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PATCHING LEAKS IN THE DIVERSITY PIPELINE TO LAW SCHOOL AND THE BAR*

CHARLES R. CALLEROS**

Thank you for looking beyond the short term and devoting some time to thinking and talking about the future of diversity in legal education and the Bar. In the hope of harnessing our collective energy toward enhancing that diversity, I would like to report on the November 2005 conference co-sponsored by the American Bar Association (ABA) and the Law School Admissions Council (LSAC), entitled *Embracing the Opportunities for Increasing Diversity into the Legal Profession: Collaborating to Expand the Pipeline (Let's Get Real) ("Collaborating to Expand the Pipeline")*.¹

I. DEFINING OUR GOALS

Let's start by defining our goals. Some of us might adopt the ambitious goal of helping to build a practicing bar that in percentages roughly reflects the racial composition of our population.² I view that

* This essay is based on remarks made at the Western Law Professors of Color Conference in San Diego, March 31, 2006, and at the Law School Admissions Council annual meeting in Toronto, Canada, June 1, 2006.

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1. See American Bar Association, General Information on Pipeline Diversity Conference, <http://discussions.abanet.org/op/pipelineconf/home.html> (last visited Oct. 20, 2006).

2. The ABA has apparently adopted this goal as its "Goal IX," which is "[t]o promote the full and equal participation in the legal profession by minorities, women and persons with disabilities." AM. BAR ASS'N COMM'N ON RACIAL & ETHNIC DIVERSITY IN THE PROF., GOAL IX REPORT 2004-2005: THE STATUS OF RACIAL AND

goal as ambitious both because the number of attorneys of color is disproportionately low compared to the current minority population in the United States,³ and because the population of people of color is growing at a disproportionately high rate compared to general population growth.⁴ Consequently, the goal of attaining a racially representative bar requires very substantial levels of diversity in our student bodies.⁵ Moreover, as discussed below, unequal opportunities in kindergarten through high school (K-12) education tend to place applicants of color at a competitive disadvantage.

Some of us may have a more modest goal. For example, we may hope to achieve and maintain a level of diversity in the student body that ensures representation of a broad variety of perspectives and experiences and that avoids the isolation and alienation often experienced by students when separated from a “critical mass”⁶ of their racial group.

ETHNIC DIVERSITY IN THE AMERICAN BAR ASSOCIATION 1 (2006), *available at* http://www.abanet.org/minorities/ftp/abareport_05.pdf. In further definition of its goal the commission states that “[i]f we hope to maintain the integrity of the justice system . . . , then it is crucial that the legal profession . . . reflects and incorporates the diversity that characterizes our nation.” *Id.* at 2. It would be “patently unconstitutional” for state schools to simply admit students on the basis of their race for the purpose of producing ethnic percentages in the student body that mirrored those of the general population. *Grutter v. Bollinger*, 539 U.S. 306, 329-30 (2003). However, one may validly adopt the goal of achieving racial balance by other means such as making efforts to eliminate inequalities in primary and secondary education.

3. See *Slow Rise to the Top*, AM. LAW., June, 2004, at 103 (reporting that “[m]inority attorneys make up 14.2 percent of U.S. lawyers, but only 4.4 percent of U.S. partners,” even though members of minority groups made up 37.3% of the U.S. general population in the 2000 census); AM. BAR ASS’N COMM’N ON RACIAL & ETHNIC DIVERSITY IN THE PROF., STATISTICS ABOUT MINORITIES IN THE PROFESSION FROM THE CENSUS, <http://www.abanet.org/minorities/links/2000census.html> (last visited Oct. 20, 2006) (posting a link to U.S. 2000 Census data on the demographics of judges, attorneys, and the general population).

4. See POPULATION REFERENCE BUREAU, IN THE NEWS: U.S. POPULATION IS NOW ONE-THIRD MINORITY (2006), <http://www.prb.org/> (under the heading “Topics,” follow “Race/Ethnicity” hyperlink).

5. In a companion piece in this issue, I discuss admission practices and policies that can constitutionally take diversity into consideration. Charles R. Calleros, *Law, Policy, and Strategies for Affirmative Action Admissions in Higher Education*, 43 CAL. W. L. REV. 151 (2006).

