

**Struggles & Support:
Diversity in U.S. Law Schools**

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American racism continues to infect and affect the American education system. Students have different experiences with racism and discrimination based on their own racial backgrounds; these may lead to different realities in terms of attitudes, opinions, and actions. However, the shared experience of being students may also result in some similarities between students of different racial backgrounds.

While a number of scholars have conducted research on diversity in higher education, there is little empirical research specifically examining the law school context, and even less using a national data set focused on student perspectives and experiences. This study relies on national survey and focus group data to examine levels of law student support for diversity in law

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school and sources of support for law students, with a specific focus on racial similarities and differences.

INTRODUCTION

Racism persists in America. If we measure racism by the ways in which it devastated African Americans in the past, there has been clear progress.¹ Some mistake this progress as the end of racism and discrimination in America, arguing that ongoing racial disparities are based on a lack of motivation, skill, or ability.² But racism has evolved with the American public to occupy a much more savvy and sophisticated position.³ Though the overt, legal discrimination that characterized life in the U.S. from its origins through the 1960s has died down, racism itself remains in full force

¹ See MICHAEL K. BROWN, MARTIN CARNOY, ELLIOTT CURRIE, TROY DUSTER, DAVID B. OPPENHEIMER, MARJORIE M. SCHULTZ & DAVID WELLMAN, *WHITEWASHING RACE*, vii (2003) (asserting that racial progress is often followed by backlash, evident in the current reversal of some of the gains of the 1960s and 1970s); REYNOLDS FARLEY & WALTER R. ALLEN, *THE COLOR LINE AND THE QUALITY OF LIFE IN AMERICA*, 191 (1987) (explaining that while there has been some improvement in reducing educational inequalities, “sizable differences persist”); WILLIAM JULIUS WILSON, *THE DECLINING SIGNIFICANCE OF RACE 2* (1978) (asserting that class plays an increasing role in American inequality, as opposed to race).

² See BROWN ET AL., *supra* note 1; DINESH D’SOUZA, *ILLIBERAL EDUCATION: THE POLITICS OF RACE & SEX ON CAMPUS* (1991); RICHARD J. HERNSTEIN & CHARLES MURRAY, *THE BELL CURVE: INTELLIGENCE AND CLASS STRUCTURE IN AMERICAN LIFE* (1994); SHELBY STEELE, *THE CONTENT OF OUR CHARACTER: A NEW VISION OF RACE IN AMERICA* (1990); STEPHAN THERNSTROM & ABIGAIL THERNSTROM, *AMERICA IN BLACK AND WHITE: ONE NATION, INDIVISIBLE* (1997).

³ See EDUARDO BONILLA-SILVA, *WHITE SUPREMACY AND RACISM IN THE POST-CIVIL RIGHTS ERA*, 119 (2001) (noting that a “new racism” of subtlety has replaced the more overt character of racism from the past); JOE R. FEAGIN, *RACIST AMERICA: ROOTS, CURRENT REALITIES, AND FUTURE REPARATIONS*, 203-33 (2000) (arguing that the “Black-white binary” continues to shape the lives of those on either side of the “color line”); MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960’S TO THE 1990’S* (1994) (claiming that the evolving nature of racism indicates that past “racial projects” will not necessarily be part of modern racism); Joe R. Feagin, *The Continuing Significance of Race: Antiblack Discrimination in Public Places*, 56 AM. SOC. REV. 101 (1991) (explaining that even with regard to interactions in public places, Black individuals have a lower status than whites).

in a new incarnation; the current evolution is subtle but no less pernicious.⁴ There are some instances – notably, education— where racial disparities are even increasing.⁵

The law school environment is (in)famous for its intensely competitive environment and inhospitable campus climate. Studies that examine diversity in the law school context explain how legal education is made more difficult for students of color and female students.⁶ Moreover, while there have been increasing numbers of students of color on law school campuses as affirmative action and other measures continue to broaden opportunities,⁷ legal education continues to focus on white males as the

⁴ See DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM*, 97 (1992) (asserting that “oppression on the basis of race returns time after time—in different guises, but it always returns.”); BONILLA-SILVA, *supra* note 3; JOE R. FEAGIN, *SYSTEMIC RACISM: A THEORY OF OPPRESSION* (2006); D. O. Sears & P.J. Henry, *The Origins of Symbolic Racism*, 85 J. PERSONALITY & SOC. PSYCHOL. 259, 260 (2003).

