supra note 11, at 304-05.

18. Report to Increase Diversity, supra note 4, at 49.
examines the underlying conditions that contribute to low Latino enrollment in law schools. This Section reveals the primary obstacles to Latino admissions: the limited pool of eligible Latino college graduates and current law school admissions policies that emphasize Law School Admission Test ("LSAT") scores and grade point averages.

Part II reviews a sampling of responses to low Latino law school enrollment and concludes that the most effective strategies for increasing Latino law school enrollments are those that specifically aim to expand the pool of Latino applicants. To do so, potential law students must be identified early in their academic careers and armed with the tools to help them graduate high school and college with adequate credentials to gain admission to law school. In addition, interested parties must actively lobby law schools to rework the traditional admissions criteria.

Finally, Part III describes a new effort initiated by the Author to address the problem in light of the recommendations contained in this Essay.

I. OBSTACLES TO PARTICIPATION

A. Low High School and College Attainment Rates Limit the Pool of Eligible Candidates

"A college degree is virtually a universal prerequisite now to entry into all ABA accredited law schools." Accordingly, the first obstacle to overcome in increasing Latino law school enrollment is to expand the relatively small pool of Latino college graduates. In 1994, a study by Professor Michael A. Olivas provided a detailed analysis of the shortage of Latinos in the legal community and demonstrated that, despite an increasing Latino population, high school and college completion rates had declined. Unfortunately, this trend continues to progress with Latinos entering college at higher rates, but graduating in relatively very small numbers.

19. The list of described programs is not intended to be an inventory of all such programs in existence; rather, it presents a survey of representative programs, particularly those described in articles published in law journals and legal periodicals.


Although high school graduation rates for Latinos have gone through significant changes in the last two decades, they remain significantly low.\textsuperscript{23} Between 1985 to 1998, the high school graduation rate for Latinos dropped from 62.9 percent to approximately fifty-four percent.\textsuperscript{24} According to the most recent statistics, however, the graduation rate of Latinos had risen to 64.1 percent by the year 2000.\textsuperscript{25} Nevertheless, Latinos’ graduation rates are disproportionately low when compared to performance by other groups.\textsuperscript{26} The comparable rates for whites were 83.6 percent in 1985, 82.5 percent in 1990, and 82.4 percent in 2000.\textsuperscript{27} The rates for African-Americans were 75.6 percent in 1985, seventy-seven percent in 1990, and seventy-seven percent in 2000.\textsuperscript{28} While only a small fraction of white adults (4.7 percent) have fewer than nine years of schooling today, a full 48.9 percent of adult Latinos have failed to reach even this minimal level.\textsuperscript{29}

Even among those who graduate from high school, Latinos attend college at lower rates.\textsuperscript{30} In 1990, twenty-nine percent of La-

\begin{itemize}
  \item \textsuperscript{23} See infra notes 24-29 and accompanying text.
  \item \textsuperscript{24} JAY P. GREENE, BLACK ALLIANCE FOR EDUC. OPTIONS, HIGH SCHOOL GRADUATION RATES IN THE UNITED STATES 3 (2002), available at http://www.manhattan-institute.org/cr_baeo.pdf (last visited May 15, 2003); Fry, supra note 21, at 119.
  \item \textsuperscript{26} See infra notes 27-29 and accompanying text.
  \item \textsuperscript{28} Id. at A-25.
\end{itemize}
tino high school graduates went to college—a decrease from the 1980 level of 29.8 percent. Yet in 1990, 39.4 percent of white graduates attended college, up from 31.8 percent in 1980. As of the year 2000, the statistics have relatively improved. In 2000, 36.5 percent of Latino high school graduates attended college, a significant increase from the 1990 percentage. Even this improved rate, however, remains low compared to 43.2 percent of white graduates. Thus, while total Latino college enrollments have increased significantly, from 443,000 to 1,232,000 in the years between 1980 and 2000, their numbers as a percentage of total college enrollments only increased from 4.3 percent to 9.6 percent. The impact of this increase is lessened when considered alongside several factors. First, between 1990 and 2000, the Latino population increased by a staggering 57.9 percent. Second, Latinos attend two-year and community colleges and enroll in college as part-time students at a greater rate than any other comparable group. Third, although Latinos are entering college in higher numbers, their graduation rates remain very low.

Naturally, to the extent that Latinos obtain college degrees in lower numbers, it is expected to find fewer Latinos in law school. Latinos comprise about 12.5 percent of the populace, yet consti-
tute only about one percent of all college graduates.\textsuperscript{41} Comparing Latino college graduates with the proportion of Latinos in the population illustrates the primary—if not the single greatest—obstacle to law school admission, that there is a significantly sparse number of Latinos who are even eligible to apply to law school.\textsuperscript{42}

B. Law School Admissions Policies Emphasize Certain Predictive Criteria that Exacerbate the Problem

The disproportionately low college graduation rate among Latinos is not the only obstacle to law school enrollment. The criteria currently used by law school admissions officers represents another major hurdle for Latino representation.\textsuperscript{43} Although Latinos apply to law school in proportionately greater numbers than other groups,\textsuperscript{44} law schools admit them at a lower rate due to these policies.\textsuperscript{45} Professors Holley and Kleven concluded that “the admission[s] process operates to screen out [Latinos] at disproportionately high rates.”\textsuperscript{46} Whether or not these disparities reveal an inherent unfairness, they support the call for more careful scrutiny of those criteria.\textsuperscript{47}

1. The Admissions Criteria

Most law schools improperly rely primarily on the Law School Admission Test and undergraduate grade point average (“UGPA”)

\begin{itemize}
\item \textsuperscript{41} \textit{Census, Educational Attainment}, \textit{supra} note 29, at 1, 13.
\item \textsuperscript{42} See Holley & Kleven, \textit{supra} note 11, at 306-07 (noting the small number of college graduates in the Latino community).
\item \textsuperscript{43} At least one commentator has found that the primary reason for this under-representation in law schools is attributable to current admission practices, and particularly to the heavy emphasis on the LSAT. \textit{E.g.}, Eulius Simien, \textit{The Law School Admission Test as a Barrier to Almost Twenty Years of Affirmative Action}, 12 T. Marshall L. Rev. 359, 370-71 (1987) (discussing affirmative action’s accomplishments and downfalls in the last fifteen to twenty years).
\item \textsuperscript{44} See Holley & Kleven, \textit{supra} note 11, at 307-08. From 1995 to 2000, Latinos’ application rate went from 5,761—7.5 percent of the total applicants, to 6,219—8.3 percent of total applicants, while Latinos account for 12.5 percent of the population. \textit{Report to Increase Diversity}, \textit{supra} note 4, at 68.
\item \textsuperscript{46} Holley & Kleven, \textit{supra} note 11, at 308.
\item \textsuperscript{47} Holley and Kleven assert that the numbers “demand[ ] a closer look than the legal hierarchy has given it. Such disparities raise a suspicion of unfairness and is a barrier directly within the control of the legal profession.” \textit{Id.} at 309.
\end{itemize}
to make admissions decisions. Admissions officers have grown more dependent on these measures, especially the LSAT, as a result of the steep rise in law school applications. The LSAT, which was originally used to merely exclude those who were thought incapable of the rigors of law school and, therefore, a tool for reducing first year attrition, is now used to choose among those who are considered capable. Regrettably, most schools have instituted a policy of automatically rejecting students whose scores fall below a predetermined cut-off. Under these circumstances, law school admissions officers, not bar examiners, control the selection of future lawyers.

2. Questioning the Validity of These Criteria

The traditional admissions criteria have been criticized as poor predictors of minority success in law school. Arguing that the measures are racially biased, some critics point to evidence that, even if the LSAT and UGPA are predictive of both first year

48. Susan E. Brown & Eduardo Marenco, Jr., Law School Admissions Study 15-25 (1980) (discussing the LSAT's original intended purpose and how it is misused by law schools by relying too heavily on it for admission's purposes); Lani Guinier, From the Lessons of Admitting Students of Color, Law Schools Can Learn How to Fix the Rules for Everyone, Legal Times, Sept. 16, 2002, at 58 (discussing law schools obsessive use of LSAT scores as a primary admission tool); Holley & Kleven, supra note 11, at 308-09; Kate Schott, Officials Debate Withholding LSAT Scores, Chi. Daily L. Bull., Jan. 17, 2003, at 3 (discussing the LSAC’s initiative to withhold LSAT scores from law schools that use the scores improperly by basing admission almost solely on them); Simien, supra note 43, at 371; Interview with Gloria Rivera, Assistant Dean of Admissions, St. John’s University School of Law, in New York, N.Y. (Feb. 6, 2003).