6. See *Grutter*, 539 U.S. at 318. “‘Critical mass’ means ‘meaningful numbers’ or ‘meaningful representation.’”

II. THE GOOD NEWS AND THE BAD NEWS

If you adopt one of these goals regarding diversity, or a similar one, I have some good news and some bad news for you. The good news is that many law schools have made sincere and sometimes effective efforts to achieve racial diversity in their student bodies. These schools have received a considerable showing of support from *Grutter v. Bollinger*, which recognized that all students benefit from the variety of perspectives and experiences that tend to come with a racially diverse student body.⁷

But now for the bad news: *U.S. News and World Report* law school rankings do not appear to consider any criteria that would measure the value of a diverse student body or a student's inherent capabilities based on their overcoming disadvantages; instead, the rankings strongly reflect easy-to-measure numerical indicia, like the LSAT scores of entering students.⁸ Unfortunately, these rankings appear to significantly influence the actions and decisions of many law schools, even though *U.S. News and World Report* bases its rankings on neces-

which . . . [can be] understood to mean a number that encourages underrepresented minority students to participate in the classroom and not feel isolated." *Id.* (quoting the testimony of Erica Munzel, Director of Admissions at the University of Michigan Law School).

7. *Id.* at 327-33.

8. The published criteria for the rankings include the following: peer assessment, assessment by lawyers and judges, median LSAT scores, median undergraduate GPA, acceptance rate, employment rate for graduates, bar passage rate, expenditures per student, student/faculty ratio, and library resources. U.S. NEWS & WORLD REPORT, AMERICA'S BEST GRADUATE SCHOOLS 2007 EDITION 44-45 (2006). It is remotely possible that either or both of the first two factors could capture some positive measure of the diversity of a school's student body, but only if lawyers and judges—or the deans, appointments committee chairs, and recently tenured faculty of peer schools—are familiar with the diversity in the subject school's student body and provide a more positive assessment because of that. Without doubt, a law school can more easily and effectively improve its rankings by increasing its median LSAT scores relative to peer institutions. See generally William D. Henderson & Andrew P. Morriss, *Student Quality as Measured by LSAT Scores: Migration Patterns in the U.S. News Rankings Era*, 81 IND. L.J. 163 (2006) (discussing and analyzing the effect of LSAT scores on rankings and the effect of the rankings on the significance of LSAT scores in law school admissions decisions).

sarily incomplete information about a school's character and the quality of its educational program.⁹

Because of the criteria they use, I predict that the rankings will increasingly bring pressure to bear against diversity in admissions over the coming years, especially in non-elite schools that are struggling to maintain or improve a respectable position. So, I worry that the pressure of the *U.S. News and World Report* rankings might become an alarmingly effective counterweight to *Grutter*.¹⁰ If we also remember that some schools are barred by policy or state law from considering race as an admissions factor,¹¹ and if we consider that even the *Grutter* decision stated expectations that its constitutional analysis could expire in little more than two decades from now,¹² we can see the challenges in the present and future for maintaining or improving diversity in admissions.

An additional obstacle lies in the natural competition between law schools for the best college graduates, and their correspondingly modest attention to ensuring a healthy flow in the diversity pipeline to college and law school. If we place all attention on admissions, if we are

9. See John Nussbaumer, *Misuse of the Law School Admission Test: Racial Discrimination, and the De Facto Quota System for Restricting African-American Access to the Legal Profession*, 80 ST. JOHN'S L. REV. 167, 170 (2006) (arguing that the rankings prompt many law schools to rely more heavily on LSAT scores than advised by the LSAC, with a negative impact on the enrollment of African-American students).

10. One law school dean worries about the pressures that rankings will impose on law schools to abandon the holistic approach to admissions that *Grutter* approves, but he seems cautiously optimistic that his fellow deans can be persuaded to lessen the impact of LSAT scores and to retain admissions criteria that value diversity. Alex M. Johnson, Jr., *The Destruction of the Holistic Approach to Admissions: The Pernicious Effects of Rankings*, 81 IND. L.J. 309, 358 (2006).

11. See *Grutter*, 539 U.S. at 342 (referring to “[u]niversities in California, Florida, and Washington State, where racial preferences in admissions are prohibited by state law”).

12. *Id.* at 343 (“We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today.”). Although joining in the majority opinion, Justice Ginsburg filed a separate concurring opinion, joined by Justice Breyer, in which she softened the Court’s statement of the sunset provision: “From today’s vantage point, one may hope, but not firmly forecast, that over the next generation’s span, progress toward nondiscrimination and genuinely equal opportunity will make it safe to sunset affirmative action.” *Id.* at 346 (Ginsburg, J., concurring).

satisfied to compete with other schools for the limited number of applicants who bring diversity to our educational programs, and if we ignore serious leaks in the educational pipeline to college and law school, we might wake up one morning with a very unpleasant realization.

