



THE IMPERATIVE TO PROMOTE
DIVERSITY AFTER *SFFA*
**ANALYZING THE EFFECTS OF
LAW STUDENT BODY DIVERSITY
ON ATTRITION, GPA, AND
FIRST-TIME BAR PASSAGE**

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BACKGROUND

Lawful use of **race-conscious admissions** ended nationwide in June 2023...

STUDENTS FOR FAIR ADMISSIONS, INC. *v.* PRESIDENT
AND FELLOWS OF HARVARD COLLEGE

Opinion of the Court

“... the Harvard and UNC admissions programs cannot be reconciled with the guarantees of the Equal Protection Clause. Both programs lack sufficiently focused and measurable objectives warranting the use of race, unavoidably employ race in a negative manner, involve racial stereotyping, and lack meaningful end points...”

but the “**educational benefits** that flow from a diverse student body” remain.

Academic

Gurin et al., 2002; Herzog, 2022; Osegura, 2005; Whitla et al., 2003

Inclusion and Belonging

ASHE, 2015; Birdsall et al., 2020; LSSSE, 2020; Robbins, 2020; Rocconi et al., 2019

Representation / Critical Mass

Garces and Jayakumar, 2014; Kanter, 1977; Kalbfeld, 2019; Maes et al., 2021

Why the Imperative to Promote Diversity?

(Even) lower enrollment of underrepresented people of color due to lower admission rates and fewer scholarships

(Brooks, Rozema, & Sanga, 2023; Garces, 2012, 2013; Garces & Mickey-Pabello, 2015; Long & Bateman, 2020; Scott et al., 2023)

Increased isolation, imposter syndrome, tokenism, or stereotype threat

(Fischer, 2010; Robbins, 2020; Solorzano et al., 2000, Spencer et al., 2016; Taylor & Christensen, 2017)

More frequent academic struggles and attrition

(DeSimone, 2008; Fischer, 2010; Joo et al., 2008)

Measuring Diversity

Blau Index, or the Index of Heterogeneity

The probability that any two randomly selected individuals will be from different racial/ethnic groups

Result ranges from 0 to 1, with values closer to 1 representing greater diversity

“Race Unknown” students excluded; multiracial students are treated as a distinct racial/ethnic group



Diversity Measure **Limitations**



Penalizes HBCUs and law schools in racially homogenous geographies



E.g., a school that is 80% White and 20% Asian is equivalent to a school that is 80% Black and 20% Hispanic (Rushton, 2008)



As a result, we exclude HBCU law schools and schools with extremely high uPOC student proportions



Underrepresented People of Color (uPOC)

**American
Indian/
Alaska Native**

Black

**Hispanic/
Latine**

**Native
Hawaiian/
Pacific
Islander**

Research Questions

1. How does a law school's **retention of uPOC students** relate to the racial/ethnic diversity of its student body? Does institutional selectivity moderate this relationship?
2. How does a law student's **GPA** relate to the racial/ethnic student body diversity of their law school? Do institutional selectivity and/or student race moderate this relationship?
3. How does a law student's **first-time bar exam result** relate to the racial/ethnic student body diversity of their law school? Do institutional selectivity and/or student race moderate this relationship?

Data

RQ1: Attrition

ABA data on 183 law schools
uPOC non-transfer attrition

Selectivity index
(Ryan & Muller, 2023)