⁵ See JONATHAN KOZOL, *SAVAGE INEQUALITIES: CHILDREN IN AMERICA’S SCHOOLS* (1992) (noting that white schools receive significantly more resources than their Black counterparts); MELVIN T. OLIVER & THOMAS M. SHAPIRO, *WHITE WEALTH/BLACK WEALTH* (1997); GARY ORFIELD, SUSAN E. EATON & THE HARVARD PROJECT ON SCHOOL DESEGREGATION, *DISMANTLING DESEGREGATION: THE QUIET REVERSAL OF BROWN V. BOARD OF EDUCATION* (1996) (documenting how many schools are more segregated now than fifty years ago); Gary Orfield, *School Desegregation After Two Generations: Race, Schools and Opportunity in Urban Society*, in *RACE IN AMERICA*, 235 (Herbert Hill & James E. Jones eds., 1993) (showing that segregation has recently been intensifying in certain areas of the country).

⁶ See CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* (1983); LANI GUINIER, MICHELLE FINE & JANE BALIN, *BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE* (1997); Walter R. Allen & Daniel Solórzano, *Affirmative Action, Educational Equity, and Campus Racial Climate: A Case Study of the University of Michigan Law School*, 12 BERKELEY LA RAZA L.J. 237, 287 (2001) (reporting students’ feelings of isolation and alienation); Carole J. Buckner, *Realizing Grutter v. Bollinger’s “Compelling Educational Benefits of Diversity” –Transforming Aspirational Rhetoric Into Experience*, 72 UMKC L. REV. 877 (2004); Celestial S. D. Cassman & Lisa R. Pruitt, *A Kinder, Gentler Law School? Race, Ethnicity, Gender, and Legal Education at King Hall*, 38 U.C. DAVIS L. REV. 1209 (2005); Nancy E. Dowd, *Diversity Matters: Race, Gender, and Ethnicity in Legal Education*, 15 U. FLA. J.L. & PUB. POL’Y 11, 56 (2003).

⁷ See Richard Lempert, David Chambers & Terry Adams, *Michigan’s Minority Graduates in Practice: The River Runs Through Law School*, 25 LAW & SOC. INQUIRY 395 (2000); AMERICAN BAR ASSOCIATION, *FIRST YEAR J.D. AND TOTAL J.D. MINORITY ENROLLMENT FOR 1971-2007* (2008), <http://www.abanet.org/legaled/statistics/charts/stats%20-%208.pdf>.

primary recipients of legal knowledge and classroom attention.⁸ This often leaves students of color feeling “othered,” voicing concerns that their race negatively affects how they are treated by professors in the classroom.⁹ Law students of color have higher attrition rates and lower academic outcomes than whites, as many disengage from classrooms focused primarily on white students.¹⁰ Research indicates that these students endure daily “microaggressions” in the form of subtle racist and sexist insults.¹¹ Some law students “choose silence as a way of protecting themselves from a hostile environment in and out of the classroom.”¹²

Having a critical mass of students of color may be a means to combat the often unwelcoming law school atmosphere.¹³ In fact, the term “critical mass” relates to structural diversity, the numerical and proportional representation of diverse groups on campus.¹⁴ It is defined by the variable number or percentage of individuals from a particular group who must be present for their presence to be meaningful.¹⁵ Research indicates that the presence of a critical mass of students of color in institutions of higher education improves the educational experience for students of color and white students alike. Students of color benefit from higher retention rates and enjoy greater satisfaction with their educational experience.¹⁶ Having meaningful representation of students of color at institutions of higher education also may add to these students’ sense of belonging at the school,

⁸ See generally WENDY LEO MOORE, *REPRODUCING RACISM: WHITE SPACE, ELITE LAW SCHOOLS, AND RACIAL INEQUALITY* (2007).

⁹ Dowd, *supra* note 6, at 29.