I can illustrate my points about the educational pipeline to college with two quick stories from my region in the southwestern United States: one is from California, the state in which I was born and educated, and the other is from Arizona, the state in which I have spent most of my adult life.

In March 2006, two organizations affiliated with the University of California issued a joint report on educational opportunity in California public schools.¹³ In general, the report criticized the state for devoting inadequate resources to K-12 education.¹⁴ It highlighted the very low ratio of counselors and teachers to students and the inadequate number of college prep courses in high school.¹⁵ Significantly, however, it stated that educational obstacles and opportunities are not evenly distributed among California's student population:

The roadblocks to college loom larger for students living in low-income communities of color. Every California community feels the effect of the state's educational crisis, but all communities don't suffer equally. Schools with high concentrations of students of color, many of whom are poor or learning the English language, report the highest rates of unqualified teachers and shortages of college preparatory courses in the state. These students are not given a fair and equal opportunity to learn.¹⁶

More specifically, the report stated that 47% of Latino students and 37% of African-American students in California attend what the report defined as "intensively segregated minority schools."¹⁷ When compared to majority white public schools, these minority schools

13. JOHN ROGERS ET AL., UNIV. CAL. ALL CAMPUS CONSORTIUM ON RESEARCH FOR DIVERSITY & UNIV. CAL. LOS ANGELES INST. FOR DEMOCRACY, EDUC., & ACCESS, CALIFORNIA EDUCATIONAL OPPORTUNITY REPORT 2006: ROADBLOCKS TO COLLEGE 1 (2006), available at <http://www.edopp.org>.

14. *Id.* at 2.

15. *Id.* at 1.

16. *Id.*

17. *Id.* at 8.

were four times more likely to experience the shortages of counselors, teachers, and college prep courses, were twenty-seven times more likely to be designated by the state as critically over-crowded, and, on average, received less state funding per pupil.¹⁸

That educational system undoubtedly includes bright, talented students who might have been in a competitive position to join the ranks of our law students and attorneys of color, except that they were short-changed along the way. It is likely that many of these students either never saw law school as a realistic goal or did not receive a fair chance to get a four-year degree and thus become a qualified applicant to law school.

A similar story of obstacles to educational success comes from the state of Arizona. In 2000, a federal district court ordered the state to remedy its violation of the Equal Education Opportunity Act of 1974, which stemmed from Arizona's "arbitrary and capricious" underfunding of its English Language Learner programs.¹⁹ Since the suit was initially filed in 1992, and assuming that the district court's findings were accurate regarding the violations that occurred from 1991 to 2000,²⁰ nearly an entire generation of K-12 students who needed legally adequate assistance in making the transition to English-language instruction did not receive it. Again, undoubtedly among them are smart, hard-working students who might have remained in the pipeline to higher education, including law school or other graduate schools, except that they did not get the support they needed to stay on the right track.

These are just two stories that emerged in two states in the first half of 2006. Similar stories can be told throughout the United States.²¹

18. *Id.* at 9-10.

19. *Flores v. Arizona*, 405 F. Supp. 2d 1112, 1113 (D. Ariz. 2005), *vacated*, No. 06-15378, 2006 U.S. App. WL 246074 (9th Cir. Aug. 23, 2006) (reversing the district court's order of contempt sanctions).

20. *Id.* The U.S. Court of Appeals for the Ninth Circuit reversed and remanded the case for an evidentiary hearing on changes in education programs and funding since the initial order was issued in 2000, but it did not disturb the district court's finding of a violation in 2000. *Flores*, 2006 WL 246074, at *1.

21. A concurring opinion in the *Grutter* decision, for example, draws attention to unequal educational opportunities on a national scale:

As to public education, data for the years 2000-2001 show that 71.6% of

III. THE ABA/LSAC CONFERENCE

The ABA/LSAC Conference on *Collaborating to Expand the Pipeline* brought approximately 200 lawyers, law professors, K-12 educators, and other consultants and community leaders together to discuss these challenges. Following are some of my reflections as a member of the planning committee and a participant in the conference.