49. See Brown & Marenco, supra note 48, at 16 (discussing the LSAT’s development); Simien, supra note 43, at 373.

50. Brown & Marenco, supra note 48, at 16. Originally, the LSAT was an effective predictor of students who would do better first year. Id. This use, however, was effective until the 1960s when applications were not high. Id. In 1973, for the first time in history, “every accredited law school denied admission to applicants who it considered qualified for the practice of law.” Simien, supra note 43, at 374.


52. Simien, supra note 43, at 371 (citing former ABA President Chesterfield Smith).

53. Michael A. Olivas, Higher Education Admissions and the Search for One Important Thing, 21 U. Ark. Little Rock L. Rev. 993, 997 (1999) (discussing a study of admission criteria and asserting that the LSAT is a not an effective indicator of law school success); Cathaleen A. Roach, A River Runs Through It: Tapping Into the Informational Stream to Move Students from Isolation to Autonomy, 36 Ariz. L. Rev. 665, 676-77 (1994) (stating that “traditional index numbers” such as the UGPA and LSAT cannot be credible indicators of law school success unless they are considered in connection with student’s propensity for isolation).
grades and overall performance in law school, they fail to account for the fact that Latinos and other minorities, as a group, experience a greater improvement in their grades during the course of law school as compared to white students.\textsuperscript{54} Such improvement by Latinos during the second and third years in law school reveals that the traditional criteria actually underpredict Latino students' performance in law school overall.\textsuperscript{55} Instead, Latino performance is ultimately best weighed by law school graduation and bar passage, rather than performance during first year alone.

Even the use of graduation rates to assess the predictive value of the LSAT and UGPA is misplaced to the extent that they compare the law school graduation rates of minority students to those of white students.\textsuperscript{56} Although white and minority students with high scores may graduate in comparably high numbers,\textsuperscript{57} many of the minorities who fail to graduate do so for reasons that the admissions criteria cannot measure or even take into account, such as financial troubles or a greater difficulty in adjusting to the non-academic elements of the law school environment.\textsuperscript{58} The Council on Legal Educational Opportunity ("CLEO") Program's success illustrates this point.\textsuperscript{59} CLEO reports that over seventy percent of the students, all of whom had scores substantially lower than the general law school population, who participated in their program between 1968 and 1979 had graduated by 1979.\textsuperscript{60}

Some commentators have concluded that, of the two measurements, the LSAT has a far greater negative impact on Latino admissions.\textsuperscript{61} Professors Holley and Kleven found that, compared to

\textsuperscript{54} Guinier, supra note 48, at 59 (stating that Latino students tend to excel in certain key areas, such as leadership, professional success, and contribution to the community); Holley & Kleven, supra note 11, at 315; Donald Powers, Differential Trends in Law Grades of Minority and Nonminority Law Students, 76 J. EDUC. PSYCHOL. 488, 490-91, 498-99 (1984) ("[T]he differential improvements of minority students [by the end of their studies] would seem to provide further justification for admitting minority and other disadvantaged students with lower admission credentials.").

\textsuperscript{55} Holley & Kleven, supra note 11, at 316.

\textsuperscript{56} Id. at 315.

\textsuperscript{57} Id.

\textsuperscript{58} Andrea A. Curcio, A Better Bar: Why and How the Existing Bar Exam Should Change, 81 NEB. L. REV. 363, 391-92 (2002). Professor Curcio goes further and asserts that Latinos' lower bar passage rate can also be explained by the fact that the bar is very similar to the LSAT and, thus, she advocates a reform of the bar exam. Id. at 391-93; Holley & Kleven, supra note 11, at 315; Roach, supra note 53, at 675-76.

\textsuperscript{59} See infra Part II.C.2.a, for a discussion of CLEO.

\textsuperscript{60} Simien, supra note 43, at 384.

\textsuperscript{61} BROWN & MARENCO, supra note 48, at 18; see Guinier, supra note 48, at 59; William C. Kidder, Comment, Does the LSAT Mirror or Magnify Racial and Ethnic
the exclusive use of the LSAT, Latino enrollments would double if admissions were based instead on the exclusive use of UGPA.\textsuperscript{62} In other words, "[r]egardless of how well students do in college, poor scores on the LSAT" may deny them access to the legal profession.\textsuperscript{63}

The company that administers the LSAT, the Law School Admission Council ("LSAC"), and many schools that primarily rely on the LSAT for admission, maintain that the test is not biased in favor of white test takers and, instead, is a good predictor of law school success.\textsuperscript{64} Their conclusions have been hotly contested.\textsuperscript{65} Critics note that the subject matter of LSAT questions, like those of standardized tests generally, contain inherent cultural biases in favor of majority test takers.\textsuperscript{66}

There is also evidence that the LSAT favors wealthy test takers.\textsuperscript{67} At least one study has demonstrated that "not only do the wealthy do better than the poor on the LSAT, but the wealthy also do better than the middle class on the test."\textsuperscript{68} If the LSAT was, in fact, biased against poorer students, Latinos would be among the


\textsuperscript{62} Using data compiled in a 1976 study, Holley and Kleven found that, for the population sampled, if LSAT scores were used exclusively to determine admission (and all applicants scoring 550 in old system were admitted), only 0.4 percent of the total admittees would have been Latino. If the decisions had been based solely on UGPA (and all applicants scoring 3.00 were admitted), however, Latino admission rates would increase substantially to a full one percent. Holley & Kleven, supra note 11, at 310.

\textsuperscript{63} Simien, supra note 43, at 371; see Kidder, supra note 61, at 1073-75 (providing an analysis of LSAT score discrepancies between white and minority students of similar academic backgrounds).

\textsuperscript{64} LSAC conducted a study in 1980 to verify the predictive capabilities of the LSAT and to respond to charges that the LSAT was racially biased. Simien, supra note 43, at 382. The study concluded that there was no "significant difference in the correlation of the LSAT scores and first year averages of white and minority candidates." Id. Ed Haggerty, spokesman for the Law School Admission Council, and Dean David E. Van Zandt, Dean of Northwestern University School of Law, explicitly stated that the LSAT scores were designed and are used to predict first year grades and that it is a vital step in their admission process. Schott, supra note 48, at 3.

\textsuperscript{65} Simien, supra note 43, at 382.

\textsuperscript{66} Kidder, supra note 61, at 1080-94, 1119-20; Simien, supra note 43, at 382.


\textsuperscript{68} Simien, supra note 43, at 375.
most affected. According to the most recent data from the United States Census Bureau, although Latinos represent 12.5 percent of the total population, they comprise 21.4 percent of the poor.69 Additionally, critics note that LSAT scores may be affected by test coaching, which is expensive or otherwise unavailable to lower income students.70

Moreover, critics contend that even if the LSAT is not biased against Latinos and other minorities, it is a weak predictor of law school success in general for white students and non-white alike.71 “Nationwide the LSAT is [nine] percent better than random [selection] in predicting first-year law school grades, and this is what the test is [supposed to be] best at predicting.”72 Essentially, the LSAT gauges an individual’s intellectual qualities, such as analyzing and manipulating abstract legal concepts.73 One expert test taker noted that the LSAT merely measures how well a student takes the LSAT—and little else and that, in fact, it “fails to admit the best students.”74

There is even evidence that the LSAT correlates negatively with many of the attributes of an effective lawyer. Many commentators claim that the criteria not only “bear no meaningful relationship

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70. Simien, supra note 43, at 383; Wong, supra note 67, at 232-34.
71. Holley & Kleven, supra note 11, at 315-17 (discussing a 1981 Columbia Law School study showing a significantly lower correlation between “LSAT scores and law school grades for whites and minorities separately than for the sample group as a whole.”).
73. Simien, supra note 43, at 384.
74. Kevin McMullin, Building a Better Legal Population; Schools Shouldn’t Rely so Heavily on Test Scores in Admissions, TEX. LAW., Nov. 23, 1998, at 22. Kevin McMullin has been an instructor for The Princeton Review, a New York based test-training company, since 1993 and is currently director of their public relations. Id. Mr. McMullin has publicly expressed his concerns over the unreasonable emphasis placed on the LSAT:

Imagine a student who dedicated years of study to challenging undergraduate courses. She could spark intelligent discussion in the classroom. She could be the kind of leader on her campus who motivates other students around her to excel. She could volunteer in the community, perhaps interning at a firm that offers free legal aid to recent immigrants. Her letters of recommendation could be shining, her academic record impeccable and her yearning to bring her passion to law school unwavering. Most people would agree that she would make a welcome addition to any law school.