¹⁰ See Buckner, *supra* note 6, at 886; Portia Y. T. Hamlar, *Minority Tokenism in American Law Schools*, 26 *HOW. L.J.* 443, 535 (1983).

¹¹ Allen & Solórzano, *supra* note 6, at 249.

¹² Buckner, *supra* note 6, at 888.

¹³ Linda Serra Hagedorn, Winnie (YanFang) Chi, Rita M. Cepeda, & Melissa McLain, *An Investigation of Critical Mass: The Role of Latino Representation in the Success of Urban Community College Students*, 48 *RES. IN HIGHER EDUC.* 73 (2007).

¹⁴ Sylvia Hurtado, Jeffrey Milem, Alma R. Clayton-Pedersen, & Walter R. Allen, *Enhancing Campus Climate for Racial/Ethnic Diversity: Educational Policy and Practice*, 21 *REV. OF HIGHER EDUC.* 279 (1998).

¹⁵ Having a critical mass of underrepresented students would mean enrolling a meaningful number of minority students, so that they would not feel isolated or that they would have to serve as spokespersons for their race. See DERRICK BELL, *SILENT COVENANTS: BROWN V. BOARD OF EDUCATION AND THE UNFULFILLED HOPES FOR RACIAL REFORM* 152 (2004). See also Adeno Addis, *The Concept of Critical Mass in Legal Discourse*, 29 *CARDOZO L. REV.* 97, 106-13 (2007) (explaining the various usages of the term “critical mass” in legal discourse).

¹⁶ VINCENT TINTO, *LEAVING COLLEGE: RETHINKING CAUSES AND CURES OF STUDENT ATTRITION* (2nd ed. 1993).

which may contribute to improved retention rates and grades.¹⁷ In addition, all students benefit from an exposure to a wide variety of perspectives and experiences.¹⁸ In *Grutter v. Bollinger*,¹⁹ the Supreme Court stated that critical mass may be essential to the goal of reducing stereotypes, as this cannot be accomplished “with only token numbers of minority students.”²⁰ Of course, the existence of a critical mass of students of color also contributes to student support, especially in the sense of peer support and a climate of cooperation rather than competition.²¹

There has been a great deal of scholarship on the broad issues of affirmative action and diversity, but little research focusing on the value that students themselves assign to diversity. Studies of how sources of support may differ by race are also limited. Our research seeks to fill these gaps in the literature. Part I details the literature that frames the research, as well as the data, and methodology utilized to study the issue. Part II utilizes survey and focus group data to examine support for diversity, with findings of similarities between students from different racial backgrounds. Part III also presents findings from the data, with a focus on differences in sources of support between students from different racial groups. In Part IV, the article offers conclusions and implications of the study and suggests areas for future research.

I. Literature, Data & Methods

Over the past decade, dozens of scholars have examined the issue of diversity in institutions of higher education.²² In addition to broad studies of

¹⁷ Allen & Solórzano, *supra* note 6 at 241.

¹⁸ See *Grutter v. Bollinger*, 539 U.S. 306, 319-20 (2003) (citing Kent Syverud's testimony that “when a critical mass of underrepresented minority students is present, racial stereotypes lose their force because nonminority students learn there is no ‘minority viewpoint’ but rather a variety of viewpoints among minority students.”).

¹⁹ 539 U.S. 306 (2003).

²⁰ *Id.* at 333.

²¹ Daniel Solórzano, Walter R. Allen & Grace Carroll, *Keeping Race in Place: Racial Microaggression and Campus Racial Climate at the University of California, Berkeley*, 23 CHICANO-LATINO L. REV. 15, 44 (suggesting that the creation of race/ethnic-specific student organizations as “counter spaces” serve as buffers between a hostile campus and individual students of color).