A. *A Long-Term Goal: Fishing in Richer Waters*

What can we do about these leaks in the pipeline that fall heavily on students of color? As my stories about California and Arizona public schools suggest, in the long run, the systemic problems will require systemic solutions in the political process, sometimes spurred by litigation.²² But there is also a role for many of us, collaborating with others at the grass roots level in K-12 classrooms and developing and working in mentoring and outreach programs. If we want a healthy flow into the law school end of the pipeline, those of us working for law schools must take a long-term view and pay attention to the beginning of the pipeline.

That is not our natural inclination. We are naturally inclined to focus almost entirely on the near end of the pipeline: college juniors and seniors, for whose attention we compete. If we are not careful, we could end up like short-sighted competing fishing enterprises, concerned mainly with landing more of the best mature fish than do our competitors, while neglecting to take steps to ensure the healthy supply of the next generation of fish. If all law schools act that way, we might find ourselves fishing someday in waters that are depleted in important ways. Conversely, if we work together and collaborate with other resources in the university community, in the Bar, and in the broader community, we might all be fishing in richer waters five, ten, and fifteen years in the future.

African-American children and 76.3% of Hispanic children attended a school in which minorities made up a majority of the student body. And schools in predominantly minority communities lag far behind others measured by the educational resources available to them.

Grutter v. Bollinger, 539 U.S. 306, 345 (2003) (citations omitted).

22. See discussion *supra* Part II.

Consistent with this vision, the ABA/LSAC conference on *Collaborating to Expand the Pipeline* stressed the need for programs addressing every segment of the pipeline,²³ including ones that reach students as early as elementary school, while students still have time to make fundamental choices that may dictate which educational path they may take. My own view is that fourth or fifth grade is a critical time to offer mentoring and inspiration for students who could be future attorneys but might not have any basis yet for embracing this as a realistic goal. Especially if visiting law students and attorneys share the ethnic or community background of the students, younger students can see a little of themselves in the mentors and can recognize that law school and the practice of law are plausible goals for them. They might adopt higher goals for themselves, work harder in school, and perhaps even make a critical choice a few years down the road to take the path to academic success rather than a tempting but less constructive one.

A single presentation or workshop in a fourth-grade class is unlikely to reverse the negative messages conveyed by the racially disparate underfunding of public schools or the disadvantages associated with poverty and a dearth of academic or professional role models and mentoring in the family and immediate community. Accordingly, elementary school programs in particular should emphasize continuity, with multiple visits to the classroom in an effort to gain trust, to develop true mentoring relationships, and to pave the way for occasional meetings or activities that involve the parents and other family members of the mentored students. Further continuity can be provided if workshops or other programs targeting students in middle school and secondary school reach the same cohort of students who received mentoring in elementary school.

23. Substantial leaks in the educational pipeline spring up in the K-12 segments, as suggested by a recent study that showed that alarmingly low percentages of enrollment at four-year colleges and universities among college-age members of our population, and especially among African-American and Hispanic members, is attributable largely to their inability to meet the academic prerequisites for enrollment rather than a lack of funding. Greg Forster, *The Embarrassing Good News on College Access*, CHRON. HIGHER EDUC. (Wash., D.C.), March 10, 2006, at B50.

B. *Lessons from the ABA/LSAC Conference*

1. *Sparkling a Nationwide Collaborative Movement*

The professionally diverse participants in the conference brought with them a broad range of experiences and expertise, and they undoubtedly took different lessons and conclusions away with them. I came away with a renewed sense of the need for lawyers, members of the law school community, and educators within K-12 and college educational institutions to collaborate in creating and implementing mentoring and other outreach programs for students throughout each major segment of the diversity pipeline to law schools.

To be clear, programs such as these should not be viewed as a substitute for political and legal measures to address disparities in access to educational opportunities. However, they could make a real difference, one classroom at a time, if multiplied hundreds or thousands of times across the country in a grassroots movement.

With their common experiences with Street Law²⁴ or other high school outreach programs, law schools are in a good position to take the lead in sparking a widespread movement to organize and implement mentoring programs throughout every segment of the K-12 and college pipeline. As emphasized repeatedly by the ABA/LSAC Conference on *Collaborating to Expand the Pipeline*, however, law schools should not act in isolation in such efforts, but should seek the benefits of collaboration with several categories of partners:

- Law firms and individual attorneys
- Education specialists, admissions staff, and pre-law advisors within each law school's university
- K-12 educators and academic mentoring organizations in the surrounding community
- Corporate or foundation sponsors

24. Street Law programs are community service programs, encouraged by the ABA and the American Association of Law Schools, in which law students teach practical law to residents of the surrounding community, often to high school students. See Street Law, Street Law in Law Schools, <http://www.streetlaw.org/lawschoolhome.htm> (last visited Oct. 10, 2006).