Years 2016-17 to 2018-2019

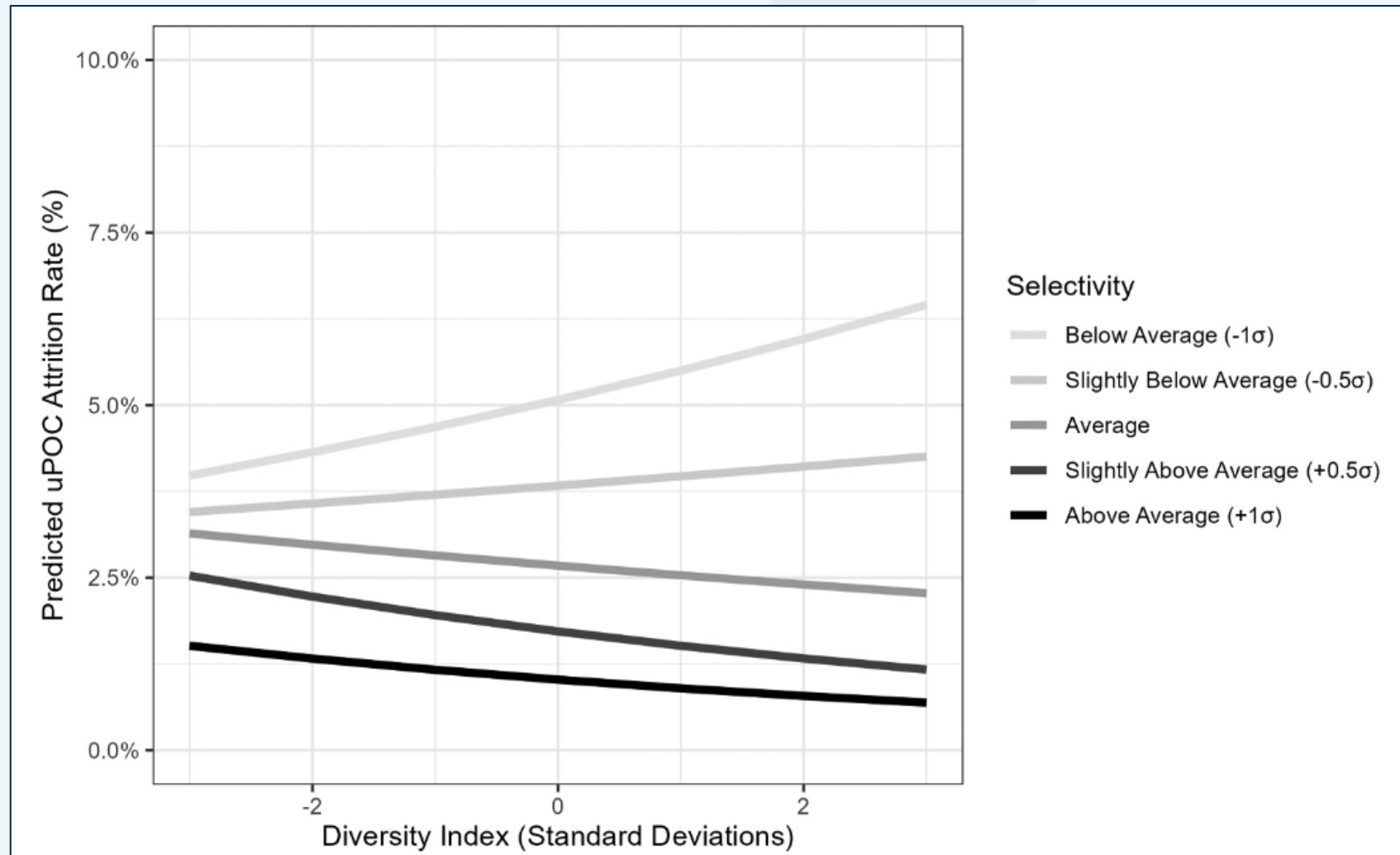
RQ2-3: GPA and Bar Passage

Institutional data from 21 law
schools (all non-HBCUs)