²² RICHARD J. LIGHT, MAKING THE MOST OF COLLEGE: STUDENTS SPEAK THEIR MINDS (2001); WILLIAM G. BOWEN & DEREK BOK, THE SHAPE OF THE RIVER: LONG-TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS (1998); DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION (Gary Orfield & Michael Kurlaender eds., 2001);

this general research topic,²³ more specific studies have focused on student perspectives,²⁴ faculty observations,²⁵ and challenges confronting students of color at predominantly white institutions.²⁶ One study notes that law students of color – ostensibly, direct beneficiaries of affirmative action– have equal post-graduation success as their white peers.²⁷ Other research discusses how alumni of colleges and universities using affirmative action policies are more likely to be engaged in the political process, participate in civic activities, and attend cultural events; they attribute their ability to navigate racially diverse environments after college to the diversity they experienced while in college.²⁸ Researchers have directly examined college students' attitudes toward diversity.²⁹ Studies show that students in diverse environments overwhelmingly appreciate that diversity, both inside the classroom and in more personal interactions.³⁰ In fact, diverse interactions outside of the classroom may be even more influential than classroom learning in teaching cross-cultural lessons to students from different backgrounds.³¹

Geoffrey Maruyama & José F. Moreno, *University Faculty Views About the Value of Diversity on Campus and in the Classroom*, in AMERICAN COUNCIL ON EDUCATION & AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, DOES DIVERSITY MAKE A DIFFERENCE? THREE RESEARCH STUDIES ON DIVERSITY IN COLLEGE CLASSROOMS (2000); SOCIOLOGY OF EDUCATION: EMERGING PERSPECTIVES (Carlos Alberto Torres & Theodore R. Mitchell eds., 1998); Dean Whitla et al., *Educational Benefits of Diversity in Medical School: A Survey of Students*, 78 ACADEMIC MED. 460 (2003) (finding that a significant number of cross-cultural medical student interactions led to enhanced academic experiences in medical school).

²³ Torres & Mitchell, *supra* note 22.

²⁴ Orfield & Kurlaender, *supra* note 22.

²⁵ Maruyama & Moreno, *supra* note 22.

²⁶ See Allen & Solórzano, *supra* note 6; Richard H. Sander, *A Systematic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367 (2004).

²⁷ Lempert et al., *supra* note 7.

²⁸ See Brief for Harvard, Stanford, and Yale Black Law Students Association as Amici Curiae Brief Supporting Respondents, *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241), 2003 WL 399207; BOWEN & BOK, *supra* note 22; PATRICIA GURIN, JEFFREY S. LEHMAN, EARL LEWIS, ERIC L. DEY, GERALD GURIN & SYLVIA HURTADO, *DEFENDING DIVERSITY: AFFIRMATIVE ACTION AT THE UNIVERSITY OF MICHIGAN* (2004).

²⁹ See Kelly S. Ervin, *Multiculturalism, Diversity, and African American College Students: Receptive, yet Skeptical?*, 31 J. BLACK STUD. 764 (2001); William A. Smith, *Gender and Racial/Ethnic Differences in the Affirmative Action Attitudes of U.S. College Students*, 67 J. NEGRO EDUC. 127 (1998).

³⁰ See Orfield & Kurlaender, *supra* note 22; GURIN ET AL., *supra* note 28.

³¹ LIGHT, *supra* note 22; See also Whitla, *supra* note 22.

As noted earlier, a great number of scholars have conducted research regarding diversity in higher education.³² Despite this, there is little empirical research specifically examining the law school context,³³ and even fewer studies using a national data set focused on student perspectives and experiences.³⁴ Law schools are in many ways an obvious choice for a study of this sort. Students in law school must have proven their academic prowess in college in order to be accepted into professional school. By virtue of the fact that they enroll in post-graduate educational institutions, law students are highly motivated, believe in academic opportunity, and value education. Additionally, American law schools tend to produce future leaders, scholars, and decision-makers who will have a real impact on the world around them. Thus, a study examining these students is one that will likely give us insight into the future direction of this country.

The importance of studying support that students rely upon as they navigate law school relates also to the study of diversity. It may be that students of different racial or ethnic backgrounds rely on different sources of support to achieve their full academic potential. If this is the case, we must work to provide the different types of support that all students need to enhance their academic capabilities in law school and lay the foundations for their nascent careers. For these reasons, this article studies diversity and student support with a particular focus on racial similarities and differences.