Moreover, law school faculty, staff, and students can break down hierarchical and jurisdictional barriers within their own communities by working with one another and with their counterparts at neighboring law schools to develop pipeline programs within their regions.

2. *A Plan of Action*

Similar to a student's task of outlining course material or tackling a legal research and writing assignment, or a professor's task of writing a book or article, sometimes the most challenging part of developing a mentoring program is overcoming inertia and getting started. Once a law school team is in place and is making contact with K-12 classrooms and organizations, opportunities to make a difference will come knocking. To that end, I outline below a simple plan of action for law school faculty, staff, and students reading this article.

a. *Institutionalize Your School's Efforts*

Without a permanent structure in place, the programs organized by a dedicated student or faculty member may languish once the student has graduated or the faculty member leaves to visit another institution or becomes preoccupied with another special project. Accordingly, each law school should create some lasting structure within which pipeline programs can be addressed.

If you are a student, faculty member, or director of admissions reading this article, ask your dean to form an outreach committee—either freestanding or as a subcommittee of an existing committee such as the admissions committee—and to appoint at least one student, staff member, and faculty member to allow it to engage in serious work. To faculty members who believe that such an assignment is not a productive use of their valuable time, I offer the following anecdote.

In February 2006, I received an invitation to give a ninety-minute workshop two days later to a breakout session of a statewide youth leadership conference for African-American high school students, taking place on my university campus on a Saturday. With such short notice, I could easily have begged off because I had scheduled the entire weekend to complete my work on a comparative law article for the March submission season. However, because I was committed

that year to working on outreach programs as the main slice of my law school service, I accepted the invitation.²⁵

I have developed two legal method exercises that work well with high school students,²⁶ so I ran them both in this ninety-minute workshop. I have presented these exercises many times, not just with high school students, but also with college students, new domestic law students, experienced students from civil law systems, and with faculty participants at teaching workshops. However, this group of high school students was particularly attentive and lively. They simply couldn't contain their enthusiasm to make their arguments. I know that some of them must have left the classroom thinking: "Hey, I'm pretty good at this. I could be a lawyer if I work hard at it. That's an option I'm going to start weighing."

I immediately realized that meeting an arbitrary and self-imposed deadline for completion of my article was not more important than the opportunity to meet these highly motivated students of color, some of whom might one day be members of the Bar. I completed the article a day later than otherwise, very grateful for having added the workshop to my calendar.

25. I thank my Dean, Patricia White, and Associate Dean, George Schatzki, for providing me with the time and resources to add pipeline programs to my mix of teaching, scholarship, and service responsibilities.

26. See CHARLES R. CALLEROS, *LEGAL METHOD AND WRITING* 93-94, 131-32, 143, 165 (5th ed. 2006). For example, in the first exercise, the instructor employs props and a brief skit to present a problem. The problem involves grocery store employees who must decide, in the absence of their employer, whether to place a crate of red bell peppers in the window display or in the store's interior based on what their employer has done in the past with crates of carrots and apples. This exercise introduces students to uncertainty in the law, to techniques of analogy and distinction, to the use of consistent rationales for decisions, and to techniques of argumentation. See *id.* at 93-94. In the second exercise, a mother develops rules for the social activities of her daughter, Monica, much as a court develops the common law in increments. The instructor leads students in interpreting each case, in outlining the material, and in taking an essay examination. See *id.* at 131-32. (Copies of a videotape presenting the *Rules for Monica* exercise are available from the author.) See also Charles R. Calleros, *Using Classroom Demonstrations in Familiar Nonlegal Contexts to Introduce New Students to Unfamiliar Concepts of Legal Method and Analysis*, 7 *LEGAL WRITING* 37 (2001) (discussing the pedagogy of both exercises).

b. Call a Meeting

Once you have a committee appointed, or even if you are working solo within your law school, make a few phone calls or send a few emails to appropriate offices in other units of your University—such as its admissions office, college of education, and student services center—to learn about other offices or persons on campus who are already working in academic outreach programs. Do the same with minority bar associations and your state bar association’s committee on access to the legal profession.