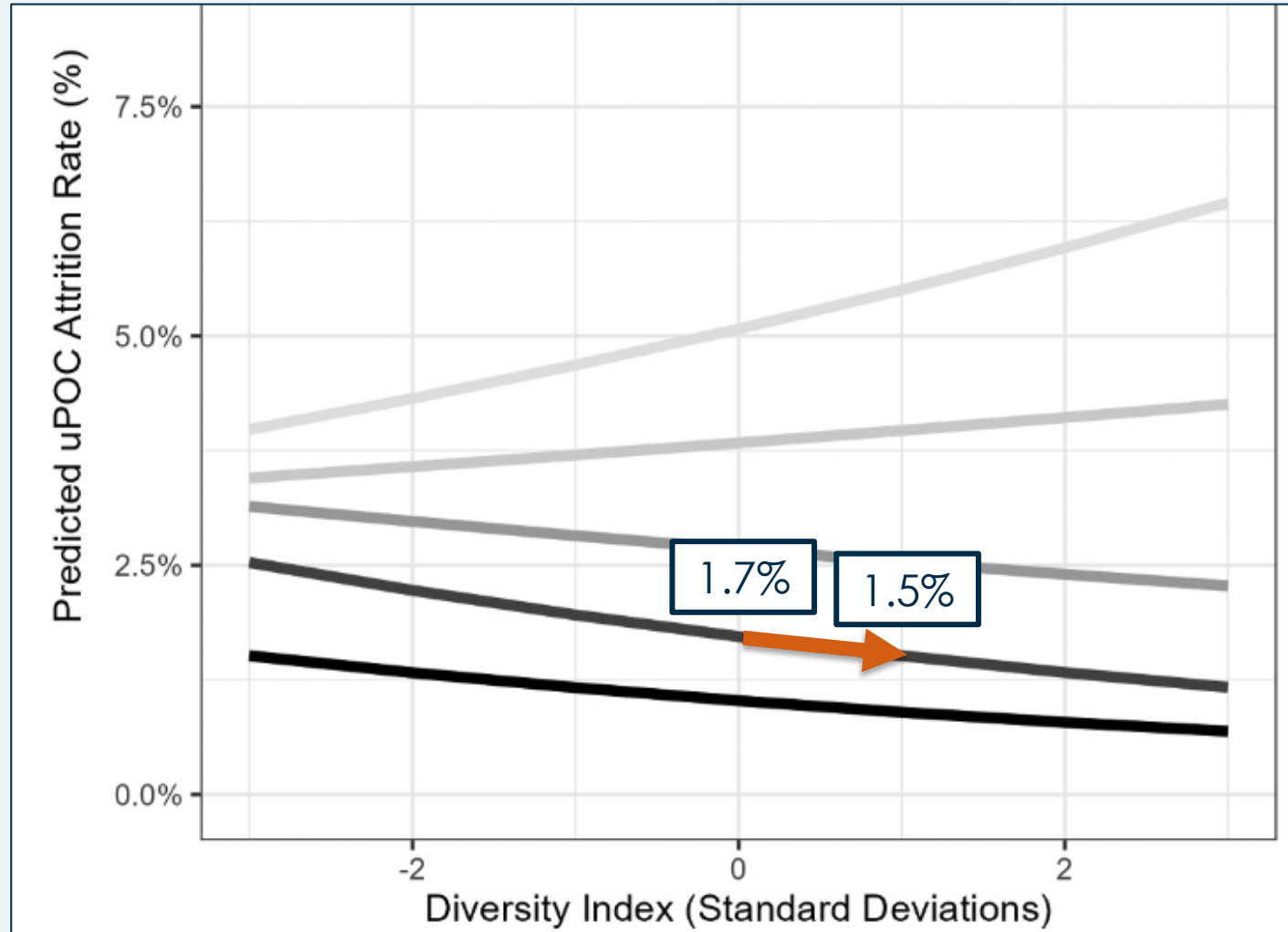
5,130 law school graduates
who completed J.D. and
took the bar in 2018 and
2019, respectively