This article considers the broad issue of diversity in law school. The central problem relates to racial similarities and differences in the experiences of law students, their perspectives on diversity, and their sources of support. To examine this problem, this study utilizes data collected through survey and focus group research conducted by the Educational Diversity Project (EDP).³⁵ This national, longitudinal, mixed-method study of law school diversity followed one cohort of students throughout the three years of their law school careers. In August 2004, EDP researchers collected 8,063 surveys from a national sample of first-year law student respondents attending

³² See generally *supra* note 22.

³³ Rachel F. Moran, *Diversity and its Discontents: The End of Affirmative Action at Boalt Hall*, 88 CAL. L. REV. 2241, 2241-2352 (2000); Allen & Solórzano, *supra* note 6; Cassman & Pruitt, *supra* note 6.

³⁴ Existing publications of a national sample of law students draw primarily from two data sets, the Law School Survey of Student Engagement, *available at* <http://lssse.iub.edu/>, and the Educational Diversity Project, *available at* <http://www.unc.edu/edp>. See also Meera E. Deo, Rican Vue & Maria Woodruff, *Paint by Number? How the Race & Gender of Law School Faculty Affect the First-Year Curriculum*, 29 CHICANO-LATINO L. REV. 1 (2010).

³⁵ UNIVERSITY OF NORTH CAROLINA, CHAPEL HILL, EDUCATIONAL DIVERSITY PROJECT, <http://www.unc.edu/edp/>.

orientation activities at 64 accredited American law schools. All students at each school were invited to participate in the study and were asked if EDP researchers could re-contact them for future research. The initial 16-page survey took approximately one hour for students to complete. These surveys were self-administered, collected by school administrators, and mailed back to EDP administrators. Schools were selected to gain a broad representation of law school characteristics by status, faculty-to-student ratio, school diversity, selectivity, and geographic location. The racial distribution of the national EDP sample is 9% Black/African American, 5% Latino, 9% Asian Pacific Islander (API), 2% Multiracial, 73% white, and 2% Other; these statistics are representative of the overall racial distribution in all ABA-approved law schools in the U.S.

Questions on the national survey focused on six broad diversity domains: student background, family background, experience, perspective, educational expectations, and career goals/aspirations. Participants responded to questions regarding their attitudes, opinions, preferences, and experiences within each of these domains. Students were asked to rate their level of agreement with a number of statements, including the following three that were used in data analysis for this article:

- (1) "A more racially diverse student body can challenge all students to think about different viewpoints."
- (2) "Racial diversity on campus will improve students' abilities to work and get along with others after graduating in an increasingly diverse society."
- (3) "My educational experience has been enhanced significantly by being exposed to diverse points of view expressed in the classroom."

In 2005, EDP researchers conducted follow-up surveys and focus groups with a sub-sample of 203 law students at 11 schools who had agreed to be re-contacted. Schools in this sub-sample were selected to be geographically diverse, and also based on overall rates of response to the 2004 orientation survey and interest in participation. To capture a broad array of experiences from students of color, the study design oversampled Historically Black law schools (HBLs), including three HBLs in the sample of 11 schools. Thus, 28% of the sample is Black/African American, 8% Latino, 12% API, 50% white, and 2% Other. The mixed method approach of using both quantitative (survey) and qualitative (focus group) data was designed to ensure that the research captured both the broad trends of law school life that students could answer quickly through self-administered surveys and the nuanced details of interactions and experiences that would emerge through

conversation and discussion. Thus, focus groups were deemed to be the most effective method to engage students in sharing personal insights about the daily experiences of law school.

Students were recruited via email and telephone calls – information they had provided in the original 2004 survey study. Each student from the 11 schools who had agreed to be re-contacted was invited to participate in these follow-ups, yielding 203 focus group participants. A diverse group of researchers, graduate students and experienced researchers from UCLA and local institutions, facilitated these sessions.

Follow-up sessions were held in law school classrooms with one to seven students in each group. Students spent approximately 15 minutes on the survey and 25 minutes to one hour in focus group sessions. All students were assigned pseudonyms to ensure confidentiality. Students were given a light lunch as well as movie tickets or a Starbucks gift card as a token of appreciation for participation. The overwhelming majority of the groups were racially homogenous and facilitated by a researcher of the same race in order to encourage comfort in discussing sensitive racial topics. Group composition was also determined by student availability; thus, some sessions were individual interviews, and others were larger groups. All sessions were audio-taped, professionally transcribed, and reviewed for error before data analysis.³⁶ IRB approval was received for this research project, both for the national survey study as well as for follow-up focus groups.