But if she doesn’t fill in enough bubbles correctly during the LSAT, her chances of admission change dramatically.

Id.
to intellectual merit," but also "may [in fact] be inversely related to important nonintellectual traits which are also necessary for competent performance in the law." The critics claim that Latinos and other minorities who enter the profession outperform their white counterparts on the basis of factors that are central to the legal profession, such as leadership, professional success, public interest, and contribution to the community.

Whether or not the LSAT and the UGPA are adequate indicators of the capacity to succeed in law school or not, the effect that these admissions practices have had on Latino applicants is inescapable. Part II surveys several responses to the problem.

II. RESPONDING TO THE PROBLEM

A. Lobby for the Continuance of Threatened Affirmative Action Policies

With the struggle for civil rights as a backdrop, many schools in the late 1960s attempted to increase minority enrollment; unfortunately, they found that the existing criteria posed a significant obstacle to admittance for many minority candidates. In response, some schools initiated affirmative action programs to set aside a specified number of seats for minority students. Attacked as "reverse discrimination," these policies sparked immediate debate over their constitutionality. The debate reached the United States Supreme Court in 1978. In Regents of the University of California v. Bakke, the Court held that strict racial quotas for professional school admissions were unconstitutional. The Court,


76. Guinier, supra note 48, at 59.

77. Lundwall, supra note 13, at 149; see supra Part I.B.

78. Id. at 149-52.

79. "Reverse discrimination" is commonly used to refer to an alleged "[t]ype of discrimination in which majority groups are purportedly discriminated against in favor of minority groups, usually via affirmative action programs." BLACK'S LAW DICTIONARY 1319 (6th ed. 1990). This claim has been primarily used by white applicants who were denied admission to programs because they did not meet the qualifying standards. E.g., Regents of the Univ. of Cal. v. Bakke, 438 U.S. 265, 289-90 (1978) (holding the use of quotas based on race as unconstitutional).

80. Lundwall, supra note 13, at 149.

81. Bakke, 438 U.S. at 265.

82. Id.

83. Id. at 289.
however, upheld the use of race as one element in a range of factors a university may consider in attaining the goal of a diverse student body.84

Recently, even this limited use of race in the admissions process has come under attack. In 1995, the Regents of the University of California voted to end affirmative action programs at all University of California campuses.85 Soon thereafter, in 1996, the United States Court of Appeals for the Fifth Circuit, in *Hopwood v. Texas*, prohibited the use of racial preferences by public schools in Texas.86 That same year, a California ballot initiative, Proposition 209, banned the use of race as a factor in admissions to colleges and graduate schools in that state.87 The Supreme Court refused to block or hear a challenge to Proposition 209.88 Due to these developments, local schools reported drastic reductions in minority enrollment.89

For instance, at the University of California at Berkeley School of Law, the number of African-American students admitted fell from seventy-five in 1996 to fifteen in 1997.90 At the University of Texas School of Law that same year, the number fell from sixty-five to eleven.91 The Center for Individual Rights, the organization that represented the plaintiffs in *Hopwood*, struck again in 1997 by filing federal suits against the University of Washington School of Law, and the University of Michigan, and its corresponding law school.92 In Washington, citizens followed suit by passing Initiative 200, which banned affirmative action for higher education, public contracting, and hiring.93 In contrast, the United States Court of

84. *Id.* at 314.
85. Lucy Hodges, *Not Simply a Black and White Issue; There is Nothing Wrong with an Admissions Policy that Favours Minorities if it is Properly Targeted, Says Lucy Hodges*, INDEP., Nov. 16, 1995, at 14; Paul Craig Roberts, *Quotas a Bad Idea Whose Time Has Gone*, BUS. WK., Sept. 11, 1995, at 23.
86. *Hopwood v. Texas*, 78 F.3d 932, 934 (5th Cir. 1996).
91. *Id.* In response to *Hopwood*, the Texas legislature enacted the Texas Ten Percent Plan, which guaranteed the top ten percent of Texas high school students admission to the University of Texas and Texas A&M. *Id.*
Appeals for the Sixth Circuit, in response to the University of Michigan litigation, held that the use of race as one of many factors in processing admissions to the University of Michigan’s Law School was constitutional. The Supreme Court subsequently granted certiorari and the case was argued on April 1, 2003. Given the uncertain future of these affirmative action policies, the need to open alternative avenues to bolster Latino enrollment is now greater than ever.

B. Advocate for Change in Admissions Criteria

The relatively low correlation between the LSAT/UGPA and law school grades suggests that many applicants, including Latinos, who are denied admission due to low scores may, in fact, be better suited than applicants who are admitted. Nevertheless, even though many law schools concede the criteria’s flaws, they are reluctant to abandon them, given the importance placed upon them by U.S. News & World Report magazine in compiling its all-important annual ranking of law schools.

Even if the LSAT and UGPA were perfect predictors of the capacity to excel in law school, their systematic tendency to screen out capable Latino candidates at a greater rate than they screen out capable whites makes the near-exclusive use of these criteria

96. But see Barbara Bader Aldave, Hopwood v. Texas; Much Ado About Nothing?, TEX. LAW., Nov. 11, 1996, at 43 (arguing that Hopwood is not a legitimate threat to affirmative action policies).
97. See supra notes 48-76 and accompanying text.
98. See Gunier, supra note 48, at 59 (discussing how Latinos may, in fact, become better lawyers); Holley & Kleven, supra note 11, at 309. In fact, both the LSAC and ABA caution law schools against excessive reliance on the LSAT in admissions decisions. Simien, supra note 43, at 390.
99. See Schott, supra note 48, at 3 (discussing the point of views from several law school deans in regards to the use of the LSAT in the admissions process).
101. Brown & Marengo, supra note 48, at 18; Guinier, supra note 48, at 59; Holley & Kleven, supra note 11, at 310; Kidder, supra note 61, at 1073-76; Simien, supra note 43, at 371.
difficult to justify. Instead, admissions officers should revisit the goals underlying the law school admissions process. The selection process’ legitimate goal is to produce competent lawyers who will meet the current service needs of the society.\textsuperscript{102} Unfortunately, these current criteria do not best serve this function. They ignore a host of other traits that are equally valuable, if not more so, to lawyering including: motivation, perseverance, interpersonal sensitivity, character integrity, and social responsibility.\textsuperscript{103} The current need for legal services in Latino communities is also a legitimate reason to modify the criteria in a way to allow admission of otherwise qualified Latino lawyers.\textsuperscript{104}

The use of factors other than the potential for academic success is nothing new to law school admissions decisions. Among other things, schools often consider factors such as an applicant’s hometown, specific legal interests, and work experience.\textsuperscript{105} State schools often have different admissions standards for in-state and out-of-state residents.\textsuperscript{106} Many schools even afford special preferences to offspring of faculty, alumni, and donors.\textsuperscript{107}

Fortunately, at least one law school has seen it fit to reform its admissions policies. After minority enrollments plummeted in the face of \textit{Hopwood}—as much as eighty-five percent for some ethnic groups—the University of Texas School of Law re-evaluated its admissions policies.\textsuperscript{108} For the first time ever, the school interviewed its applicants. The school considered leadership skills, community service, success in overcoming adversity, and socioeconomic factors in determining admission. At the same time, the school de-emphasized the LSAT and the UGPA as factors in admissions. As a result, African-American and Mexican-American acceptances at the law school for 1998-99 were up from the previous year, though still below pre-\textit{Hopwood} levels.\textsuperscript{109}