FINDINGS

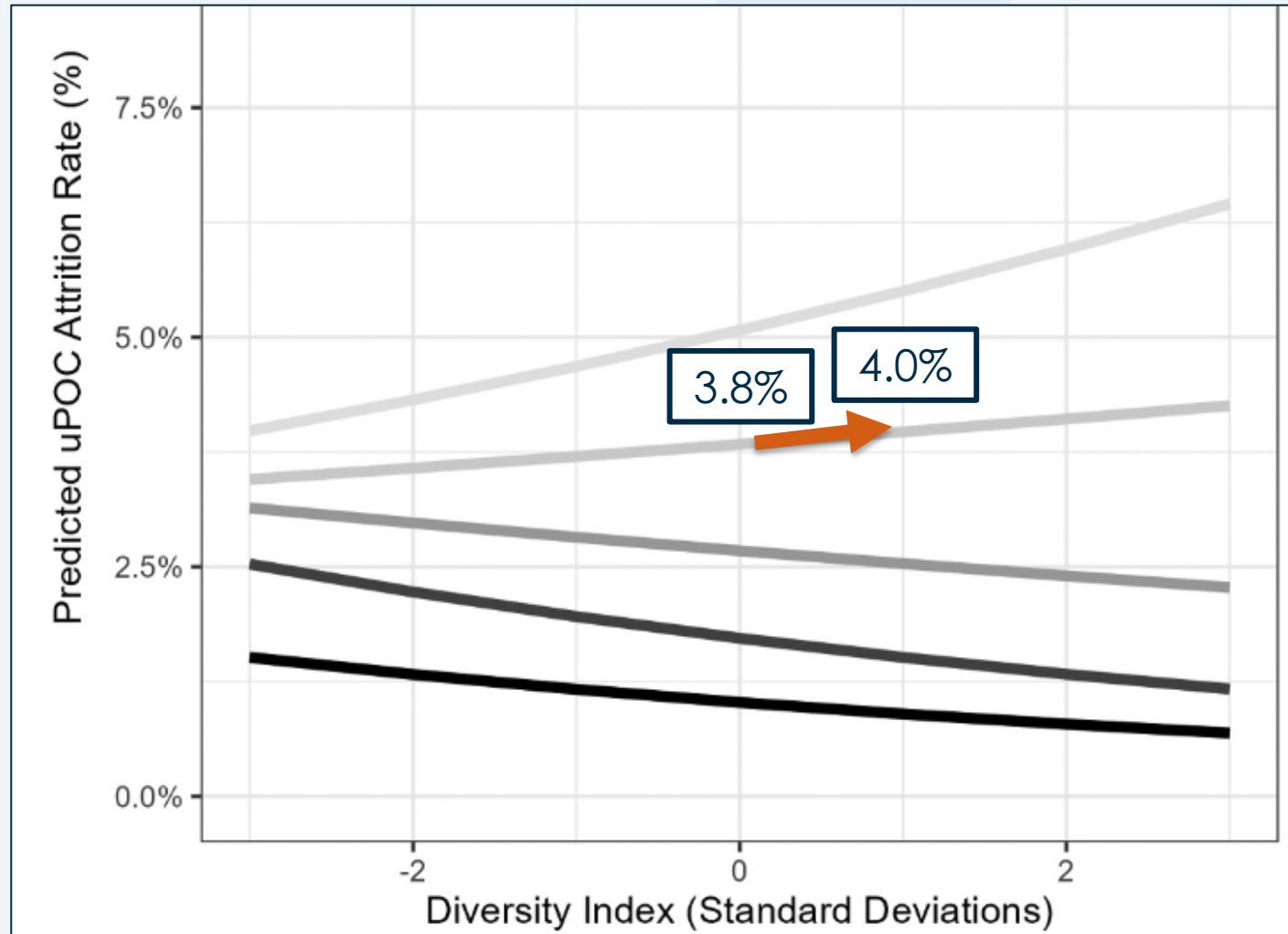
RQ1: uPOC attrition decreases with diversity at more selective schools; increases at less selective schools



For a slightly above average selectivity school, a one std. dev. increase in DI reduces uPOC attrition by 12%