When you have identified key players, call a meeting of your committee in which you invite members of the campus, legal, and K-12 communities who have ideas or information about outreach programs. If they are not already on your committee, also invite students, faculty, or staff within your law school who know the most about existing pre-law outreach programs. Within an hour or two, you can educate yourself and your committee about the programs at your school, about ways to enhance those programs with increased participation by collaborators from university or outside community, and about opportunities to fill gaps in the law school programs through participation in existing programs within other organizations or through creating new collaborative efforts.

For example, early in the spring semester 2006, as part of our follow-up to the November ABA/LSAC conference, the Dean of Admissions at our school and I arranged a lunch meeting at our admissions office with a student, a staff member (also a member of our outreach committee), and the President of the Maricopa County Bar Association, all of whom were working with outreach or pre-law programs. During the ninety-minute meeting, we identified the segments of the pipeline that our school was addressing fairly well—college and high school pre-law programs—and the parts of the pipeline that we needed to address—eighth grade and below. We discussed ways that we could support the student in her efforts to organize and fund an elementary school mentoring program.

We also learned about the county bar association president’s ambitious plans, supported by the National Bar Association, to provide pre-law preparation and post-matriculation mentoring and externship opportunities for law students from underrepresented groups. During and immediately after this meeting, we quickly discovered ways in

which our admissions director could collaborate with the county bar association president to further a mentoring program that the attorney was developing.

Later in the semester, we met again at the law school, this time with a university representative who could educate us about partnerships already taking place between schools in the community and other academic units within our university, and with two representatives of Aguila, a community project for college-bound Latino and Latina students in Phoenix. By the end of the meeting, the director of Aguila had persuaded our law school and our newly-found colleagues in the university admissions office to collaborate on a summer workshop on higher education for about seventy-five Aguila students.

The workshop for Aguila, which took place in July, included presentations about college admissions, about the Honors College at Arizona State University, and about opportunities in graduate programs. Because most of the workshop took place at the law school, we emphasized opportunities in legal education and in the practice of law with presentations by a recent law graduate and by a more experienced partner in a law firm, and with my presentation of the two legal method exercises.²⁷

If you identify some potential collaborators in the law school, the university community, and the broader community and bring them together for an informational and brainstorming meeting, opportunities for collaboration will naturally arise.

c. Search for Funding

Even a simple pre-law program with volunteer speakers taking place at the law school will require some funding, if only to provide lunch to visiting students. A good source for the modest funding needed for such workshops is the Law School Admissions Council,²⁸ which provides grants for such things as outreach programs for high school or community college students and for regional pre-law workshops for college students. Other possible sources of funding are the

27. See *supra* note 26 and accompanying text.

28. See, e.g., Law School Admission Council, LSAC Research Grants, <http://www.lsac.org/LSAC.asp?url=lsac/lsac-legal-education-grant-program.asp> (last visited Oct. 20, 2006).

law school itself, local law firms or bar associations, corporate sponsors, and major foundations.

Some projects are more difficult to fund than others. For example, the ongoing elementary school mentoring program described in the next section likely would have a positive influence on young students, helping many of them to believe in themselves and in the value of aspiring to higher education. However, even if the program is quite successful, and even if it exposes students disproportionately to law as a career choice, its success will translate in a very general fashion to higher rates of graduation from high school and college without any guarantees that law schools will benefit significantly. Consequently, funding sources that are closely associated with legal education or the legal profession are understandably more apt to support programs that promote success at the near end of the pipeline for the benefit of students who have already identified law as their chosen field and who are preparing to apply for law school or have even begun their legal studies.

But, we must address every segment of the pipeline, perhaps with funding sources that are generally associated with educational development rather than narrowly focused on access to legal education. If some of the subjects of our efforts ultimately become doctors rather than lawyers, or attend an upper-tier law school because of our efforts, rather than our middle-tier school, I suspect that we can live with that and sleep well at night.

IV. GETTING STARTED: SAMPLE OR MODEL PROGRAMS

A. *Overview: Looking in the Right Places*

One of the most important outcomes of the ABA/LSAC Conference on *Collaborating to Expand the Pipeline* was the creation of a website displaying information about ongoing pipeline programs around the country.²⁹ If you are now participating in a successful program, you can help others replicate it by posting a description of it on the website. On the other hand, if you are looking for models for programs to implement in your region, you can consult the website for ideas and inspiration. You can see from the examples in the following sections how easily you might get started.

29. See American Bar Association, *supra* note 1.

Of course, if we hope to help the legal profession reflect the diversity of our general population and to reach those students who have the greatest need for mentors and role models, we must reach out in particular to underserved communities. You can accomplish this objective most easily by inviting an organization that has already identified students who are highly motivated but have backgrounds that are underrepresented in the professions and that may not provide them with adequate information and inspiration about a career in law.