\textsuperscript{102} \textsc{Brown} \& \textsc{Marenco}, supra note 48, at 15-16; Holley \& Kleven, supra note 11, at 318.
\textsuperscript{103} Simien, supra note 43, at 384.
\textsuperscript{104} As professors at a predominantly minority law school, Holley and Kleven have found that minority graduates are more likely than non-minority graduates to serve these minority communities. Holley \& Kleven, supra note 11, at 318.
\textsuperscript{105} \textsc{ABA-LSAC Official Guide}, supra note 20, at 11; Simien, supra note 43, at 390.
\textsuperscript{106} \textsc{ABA-LSAC Official Guide}, supra note 20, at 11; Simien, supra note 43, at 390.
\textsuperscript{107} \textsc{ABA-LSAC Official Guide}, supra note 20, at 11; Simien, supra note 43, at 390.
\textsuperscript{108} McMullin, supra note 74, at 22.
\textsuperscript{109} The pressure on schools to change their admissions policies can come from bar associations. A number of Southern minority bar groups have recently joined to de-
Supporters of the traditional criteria may suggest that to the extent that the current admissions criteria are, in fact, related to success in the first year of law school, admitting students who fail to meet those criteria should ultimately decrease the number of students who graduate. On the contrary, a study commissioned by LSAC demonstrates that it is not necessarily true that students admitted with inferior scores will fail at a greater rate than do the students admitted under the current criteria.

C. Help Ensure that Current Latino Applicants Meet Existing Admissions Criteria

In the meantime, while they advocate for fair admissions policies, interested parties may help to bolster enrollments now by ensuring that those who are in the final stages of the admissions process make it to the starting line.

1. Commercial LSAT Preparation

Given the role that the LSAT plays in the admissions process, one important key to increased Latino enrollments lies in improving candidate LSAT scores. While evidence shows that commercial preparation courses can improve candidates’ scores, the high cost of commercial preparation, nearly $4,000, is a significant impediment for many economically disadvantaged students. As such, develop a proposal to encourage law schools to consider factors other than academic record and admissions test scores for some of their admission offers. Opinion Inadmissible; Newton’s Law, supra note 100, at 3. The proposal would require schools to report to the American Bar Association, which monitors and accredits law schools, the numeric factors for only seventy-five percent of their admittees. Id. Proponents assert that this would free the schools to consider factors such as leadership and community service for the other twenty-five percent of admittees. Id.

110. See supra notes 53-55 and accompanying text.

111. See Linda Wightman, Law Sch. Admission Council, National Longitudinal Bar Passage Study ix, 80 (1998) (discussing how minorities that were accepted into law school with lower UGPA and LSAT score did not do substantially different). But see Stephen Thernstrom, Diversity and Meritocracy in Legal Education: A Critical Evaluation of Linda F. Wightman’s “The Threat To Diversity in Legal Education” 15 Const. Comment. 11, 11-43 (1998) (challenging the results of Wightman’s study).

112. According to Kaplan Test Centers, students who participate in their course improve their LSAT scores, on average, by 7.2 points. Telephone interview with Catherine Exa, Director of Public Relations, Kaplan Test Centers (May 8, 2000).

113. Kaplan Test Centers charge from $159 for a basic do-it-yourself course to $3,999 that includes the classroom course and thirty-five hours of private tutoring. Kaplan Website, at http://www.kaptest.com/repository/templates/Lev3InitDroplet.jhtml?_ev3Parent=/www/KapTest/docs/repository/content/Law/LSAT (last visited May 15, 2003).
commercial LSAT preparation course providers can play a vital role in increasing Latino enrollments by making their services available to these students.\(^{114}\)

The Minority Legal Scholarship Program, a partnership between Texas Appleseed, a nonprofit organization of bar and civic leaders that pursues public-interest issues, and Kaplan Educational Centers, was launched in 1998 and quickly showed results.\(^{115}\) Just one year later, sixty-one students participated in a thirty-hour Kaplan LSAT preparation course.\(^{116}\) At the commencement of the program, more than half of the students who participated had previously scored below 140 on the LSAT, "a [score] that would have barred them from admission to most Texas law schools."\(^{117}\) After completing the program, eighty-two percent of the students who took the test scored higher than 140, fourteen students showed significant improvement by raising their scores by double-digits, ranging from ten to twenty-two points, and four students scored in the 160 range.\(^{118}\)

Nonprofit organizations can also provide alternative programs to prepare students for the LSAT. For example, the Puerto Rican Legal Defense and Education Fund ("PRLDEF") operates a six-week LSAT preparation seminar for students who are unable to afford the costs of the commercial courses and who meet specific income qualifications.\(^{119}\) PRLDEF also provides its participants with on-site application advisement and assigns them to practicing attorney mentors.\(^{120}\)

\(^{114}\) Id. Commercial course providers such as Princeton Review and Kaplan Test Centers do provide discounted rates on a case by case basis for students who demonstrate financial need.


\(^{116}\) Id.

\(^{117}\) Id. According to the LSAC, the test score range for the LSAT is between 120 to 180. Law School Admission Council, at http://www.lsac.org/LSAC.asp?url=/lsac/faqs-and-support-lsat.asp (last visited May 15, 2003).

\(^{118}\) Id.

\(^{119}\) Interview with Ileana Infante, Director of Education Programs, Puerto Rican Legal Defense and Education Fund, in New York, N.Y. (Feb. 7, 2003). Moreover, those familiar with the course argue that, because it is designed for, and attracts Latino and minority students, its value is independent of its price-accessibility because it provides unique support and encouragement. Interview with Jenny Rivera, Professor of Law, City University of New York School of Law, in New York, N.Y. (Feb. 6, 2003).

\(^{120}\) Interview with Ileana Infante, supra note 119; Interview with Jenny Rivera, supra note 119.
While LSAT coaching provides critical support for those students who are in a position to benefit from it, nevertheless, its effect is limited by the size of the existing pool of eligible Latino candidates that are interested in law school and will actually take the test. Additionally, LSAT coaching alone will not prepare otherwise poorly educated students for success on the LSAT.

2. Pre-Start Programs

Among the most common approaches to ensuring that those who are admitted ultimately enroll is the pre-start program. Many law schools and other institutions provide academic support services to assist already admitted students who may be at risk of failing because of inadequate preparation or lack of confidence. Some pre-start programs are designed as conditional admissions devices and are thus particularly important in the context of increasing enrollments. Pre-start programs are usually offered in the summer before regular fall classes and can span from two days to two months.

a. Council on Legal Education

One of the oldest and most successful pre-start programs is the Pre-Law Summer Institute sponsored by the Council on Legal Ed-

121. See Report to Increase Diversity, supra note 4, at 68 (providing a data table of law school applicants from 1995 to 2000 and their credentials).
122. Lundwall, supra note 13, at 150.
123. Id. at 151.
124. As a summer associate at Mayer, Brown, Rowe & Maw ("MBR&M"), William Malpica, facilitated the creation of an annual orientation incoming for entering Latino law students from the New York City area in 2000. The brainchild of Ileana Infante, and now a joint project of PRLDEF and MBR&M, the day-long seminar features workshops by Latino law students, professors, and other experts, who have included Professor Jenny Rivera, Professor Solangel Maldonado, Professor Tanya Hernandez, Steven Cordero, and Kenneth Padilla, geared to surviving the first year of law school. The program, approaching its fifth year, utilizes materials from the Fordham Academic Enrichment Program and the Academic Success Program at Brooklyn Law School. MBR&M donates space, meals, and other conference services. In addition to the panelists, the program has benefited from the help of the members of a volunteer committee, including Neysa Alsina, Dean Nitza Escalera, Mauricio España, Linda Feldman, Ileana Infante, Roberto Lebron, Jason Otaño, Sonji Patrick, Jose Perez, Gloria Yolanda Rivera, Sandra Rodriguez, and Patricia Yanez. The workshops conclude with a reception where participants meet practicing lawyers, judges, and other members of the New York City legal community and local Latino bar associations, including the Puerto Rican Bar Association, the Hispanic National Bar Association, and the Dominican Bar Association. Later, PRLDEF matches participants with mentors from its attorney network of bar volunteers. Program Will Help Latino Law Students, 228 N.Y. L.J., Aug. 8, 2002, News, at 2.
ucation. CLEO institutes are six-week residential programs that target economically and educationally disadvantaged students. CLEO is both a head-start program and an admissions program. It functions as a head-start program by introducing admitted students to the law school environment, teaching methods, and faculty. Law schools use CLEO as an admissions program by conditioning admission to law school on the successful completion of the program. The program has been successful in preparing students for law school for over twenty-five years. Although CLEO is funded in part by federal grants, students must pay a $2,000 fee to participate. Low income, first generation college graduates, however, are eligible for tuition assistance to cover tuition, books, a living stipend, and some travel expenses for the duration of the program that would require only a payment of $200. The CLEO program incorporates many of the program components discussed below.