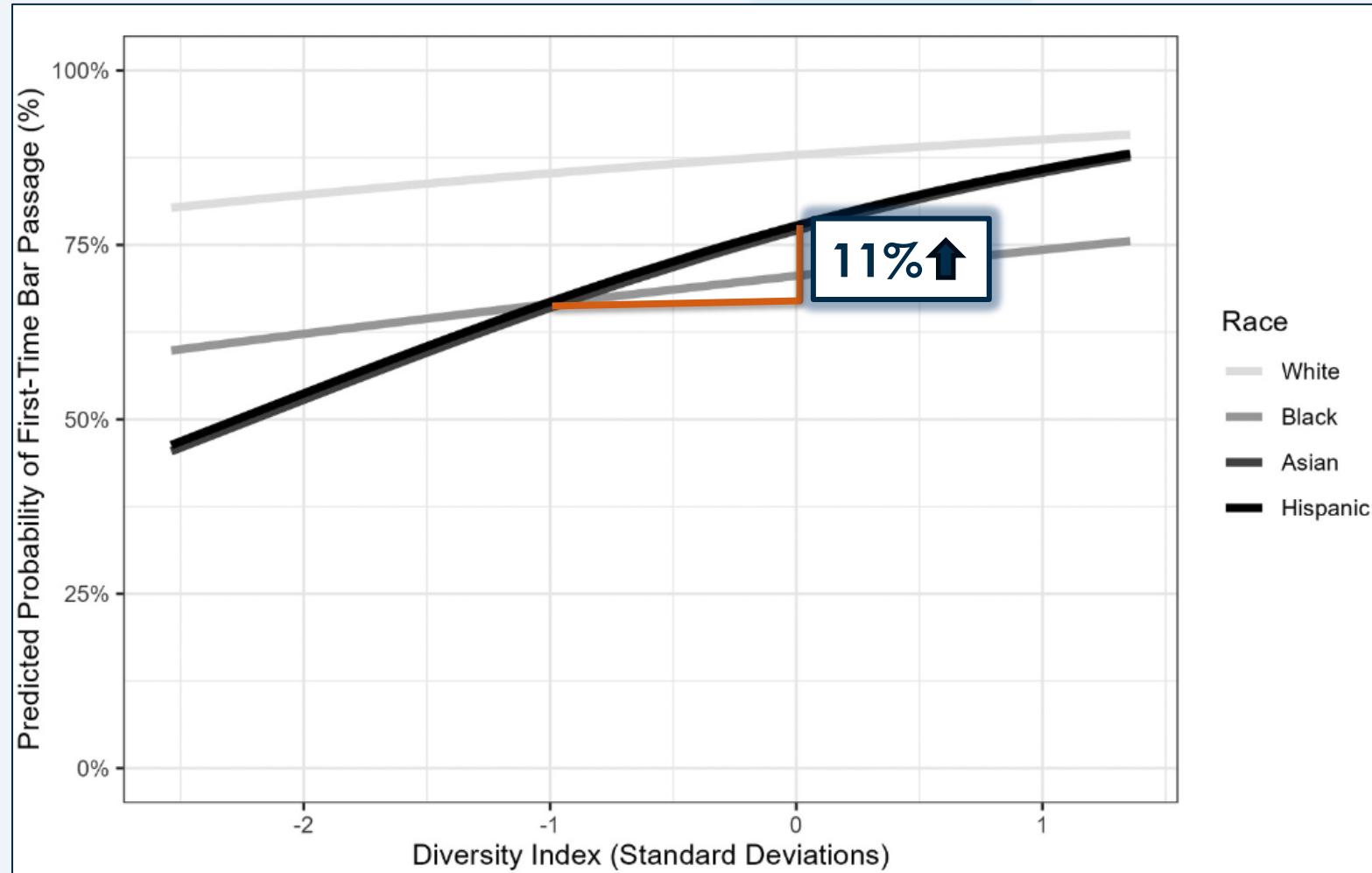
For a slightly below average selectivity school, a one std. dev. increase in DI increases uPOC attrition by 3.5%