The 2005 follow-up survey instrument asked about racial interaction, sources of support, involvement in student organizations, and the law school experience generally. One specific question asked students to rate on a scale of 1 to 3 their levels of support from the following sources: Family, Classmates/Law school friends, Other friends, Law school faculty, Other mentors, Religion, and Other sources (with 1 = no support, 2 = some support, and 3 = strong support).

The focus group protocol focused on the first-year curriculum, interactions with peers and professors, involvement in student organizations, and school diversity.³⁷ Students were asked the following question related

³⁶ In addition to the 2005 follow-up survey and focus group sessions, EDP researchers conducted survey and focus group sessions with the same participants in spring 2006 and 2007, the second and third years that students were in school. Those meetings included questions on summer and permanent jobs as well as additional and ongoing questions about the law school experience generally. This article does not draw on these later data sets, but rather focuses on the first year of the study.

³⁷ A “protocol” is a guide of set questions to ask research participants as well as suggested prompts or follow-ups for elaboration. Facilitators use the protocol as a starting point, with freedom to pursue additional relevant topics and themes at their discretion. This ensures responses to a standard set of questions but also provides

specifically to diversity in law school: “Do you feel this law school campus is a diverse environment to learn about the law? If so, what are the advantages and disadvantages to having a racially diverse student body on your law school campus?”

All analyses for this article use EDP data from students responses to the 2004 national survey as well as the 2005 follow-up survey and focus group sessions. The article uses standard accepted software programs to run analyses on the data; SPSS was used to conduct quantitative data analyses and ATLAS.ti was used to identify patterns in the qualitative data. All quantitative and qualitative analyses follow accepted sociological standards. For the quantitative analyses, data are presented in tables as well as in the body of the article. Using qualitative data, the words of the students themselves explain their experiences. Thus, the qualitative data is analyzed collectively and categorized according to particular patterns that emerge.³⁸

This article focuses on findings in two key areas: similarities between racial groups in student support for diversity in law school and differences between racial groups in sources of support for students. Findings show that law students overwhelmingly support diversity and recognize multiple ways in which they personally benefit from diversity in the classroom. In addition to the traditional benefits of diversity that accrue to all students, students of color also identify specific ways in which they benefit from diversity in law school.

II. Support for Diversity: Similarities Across Racial Divides

A. Quantitative Findings: Attitude Shaped by Experience

While some see the United States as a land of equality and opportunity for all,³⁹ many studies document ways in which these ideals have not yet been realized. Racial disparities persist.⁴⁰ In some cases they are

the flexibility to include additional data. See, e.g., CONTEMPORARY FIELD RESEARCH (Robert M. Emerson ed., 2001); ROBERT WEISS, LEARNING FROM STRANGERS: THE ART AND METHOD OF QUALITATIVE INTERVIEW STUDIES (1995).

³⁸ WEISS, *supra* note 35 (describing the benefits and methods of qualitative interviews).

³⁹ D’SOUZA, *supra* note 2; STEELE, *supra* note 2; THERNSTROM & THERNSTROM, *supra* note 2; BROWN ET AL., *supra* note 1.

⁴⁰ BELL, *supra* note 4; BONILLA-SILVA, *supra* note 3; FARLEY & ALLEN, *supra* note 1; Feagin, *supra* note 3; J. S. Jackson et al., *Racism and the Physical and Mental Health Status of African Americans: A Thirteen Year National Panel Study*, 6 ETHNICITY & DISEASE 132 (1996).

widening and worsening.⁴¹ Americans report vastly different experiences based on their race.⁴² As an example, Table 1 demonstrates different experiences with everyday discrimination by race. Over 80% of African Americans in the 2004 EDP survey sample of over 8,000 students complain of being “followed around in stores,” while only a quarter of white students experience this type of discrimination. Thus, even among the sample of highly educated individuals, overt everyday discrimination persists.