For example, many universities have ongoing programs with ethnically diverse high school students enrolled in the Upward Bound Program.³⁰ These universities can devote one of their Upward Bound meetings to a workshop at the law school. Scratch the surface of your university or broader community and you will find other student groups or community organizations that can provide you with an appropriate group of workshop participants. In some cases, you may want to open up a workshop to the general student population within a certain age group and geographic area, in which case you should spare no effort to solicit interest among members of communities that are underrepresented in the law and that can benefit most from the program.

Following are descriptions of sample programs, offered to demonstrate how you can get started with a minimum of effort.

B. *College or High School Pre-Law Programs*

Many college students who have recently completed their junior year can learn much from a workshop that assists them in developing a strategy for preparing for the LSAT and in putting their best foot forward in law school applications, especially on their personal statements. Workshops of this nature can ensure that no applicant fails to display his or her true capacities simply for lack of information about the application process.

To help feed the pipeline to law school in a more lasting and meaningful way, however, we should try to reach students who may

30. The Upward Bound Program provides instruction in math, science, composition, foreign languages, and literature to high school students from low-income families to help them succeed in pre-college preparation as well as in higher education. See U.S. Department of Education, Upward Bound Program, <http://www.ed.gov/programs/trioupbound/index.html> (last visited Oct. 20, 2006).

still be weighing a career in law against other attractive options and who still have time to adjust their academic preparation in a way that will improve their intellectual capacities and competitiveness. Accordingly, I favor college pre-law workshops targeted toward freshmen and sophomores that are designed to (1) help them determine whether they should adopt legal education as their ultimate academic goal and (2) provide them with guidance in their college-level curricular and extracurricular choices that will enhance their attractiveness as law school applicants and improve their capacities to study and eventually to practice law.

To meet these goals, a college-level pre-law workshop should educate participants about various kinds of legal practice, about the intellectual challenges of legal studies, and about the kinds of academic preparation that will best prepare them to meet those challenges. Information about admissions and financial aid will also be helpful, but a workshop for freshman and sophomores can afford to address those topics at a general level.

Most elements of a workshop aimed at college freshman and sophomores will work well for juniors and seniors in high school as well. Once again, the goal should be to help students determine their level of interest in the law and to encourage them to give serious thought to the academic preparation that will be required to succeed in law school.

For example, the sample half-day workshop program below shows how a joint workshop for college and high school students might offer the same presentations to both groups on some topics, while calibrating breakout sessions to the differing student levels.

Program for Half-Day Pre-Law Workshop

(1) *Welcome & Overview*: A moderator explains the goals of the workshop and provides a brief outline of the program.

(2) *Introduction to the Legal Profession*: Lawyers from diverse backgrounds describe their paths to the law and their role in the profession in a panel discussion. Ideally, the students should be able to identify with the speakers and their backgrounds, enabling the students to visualize themselves taking the same path and serving the community in one of a variety of professional legal roles.

(3) *Introduction to Legal Analysis*: This should be an interactive session that stimulates interest in the study of law and demonstrates to

participants that they are capable of engaging in rudimentary legal analysis.

College students: A law professor can (a) present tips on “how to succeed in law school” by describing the nature of the study of law and illustrating good study techniques and (b) lead students in a stimulating substantive legal discussion about a current “hot topic” legal issue or about a case that has been distributed earlier for reading. This is not the time for an intimidating Socratic method calculated to impress the students with the presenter’s knowledge and intellect. This segment should provide an intellectually stimulating introduction to legal method, allowing capable students to leave with a sense that a legal education is an attractive and attainable goal.

High school students: The college-level session described immediately above may work as well for high school students. Alternatively, a law professor can lead students in one or more exercises designed to introduce the high school students to the nature of legal method and reasoning in our common law system. I have had much success with these types of exercises because they introduce students to concepts of legal method by analogy to decision making in familiar non-legal contexts.³¹ In addition, the main exercise involves the activities of a high school student, with whom the participants easily identify.

(4) *Lunch:* Participants mingle with lawyers, law faculty, and law students over a box or sack lunch. This provides an hour or so for participants to relax, compare notes with one another, and speak informally with mentors.