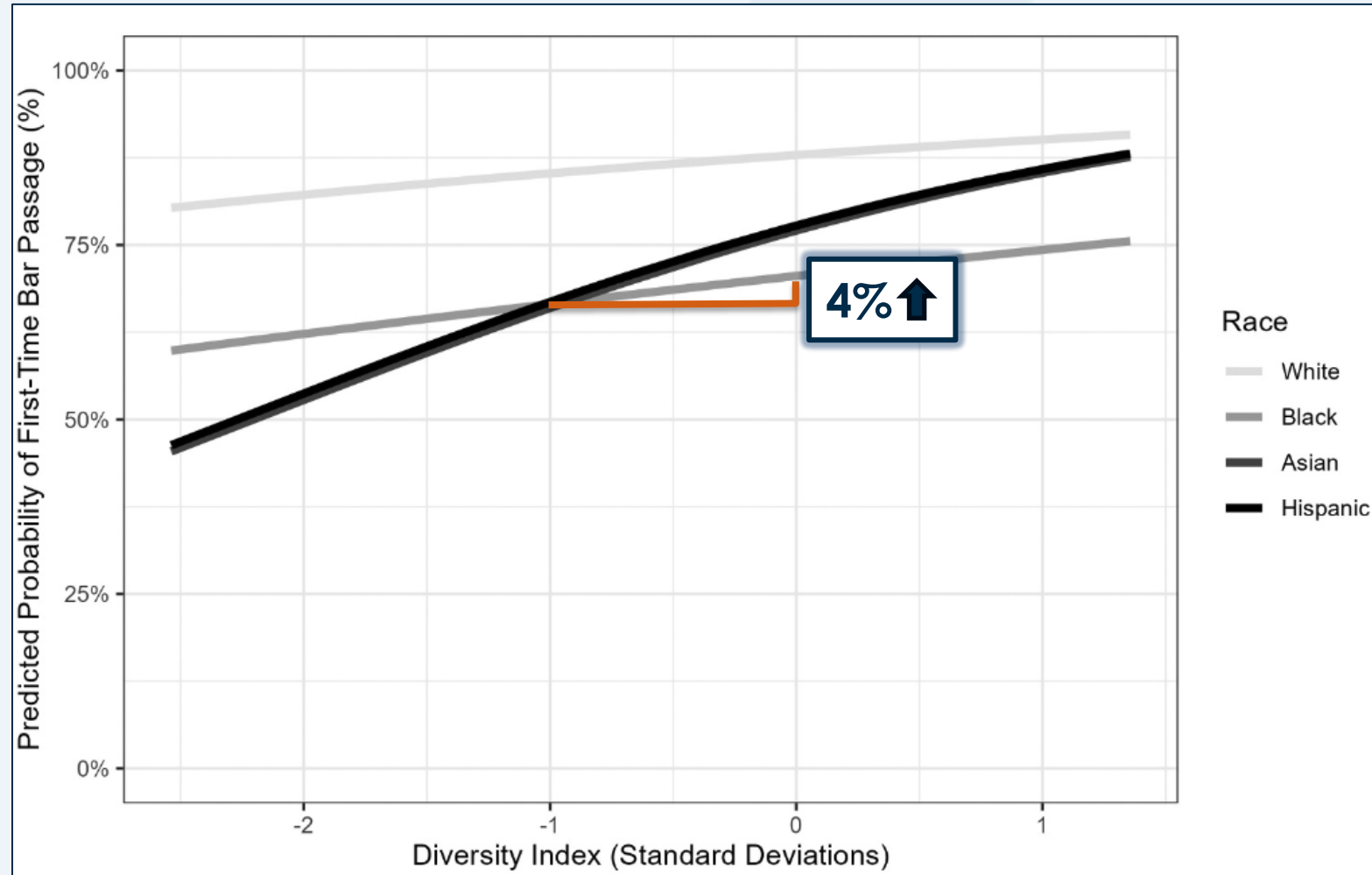


RQ2: We do not find a relationship
between diversity index and law school
GPA

RQ3: Students at more diverse schools have higher odds of bar passage; race moderates



RQ3: Students at more diverse schools have higher odds of bar passage; race moderates



IMPLICATIONS

Implications

Diversity benefits spread across a range of index values – no plateau

Without thoughtful intervention to curb consequences of *SFFA* decision, these benefits are at risk

Research shows that previous race-neutral approaches are not as effective as race-conscious approaches

Future research can help identify effective, novel race-neutral approaches and incorporate qualitative research methods



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