b. New York Legal Education Opportunity Program

The New York State Unified Court System has recently launched a new pre-start program similar to CLEO. A rigorous six-week residential program, the New York Legal Education Opportunity Program ("NYLEO") is designed to improve participant's analytical, writing, and basic law school study skills through instruction in first-year law school core courses. In addition, NYLEO provides students training in legal research, writing, and


127. Lundwall, supra note 13, at 151.

128. Id.

129. Id.

130. See supra notes 59-59 and accompanying text (regarding the CLEO graduation rate).


132. American Bar Association, supra note 131; CLEO Scholars, supra note 126.

133. American Bar Association, supra note 131; see infra Part II.D.

analysis. Students will also visit courts in session and meet legal professionals including members of the judiciary.

The program will be provided free of charge at the New York State Judicial Institute, the court system's newly created judicial education and training center located on the campus of the Pace University School of Law. It will also cover all expenses, including courses, textbooks, dormitory, meals, and access to law school library and computer facilities.

The program's stated mission is "to promote diversity within the legal community by improving the probability of academic success for minority, low income and educationally disadvantaged" individuals who will be attending law school. To be eligible to participate, students must, among other things, receive their college degree by the start of the summer program, be accepted or have an application pending at a New York law school, and agree to attend a New York law school in the fall.

c. The Fordham University School of Law

A number of law schools also provide pre-start support. The Fordham University School of Law operates a seven-week program for admitted students during the summer prior to first year of classes. The Academic Enrichment Program ("AEP") is coordinated by the school's dean of student affairs and run by an adjunct


136. Id.

137. Id.

138. Id.


140. N.Y. STATE JUDICIAL INST., supra note 135. For more information, contact NYLEO toll free at 866-877-3121 or at nyleo@courts.state.ny.us.


142. A number of schools run similar programs, including the Academic Success Program at Brooklyn Law School, the Third World Orientation Program at CUNY Law School, and the Minority Student Program at Rutgers Law School. Telephone interview with Linda Feldman, Director of Educational Services, Brooklyn Law School (July 13, 1999); Interview with Kenneth Padilla, Director of Minority Student Program, Rutgers Law School, in New York, N.Y. (Aug. 10, 2002); Interview with Jenny Rivera, supra note 119.
manager. In addition to the general immersion course, which is open to all students, AEP is offered to self-identified "disadvantaged" students. The program combines school professors and current students as faculty and covers basic topics including legal writing, case briefing, and time management, all in an effort to equip participants with the tools necessary to survive the first year. The program also provides students with simulated class sessions to introduce students to the unique nature of the law school class format. Since students are able to meet their peers, upper-class students, and faculty before classes begin, the program operates as an effective tool to combat the isolation encountered by many minority students in law school.

d. Limitations of Pre-Start Programs

While pre-start programs have undoubtedly assisted many Latino students in obtaining law degrees, they are not designed to increase the pool of qualified minority applicants. Instead, they focus on assisting already admitted students for the demands of law school. The next Section considers existing efforts to increase the pool by actively encouraging students to consider careers in the law.

D. Recruit Greater Numbers of Potentially Successful Candidates and Prepare Them to Succeed

If Latino enrollment in the legal community is to be increased, a greater number of Latino students must be encouraged to consider law. It is also important to ensure that those who apply possess the

143. Interview with Nitza M. Escalera, Assistant Dean of Student Affairs, Fordham University School of Law, in New York, N.Y. (Aug. 29, 2002); E-mail from Cynthia Juco, Assistant Director of Student Affairs, Fordham University School of Law, to Mauricio España, Cooper Editor, *Fordham Urban Law Journal* (Apr. 4, 2003, 09:16:06 EST) (on file with author).
144. Interview with Nitza M. Escalera, *supra* note 143; E-mail from Cynthia Juco to Mauricio España, *supra* note 143.
145. Interview with Nitza M. Escalera, *supra* note 143; E-mail from Cynthia Juco to Mauricio España, *supra* note 143.
146. Interview with Nitza M. Escalera, *supra* note 143; E-mail from Cynthia Juco to Mauricio España, *supra* note 143.
147. Interview with Nitza M. Escalera, *supra* note 143; E-mail from Cynthia Juco to Mauricio España, *supra* note 143.
148. *See* Lundwall, *supra* note 13, at 151 (discussing the purpose of pre-start programs).
149. *Id.*
qualifications necessary to attain admission to law school. This latter proposition requires that advocates resist the temptation to merely target those who are most likely to successfully apply to law school in the future. On the contrary, to increase the numbers of applicants, the legal community must reach beyond these “sure bets” and identify and motivate students who have yet to fully realize their academic potential, while they still have the time to do so.

“[M]any talented minority students fail to seriously consider legal careers because they lack reliable information about the demands of law school and the legal profession, and confidence in their own abilities.” The problem, however, extends beyond the mere lack of information and confidence. As a result of the continuous pattern of poverty and a lack of professional role models, many talented minority students are the first members of their families to graduate from college. Undoubtedly, this alone is a great achievement, but often these individuals are capable of much greater feats.

This subpart samples existing efforts that serve as models of recruitment and preparation strategies. The programs highlight the various components that have proven effective in the effort to enhance enrollments, including pre-law advisement, academic support, mentorship, test preparation, and the demystification of the profession.

1. Law Student Associations

Law students are uniquely positioned to recruit future law students. Latino students at most law schools have organized Latin American Law Student Associations (“LALSA”). The LALSA

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150. For example, in 1990 (of those who had both LSAT scores and grade point averages on file) only twenty-nine percent of Latino applicants had both an LSAT score in the forty-eighth percentile and a grade point average of 3.0 or above. Lundwall, supra note 13, at 152 (citing LAW SCH. ADMISSION SERVS., MINORITY PARTICIPATION IN LEGAL EDUCATION AND THE PROFESSION: A COMpendiUM OF DATA 21 (1990)).

151. Interview with Jenny Rivera, supra note 119.

152. Lundwall, supra note 13, at 153.

153. Id.

154. Id.

155. Id.

156. See, e.g., Boston College School of Law, Latin American Law Students Association, at http://216.239.33.100/search?q=cache:tg8LXJcaIhUC:www.bc.edu/bc_org/avp/law/st_org/lalsa/+LALSA&hl=en&ie=UTF-8 (last visited May 15, 2003); Boston University School of Law, Latin American Law Students Association, at http://216.239.33.100/search?q=cache:Kz-Isk9WXDAC:people.bu.edu/lalsa/+LALSA&hl=
at the Fordham University School of Law conducts a recruitment program to reach out to local colleges and high schools.\textsuperscript{157} Members of the association make presentations at area high schools and colleges aimed at demystifying the process of applying to law school.\textsuperscript{158} The very act of presenting Latino role models helps prospective applicants to envision themselves in the position of law student.