(5) *Preparing for Law School:* Law school faculty and admissions staff provide a general overview to college students about college course selection and work ethic, and about law school admissions, financial aid, and the LSAT. They speak more generally to high school students about the need to take their studies seriously to be competitive in college and on the law school entrance exam, and about the general availability of financial aid to make legal education a realistic goal.

This type of a workshop can be expanded to a program lasting several days or even a week or more by adding field trips to courts and

31. See *supra* note 26 and accompanying text.

law offices and an assignment that requires students to apply their newly acquired knowledge and skills to lawyering tasks, such as a moot-court argument. For example, the 2006 Hispanic National Bar Foundation Summer Law Camp for high school students began with a motivational speaker who encouraged the students to adopt lofty academic goals, built the students' confidence and skill base with the two legal method exercises described previously,³² introduced the students to legal institutions with tours of the United States Supreme Court building and a major law firm, and set aside most of the second half of the week for preparing and presenting arguments in moot-court problems.³³

C. *Comprehensive Program for an Adopted Elementary School Class*

Even elementary school students can be stimulated by a half-day presentation to think about law school as a career. For example, many of us have met a student in high school or college who fondly remembers a day in elementary school, listening to a presentation by an attorney or participating in a trial or moot-court argument based on a familiar children's story such as Goldilocks and the Three Bears.³⁴ Once encouraged to think about a career goal that requires substantial higher education, a young student might be inspired to take his or her studies more seriously.

Students who attend segregated, underfunded schools and who live in low-income communities with few professional mentors and role models, however, are much more likely to enjoy lasting benefits if the program provides regular mentoring over a substantial period of time. Thus, the proposed program below contemplates weekly contact with members of an "adopted" class over the course of a semester or a year, coupled with at least one event with members of the students' families.

32. See *supra* note 26 and accompanying text.

33. See generally Hispanic National Bar Foundation, 2006 Summer Law Camp, <http://www.hnba.com/foundation/documents/2006summerlawcamp.pdf> (last visited Oct. 20, 2006).

34. See Richard D. Torpy, Am. Bar Ass'n, Mock Trial, A Script and How-To Guide for the Case: Goldilocks and the Three Bears, Kindergarten - 6th Grade (1998).

Long-Term Program for Elementary School Students

(1) *Adopt a Classroom:* A consortium of law students, attorneys, and law faculty—perhaps supplemented with faculty or graduate students from a school of education—“adopts” one or more classes in a school with a large percentage of students who are economically disadvantaged or ethnically underrepresented in the legal profession. Students in the fourth or fifth grade are good candidates, because they are mature enough to begin making long-term plans but young enough to increase their commitment to academic pursuits before low expectations or ill-defined goals lead to an irreversible decline in academic preparation.

(2) *Develop Mentoring Relationships:* Law students (perhaps accompanied by their counterparts in a school of education) volunteer or receive the equivalent of research assistant pay to attend class regularly and predictably, such as for one to two hours each week at the same time, usually acting as a teaching assistant and developing general mentoring relationships with the students.

(3) *Periodic Classroom Presentations:* Periodically, such as once each month, the law students join with an attorney, law professor, or other college representative to engage the students in a law-related activity or to otherwise stimulate their interests in higher education or careers that require higher education.

(4) *Soliciting Familial Support:* At an appropriate time, probably near the end of the first semester, the mentors can hold a banquet for all the students in the class, or at least with those who express an interest in the law, with their parents and perhaps other family members. Attorneys, law students, and law faculty can mingle with the guests at this dinner and can make presentations designed to encourage the students and families to set lofty academic goals, to realize by the attorneys’ and law students’ personal testimonies that the goals are attainable, and to appreciate the study habits and home support that are necessary to attain those goals. The students and families are most likely to conclude that these lofty goals are attainable, of course, if the presenters have similar backgrounds and thus can present themselves as convincing role models for upward mobility. In some communities, the presentations may need to be translated into the parents’ native language.

V. CONCLUSION

The goal of integrating legal education and the Bar has in some ways become more elusive than ever. The means of attaining the goal must be multifaceted and must include efforts to stem leaks in the pipeline of diverse students to law school. If every law school in the country identifies and supports at least one member of its community—student, staff member, or faculty member—to begin forming partnerships for the purpose of implementing diversity pipeline programs, we can begin to make a difference. The fruits of our efforts may not materialize for many years, and no school can predict the extent to which its efforts will bring better qualified, racially diverse applicants to its doorstep, rather than to other law schools or other disciplines. Nonetheless, as members of the legal profession, we should recognize it as an important part of our obligations to the community and to the Bar.