The Fordham LALSA also arranges special visits to the law school for those students interested in learning more.\textsuperscript{159} Each visit includes a combination of a tour of the school, attendance in live class, and meetings with admissions and financial aid officers.\textsuperscript{160} The organization also schedules annual recruiting workshops at the school.\textsuperscript{161} Finally, LALSA members have teamed up with the school's admissions department in order to provide a Latino presence at Law Fairs where the school recruits potential candidates.\textsuperscript{162}

\section*{2. National Minority Law Recruitment Month}

The Law School Admissions Council, in 1998, unveiled a grant program designed to increase the recruitment of minority law students.\textsuperscript{163} The program provides law schools with a $1,000 grant in exchange for hosting an event during the month of February—the program's designated National Minority Law Recruitment Month—which targets potential minority law students.\textsuperscript{164}

\begin{footnotesize}
\begin{enumerate}
\item Interview with Eric Medina, President, Fordham Latin American Law Student Association, at Fordham University School of Law, in New York, N.Y. (Apr. 15, 2003); Interviews with Oscar Tobar, Chair of Recruitment, Fordham Latin American Law Student Association, at the Fordham University School of Law, in New York, N.Y. (Sept.-May 2000); Interview with Aimée Pérez Valentín, Chair of Recruitment, Fordham Latin American Law Student Association, at the Fordham University School of Law, in New York, N.Y. (Feb. 26, 2003).
\item Interview with Eric Medina, supra note 157; Interviews with Oscar Tobar, supra note 157; Interview with Aimée Pérez Valentín, supra note 157.
\item Interview with Eric Medina, supra note 157; Interviews with Oscar Tobar, supra note 157; Interview with Aimée Pérez Valentín, supra note 157.
\item Interview with Eric Medina, supra note 157; Interviews with Oscar Tobar, supra note 157; Interview with Aimée Pérez Valentín, supra note 157.
\item Interview with Eric Medina, supra note 157; Interviews with Oscar Tobar, supra note 157; Interview with Aimée Pérez Valentín, supra note 157.
\item Interview with Eric Medina, supra note 157; Interviews with Oscar Tobar, supra note 157; Interview with Aimée Pérez Valentín, supra note 157.
\item Interview with Eric Medina, supra note 157; Interviews with Oscar Tobar, supra note 157; Interview with Aimée Pérez Valentín, supra note 157.
\item \textit{Id}.
\end{enumerate}
\end{footnotesize}
The program's first participants were the University of Pennsylvania School of Law and the Temple University School of Law, which planned joint activities to expose high school and early college students to careers in the law. Through the "Pathways to Law School Forum," the universities expected to reach approximately fifty local high school and college students over a three-year period. Their effort included historical presentations about minority lawyers including their contributions to the field. College admissions officers also discussed what colleges seek in prospective students. The students met with current law students and witnessed a mock law school class. Additionally, the program matched students with local minority attorneys who acted as mentors on an indefinite basis. Many schools continue to carry out this process within their perspective communities.

3. Law Introduction Programs

Programs aimed at fostering an interest in the law among high school students play a special role. While these programs may not, by design, actively groom future lawyers, by providing disadvantaged and minority youth with an early introduction to the law and to potential mentors, they may have the potential effect of increasing the pool of Latino law school candidates.


166. Gulino, supra note 163, at 5.
167. Id.
168. Id.
169. Id.
170. Id.
171. See supra note 165 and accompanying text.
EXPANDING LATINO PARTICIPATION

a. Street Law, Inc.

Street Law, Inc. is a nonprofit organization dedicated to improving the lives of young people through law-related education.\textsuperscript{172} By providing model teaching texts and materials, the organization "makes it simple for teachers in inner-city schools to motivate students to consider topics in the law and, potentially, even careers in the law."\textsuperscript{173} The program is geared towards providing substantive information about law and democracy and promotes problem solving, critical thinking, and communication skills.\textsuperscript{174} In addition, the program facilitates mock trials and legal internships with partner organizations.\textsuperscript{175}

b. Justice Resource Center

The Justice Resource Center is a public-private venture established in 1988.\textsuperscript{176} The Martin Luther King Justice Resource Center ("Center"), has partnered with the Association of the Bar of the City of New York, numerous law firms, corporate law departments, non-profit organizations, and many others to expose minority students to the law, legal institutions and process, and the values on which they are based.\textsuperscript{177}

The Center administers numerous specially-tailored programs based in over a dozen New York City Public Schools, each designed to meet the needs of the school’s unique student population as well as to benefit from locally available resources.\textsuperscript{178} For example, as part of the Academy of Criminal Justice, students from Martin Luther King High School attend law and forensic science classes at neighboring John Jay College of Criminal Justice.\textsuperscript{179}

\begin{footnotes}
\footnotetext{172}{Charles N. Quigley, Civic Education: Recent History, Current Status, and the Future, 62 ALB. L. REV. 1425, 1443 (1999).}
\footnotetext{173}{Interview with J.C. Polanco, Teacher, Truman High School, in the Bronx, N.Y. (Apr. 15, 2002). J.C. Polanco is also an evening student at the Fordham University School of Law and a member of the advisory board of the PRLDEF High School Initiative. See infra Part III.}
\footnotetext{174}{Quigley, supra note 172, at 1443.}
\footnotetext{175}{Curriculum Puts Students on Trial; Legal Internships Show Law Careers, EDUCATING FOR EML., Feb. 7, 2001, at 1. For more information about Street Law, Inc., visit the website, at http://www.streetlaw.org (last visited May 15, 2003).}
\footnotetext{176}{Filling The Pipeline—Mentoring; Opening the Window of Opportunity—Justice Resource Center and City Bar Mentor Program, METROPOLITAN CORP. COUNS., Jan. 2000, at 38 [hereinafter Filling the Pipeline].}
\footnotetext{177}{Id.; Interviews with Debra Lesser, Executive Director, Justice Resource Center, in New York, N.Y. (Mar. 13, 2000/Jan. 21, 2003).}
\footnotetext{178}{Interviews with Debra Lesser, supra note 177.}
\footnotetext{179}{Filling the Pipeline, supra note 176, at 39.}
\end{footnotes}
One of the cornerstones of the Center’s programming is its Attorney Mentor Program, which pairs each participating high school with a New York City law firm.\(^{180\text{a}}\) Participating lawyers visit students in their classes and, in addition, the students visit the lawyers at the firm.\(^{181\text{a}}\)

Mentoring sessions are informal, ranging from discussion of current events to classroom and pre-law subjects and can be effective, particularly in cases where mentors take a personal interest in their assigned students.\(^{182\text{a}}\) "We have had relationships where mentor lawyers take their mentees to visit colleges[,] ... tutored kids on the SATs[,] and some who paid for the SAT courses."\(^{183\text{a}}\)

The program also conducts an annual citywide Moot Court Competition, co-sponsored by the Fordham University School of Law.\(^{184\text{a}}\) Lawyers from each of the over fifty mentor firms serve as coaches for participants from the firm’s assigned school.\(^{185\text{a}}\) Finally, the programs’ experience-based learning features are supplemented by a comprehensive academic component: each participating student is enrolled in law-related courses in each grade from ninth to twelfth and law concepts are also woven into other parts of their curriculum.\(^{186\text{a}}\)

c. **DuPont Legal Department**

The private sector, particularly in-house counsel and law firms, can play a central role in reaching Latino students in high school and beyond. "[F]rustrated by the scarcity of minority attorneys and legal assistants,"\(^{187\text{a}}\) the DuPont corporate law department formed a "Pipeline Committee."\(^{188\text{a}}\) This committee composed of Dupont’s attorneys, legal assistants, and legal secretaries—minorities and nonminorities—identifies potential future minority lawyers, particularly African-Americans and Latinos, and helps them to obtain the education and tools needed to enter college and ulti-

\(^{180\text{a}}\) Id.

\(^{181\text{a}}\) Id.

\(^{182\text{a}}\) Interviews with Debra Lesser, supra note 177.

\(^{183\text{a}}\) Filling the Pipeline, supra note 176, at 38.

\(^{184\text{a}}\) Id.

\(^{185\text{a}}\) Interviews with Debra Lesser, supra note 177.

\(^{186\text{a}}\) Id.; see Filling the Pipeline, supra note 176, at 38.

\(^{187\text{a}}\) Stacey Mobley, Priming the Pipeline to Diversity in the Legal Profession, 19 ACCA Docket 79, 80 (2001). Mobley cited two primary challenges resulting in the low representation of minority lawyers: the lack of legal role models for young minority children and the negative image of lawyers projected in the media. Id. at 82.

\(^{188\text{a}}\) Id.
mately apply to law school.\textsuperscript{189} The committee’s efforts are specifically targeted to middle school and high school students and are designed to provide legal-professional role models and mentors, and assist participants in mastering the skills, including communication, reasoning, reading, and computer technology skills, necessary to enter the legal profession.\textsuperscript{190}

4. Academic Institutes

\textit{a. The Western Washington University and Gonzaga Law School Models}

"Academic institutes" are programs that recruit students and provide them with comprehensive support to ensure their success as candidates. They are costly and, thus, not very common. Two schools, one undergraduate, Western Washington University, and one law school, Gonzaga University School of Law, have developed effective programs to identify viable college candidates and prepare them for law school admission.\textsuperscript{191} In addition to the comprehensive nature of these programs, they are effective because they identify students early in their college years.

In 1991, Western Washington University developed "The Law and Diversity Program" in response to the need to diversify the legal profession.\textsuperscript{192} The two-year intensive program is open to any person who has a strong interest in issues of law, diversity and access to the legal field for underrepresented groups.\textsuperscript{193} The program seeks and recruits "non-traditional" students, individuals who lack

\begin{footnotes}
\item[189] Id.
\item[190] Id. at 83. Although DuPont initially established only two programs, a mock trial program to expose many children to different types of legal careers and a computer skills training program to address what the Committee considered a primary problem faced by minority pre-law students, Dupont compiled a comprehensive menu and discussion of specific programs, including: pre-law clubs, summer law camp/schools, mock trial teams, debate teams, participation in school career days, participation in "Take Our Daughters to Work Day," job shadowing, internships, "Law Day" presentations, computer skills training, presentation/communication skills training, and outreach presentations at minority job fairs. Id. at 83-86. Significantly, they also sponsor the American Corporate Counsel Association's Pipeline Kit, which provides a road map of existing and model community outreach programs for use by private institutions interested in encouraging minority youth to consider careers in corporate law. Id. at 80, 89.
\item[191] See infra notes 192-246 and accompanying text.
\item[193] Id.; Law & Diversity Program, About the Law & Diversity Program, at http://www.ac.wwu.edu/~ldp/about.html (last visited May 15, 2003).
\end{footnotes}
the traditional academic law school admission indicators, such as an above-average UGPA and LSAT scores, but demonstrate their potential to succeed in law school in other ways.\textsuperscript{194}

Gonzaga University School of Law developed a six-week summer program ("Summer Fellowship") intended to persuade undergraduate minority students to enter the legal profession.\textsuperscript{195} In 1990, the school operated a program for twenty-eight students selected from colleges around the country.\textsuperscript{196} Students were selected based on undergraduate grade point averages, letters of recommendation, personal statements, and other factors as were considered relevant on a case by case basis.\textsuperscript{197} The program covered the students' expenses including tuition, room, board, and transportation.\textsuperscript{198}

\textbf{i. Curriculum}

During their junior and senior years of college, the Law and Diversity program participants partake in a two-year, interdisciplinary course of study.\textsuperscript{199} The students are introduced to a variety of courses that are specifically chosen to provide them with the knowledge and skills necessary to face and conquer the challenges of law school.\textsuperscript{200} The curriculum focuses on all the essential skills for the study of law, including reading, writing, research, and analytical and verbal skills.\textsuperscript{201} Among other things, the course introduces students to the workings of the American legal system in order to provide them with a familiarity of legal concepts and terminology, and to help them understand the law in a larger social, historical, and political context.\textsuperscript{202}

The Summer Fellowship offers a similar, although less extensive curriculum. It provides students with an introduction to the key lawyering skills: analysis, research, and writing.\textsuperscript{203} The Gonzaga faculty noted that, unlike many other programs, their focus is on excellence, not survival.\textsuperscript{204} Students are also introduced to legal

\textsuperscript{194} Bannai & Eaton, \textit{supra} note 192, at 824.
\textsuperscript{195} Lundwall, \textit{supra} note 13, at 153.
\textsuperscript{196} \textit{Id.} at 155.
\textsuperscript{197} \textit{Id.} at 154-55.
\textsuperscript{198} \textit{Id.} at 155.
\textsuperscript{199} Bannai & Eaton, \textit{supra} note 192, at 825; Law & Diversity Program, \textit{supra} note 11.
\textsuperscript{200} Bannai & Eaton, \textit{supra} note 192, at 826.
\textsuperscript{201} Law & Diversity Program, \textit{supra} note 11.
\textsuperscript{202} \textit{Id.}
\textsuperscript{203} Lundwall, \textit{supra} note 13, at 155.
\textsuperscript{204} \textit{Id.} at 153.
history, the court systems, and the general philosophies that underpin the American legal system.205

The programs also offer students an introduction to the law school classroom environment.206 For instance, at the Summer Fellowship, instructors expose students to the rigors of the first-year of law school by giving them extensive cases to read and brief.207 Instructors expect students to fully participate in classroom discussions in the same manner as first-year law students.208 Instructors also assign weekly research papers that are graded.209 In the end, the participants receive a final grade from both their weekly research papers and essay-type exams.210

ii. Internships

The two-year Law and Diversity program also offers each student an internship during her last quarter of the program.211 The internship provides the participants with an opportunity to practice in a work environment the skills that they have acquired at the institute.212 This internship also exposes the student to legal work that they might want to continue on after law school.213

iii. Pre-Law Advisement and LSAT Preparation

Both programs also assist students in navigating through the law school application process.214 At the Summer Fellowship, the director privately meets with every student to discuss their career goals, to evaluate their transcripts, and to make suggestions about their law school choices.215 Both programs provide participants

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Many minority head start programs send a subtle message of inferiority to students when they focus on "survival tips." The assumption underlying support programs is often internalized by students as a prediction of failure. From the first day, we wanted our program to emphasize the student's status as a scholar within a community of scholars.

Id. at 153-54.
205. Id. at 155.
206. Id. at 156.
207. Id.
208. Id.
209. Id.
210. Id. Administrators noted that "all students expressed surprise (and some dismay) over the workload. Yet not a single student in either summer session dropped out of the program." Id.
211. Bannai & Eaton, supra note 192, at 827.
212. Id.
213. Id.
214. Id. at 830-31; Lundwall, supra note 13, at 153-57.
with the opportunity to meet with admissions and financial aid personnel, and attend classes with current law students.\textsuperscript{216} Student participants are also introduced to basic law school admissions resources, including LSAT materials, law school catalogs, law fairs, and fee waivers.\textsuperscript{217} Law and Diversity arranges for commercial LSAT preparation course providers to make their courses available to participants at a reduced cost.\textsuperscript{218} The program reported "marked improvement in LSAT scores as a result of these courses."\textsuperscript{219} For instance, the students' mean score improved as much as nine points.\textsuperscript{220}

iv. Support Network

The students in these programs often "face a wide range of financial, personal, and academic issues arising out of their unique and sometimes difficult socio-economic circumstances."\textsuperscript{221} These issues are significant because they are a constant threat to their academic performance.\textsuperscript{222} "[T]o help students learn to cope with adversity while achieving academic success[,] ... [p]rogram faculty members make themselves available to students on a continuous basis."\textsuperscript{223} The Law and Diversity program recruits other departments within the university, such as, the Counseling Center, the Financial Aid Office, and the Registrar to provide a comprehensive safety net for their students.\textsuperscript{224} It also raises funds to provide emergency loans, scholarships, and other financial assistance.\textsuperscript{225} At the Summer Fellowship, current law students are on hand to monitor reactions to the program and offer praise and encouragement.\textsuperscript{226} Students in both programs provide each other with personal and academic support.\textsuperscript{227}

\textsuperscript{216} Bannai & Eaton, supra note 192, at 830; Lundwall, supra note 13, at 153, 157.
\textsuperscript{217} Bannai & Eaton, supra note 192, at 830; Lundwall, supra note 13, at 156-57.
\textsuperscript{218} Bannai & Eaton, supra note 192, at 831.
\textsuperscript{219} Id.
\textsuperscript{220} Id.
\textsuperscript{221} Id. at 832. "Some students struggled daily to find enough money on which to live. Some dealt with parenting and other family issues. Many of the students had to develop confidence in their own abilities after years of feeling marginalized and isolated in other academic settings." Id.
\textsuperscript{222} Id.
\textsuperscript{223} Id. at 832; Lundwall, supra note 13, at 156.
\textsuperscript{224} Bannai & Eaton, supra note 192, at 832.
\textsuperscript{225} Id.
\textsuperscript{226} Lundwall, supra note 13, at 156.
\textsuperscript{227} Bannai & Eaton, supra note 192, at 826; Lundwall, supra note 13, at 156.
v. Role Modeling

Both programs seek to provide the participants with strong role models and realistic introductions to the type of work done by attorneys.\textsuperscript{228} Summer Fellowship administrators found that most participants had no prior personal contact with attorneys and held narrow perceptions of the legal profession based primarily on television.\textsuperscript{229} The Fellowship, therefore, schedules a series of sessions with prominent minority judges, practitioners, and scholars.\textsuperscript{230} Additionally, students shadow their mentors at a legal services office, appellate courts, an office of the Internal Revenue Service, and the state legislature.\textsuperscript{231} Mentors give talks to the group covering major areas, including their personal backgrounds, present employment, obstacles they had overcome, and their plans for the future.\textsuperscript{232}

vi. Outcomes

As of 1997, of the twenty-nine students who participated in the 1991-92 Law and Diversity session, sixteen students applied to law school, and twelve of those students were admitted.\textsuperscript{233} Of the twelve students admitted to law school, two have graduated, seven are in good academic standing in ABA accredited law schools, two are expected to enter law school this fall, and one withdrew during the first year due to personal and academic difficulties.\textsuperscript{234}

The Summer Fellowship also reported encouraging, if not quantifiable results.\textsuperscript{235} The program notes that it achieved its primary goal of providing a positive legal experience and demystifying the process of applying to law school.\textsuperscript{236} In both programs, all students, even those who decided that law school was not the right path for them, gained a new sense of self-confidence.\textsuperscript{237} Significant accomplishments included acquiring valuable skills that can be applied in a wide range of settings, as well as becoming better able to assume leadership positions within their own communities.\textsuperscript{238} For

\textsuperscript{228} Bannai & Eaton, supra note 192, at 822; Lundwall, supra note 13, at 156.
\textsuperscript{229} Lundwall, supra note 13, at 156.
\textsuperscript{230} Id.
\textsuperscript{231} Id. at 157.
\textsuperscript{232} Id.
\textsuperscript{233} Bannai & Eaton, supra note 192, at 833.
\textsuperscript{234} Id.
\textsuperscript{235} Id. at 835; Lundwall, supra note 13, at 158.
\textsuperscript{236} Lundwall, supra note 13, at 158.
\textsuperscript{237} Bannai & Eaton, supra note 192, at 835; Lundwall, supra note 13, at 158.
\textsuperscript{238} Bannai & Eaton, supra note 192, at 835.
many of these students, simply acquiring a college degree was a significant achievement.\textsuperscript{239}

\textit{b. Virginia State Bar Initiative: School-to-College Program}

The Virginia State Bar has recently established a new initiative aimed at high school students similar to the Western Washington and Gonzaga models described above which target college students.\textsuperscript{240} The School-to-College Program, which provides minority high school students with a comprehensive introduction to the American judicial and legal system in order to encourage them to attend college and law school.\textsuperscript{241} The program, held on a local law school campus, incorporates a faculty comprised of law school professors, judges, and visiting guest lecturers.\textsuperscript{242} Bar association members act as teaching assistants and student mentors.\textsuperscript{243} In addition to classes, the course curriculum includes mock trials, research and writing competitions, test preparation, and field trips.\textsuperscript{244} Students also receive free access to a specially tailored SAT preparation course and access to online test preparation resources, lawyer-donated frequent flyer miles, food and lodging to enable students to visit colleges and universities, and counseling by professional college counselors and trained volunteer attorney mentors.\textsuperscript{245} Finally, each student is paired with a lawyer mentor who will assist the student through high school, college, and law school.\textsuperscript{246} Since the program remains in its early stages, it has not generated much material regarding its success rates.

\textbf{III. The PRLDEF High School Initiative: Proof That Anyone Can Do Something}

In light of the glaringly disproportionate number of Latinos admitted to law school, a group of recent law school graduates set out to contribute to a solution. Their result was a program that would identify a small number of ambitious Latino high school students

\textsuperscript{239} Id. at 832.
\textsuperscript{241} \textit{Virginia Millennium Diversity Initiative School-To-College Program}, supra note 240.
\textsuperscript{242} Id.
\textsuperscript{243} Id.
\textsuperscript{244} Id.
\textsuperscript{245} Id.
\textsuperscript{246} Id.
interested in the law and assist them as they strive to graduate high school, enter college, and explore the legal profession.\textsuperscript{247}

To assist in the formation and implementation of the program, the organizers have established an advisory board comprised of distinguished New York-area attorneys in private and public practice, elected and appointed officials, professors and deans, judges, a high-school teacher, two law students, and one college student.\textsuperscript{248}

In March 2002, the Puerto Rican Legal Defense and Education Fund agreed to adopt the initiative and conduct the program as a project of its education division. The advisory board is currently working with PRLDEF to identify funding sources and launch a test pilot program.

The pilot will target New York City high school sophomores and provide participants with three principal forms of assistance: free access to commercial SAT preparation; academic advisement including supplemental pre-college counseling and intensive writing workshops; and first-hand exposure to law schools and legal workplaces via visits to law schools, law firms, courtrooms, legal aid offices, non-profits, and government agencies. In addition, each advisor will adopt one participating student for one-on-one mentoring support.

The effort is carefully designed according to the recommendations advanced in this Essay. First, the group will identify high school sophomores, not college students or law school applicants. In this way, the group aims to demystify the profession and inspire young people who might not yet be focused on academic excellence to do so early enough to create college admission opportunities. Second, to increase the future pool of Latino applicants, the group will solely target economically disadvantaged youth. It will not target students from wealthier families, who are more likely to have access to financial resources, mentors, and information, and who generally have a better opportunity to realize their academic potential. Finally, the group will provide essential academic sup-

\textsuperscript{247} The planning for the project began in 1999 by William Malpica, two of his Fordham University School of Law classmates, Jim Montes and Silvia Duarte, and another friend, Laura Gonzalez.

\textsuperscript{248} The current board consists of Herb Barbot, Esq.; Silvia Duarte, Esq.; Dean Nitza Escalera, Esq.; Robert Klingon, Esq.; William Malpica, Esq.; New York State Supreme Court Justice Ruben Andres Martino; Ron Mazariegos, Esq.; Jim Montes, Esq.; Kenneth Padilla, Esq.; New York State Supreme Court Justice Eduardo Padro; José Luis Perez, Esq.; J.C. Polanco; Kim Ramos; Professor Jenny Rivera, esq.; Gloria Yolanda Rivera, Esq.; Yasmin Soto; New York City Civil Court Judge Analisa Torres; and Patricia Yanez.
port to ensure that the participants ultimately possess the qualifications necessary to successfully compete for law school admission.

**Conclusion**

Poor Latino representation in law school—and ultimately the profession—can be traced primarily to the limited pool of eligible Latino college graduates and current law school admissions policies. Efforts to increase Latino enrollment in law school must expand that pool of candidates. As such, we must reach beyond those Latinos who graduate college and apply to law school; academic talent must be mined at lower education levels and nurtured over a period of years in order to produce more qualified Latino candidates. Additionally, unless the existing admissions criteria are modified, meaningful progress will remain an elusive goal. Finally, the role of Latino lawyers and law students cannot be overemphasized—we must be willing to lead the effort to increase our own representation.

The PRLDEF High School Initiative is a response to Presidents’ and the legal and Latino community’s demand that Latino participation in the legal profession be increased. It considers and incorporates all the vital factors that hinder Latino youth from becoming lawyers, discussed above. This initiative is unique for two reasons. First, it takes into consideration the fact that by the time many Latino students realize they desire to attend law school, they are significantly behind in terms of grades and preparation. In response to this concern, the PRLDEF Initiative targets high school sophomores who still have the opportunity to prepare themselves for the long path ahead, that begins with finishing high school and getting into a competitive college.

The second factor that makes the PRLDEF Initiative groundbreaking is that it is all encompassing and long term based. By providing free access to SAT preparation, academic advisement, and exposure to the profession over a period of time, the proposal is geared to insure that each participant gets the necessary support and guidance to complete high school, enter college and compete for law school admission. This is significant because, as the statistics have shown, Latino students encounter many obstacles—financial, familial, and cultural—that lead to their low high school, college, and law school graduation rates, even though they enroll in high numbers.

Although many universities and organizations have attempted to remedy these factors in innovative ways, the PRLDEF Initiative
stands to make a significant contribution towards increasing the pool of Latino candidates. It has taken all these programs as models and built upon and improved them.