In addition, we know that different experiences often lead to different viewpoints.⁴³ Table 2 presents findings on support for affirmative action from law students of different racial backgrounds. As shown there, a majority of students from all racial backgrounds are supportive of affirmative action in university admissions –*except for white students*. The experience of discrimination may be one reason why African Americans and other people of color tend to support admissions policies using affirmative action more than white law students. This is just one example of how experience associated with race may shape attitudes.

Diverse learning environments draw on the varied life experiences of people from different racial backgrounds to improve the educational environment for all students. In fact, as shown in Table 3, the students in the EDP sample tend to overwhelmingly support diverse learning environments and appreciate how diversity in law school improves their educational experience and prepares them to succeed professionally. In rating their level of agreement with the three diversity questions mentioned above,⁴⁴ a full 77% of students either agree or strongly agree that, “A more racially diverse student body can challenge all students to think about different viewpoints.” In addition, 78% agree or strongly agree that, “Racial diversity on campus will improve students’ abilities to work and get along with others after graduating in an increasingly diverse society.” Finally, 74% agree or strongly agree that, “My educational experience has been enhanced significantly by being exposed to diverse points of view expressed in the classroom.”

When we consider that a positive response to any of the three questions indicates support for diversity, we see that a whopping 88% of all

⁴¹ Orfield, *supra* note 5; ORFIELD ET AL., *supra* note 5; KOZOL, *supra* note 5; JONATHAN KOZOL, *THE SHAME OF THE NATION: THE RESTORATION OF APARTHEID SCHOOLING IN AMERICA* (2006).

⁴² Susan R. Rankin & Robert D. Reason, *Differing Perspectives: How Students of Color and White Students Perceive Campus Climate for Underrepresented Groups*, 46 J.C. STUDENT DEV. 43 (2005).

⁴³ Lawrence Bobo & James R. Kluegel, *Opposition to Race-Targeting: Self-Interest, Stratification Ideology, or Racial Attitudes?*, 58 AM. SOC. REV. 443 (1993).

⁴⁴ See *supra* Part I for a presentation of the specific diversity questions asked in the survey study.

law student respondents in the national sample support diversity. Strong support for diversity extends across racial groups, with 87% of whites, 94% of African Americans, 91% of APIs, 93% of Latinos, and 90% of multiracial students voicing support along at least one of the three measures given above.⁴⁵

B. Qualitative Findings: Voices of Support for Diversity

This section draws on the voices of law students to express and explain their support for diversity, the educational benefits they see in the classroom, and additional reasons why they are appreciative of the diversity they experience – or disappointed by a lack of diversity at their law schools. All quotes in this article are taken directly from transcripts of EDP focus groups from Spring 2005. All names assigned to quotes are pseudonyms, to protect the confidentiality of participants. Using the words of the students illuminates their law school experience with a powerful and authentic voice.

Participants generally are positive about diversity at their law schools. The comments of Brianna, a white woman at a predominantly white law school,⁴⁶ touting the educational benefits of diversity are representative:

Law schools, in general, I think, do want diversity because what you want in a classroom setting is you want these different points of view and you do want people to be passionate about their point of view and have some kind of background to support a different point of view, so diversity is, I would say from an academic standpoint, absolutely crucial.

Though Greta is an African American woman at a diverse Historically Black law school, her attitude is very similar to Brianna's; she says:

So if you have different groups from different races, different genders, speaking to all these issues, they're going to come to the table with different aspects looking at it from a different way. In law school, especially when it comes to the law, you need those different perspectives to look at the

⁴⁵ Note that support for diversity does not seem to coincide with support for affirmative action as a means to achieve diversity, as discussed *supra* Part II.A. and *infra* Table 2.

⁴⁶ Unless specified as otherwise, quotes are from students attending predominantly white law schools.

law because once we get into the real world when we're trying to actually distinguish those laws...you have to take into account what our peers might be arguing on that end. So I think it is very good to have a diversified environment from all walks of life.

Many students explain that interaction with a diverse student body is especially important to them, not only to learn about different perspectives in the classroom, but also because doing so has particular relevance after law school in the working world. Garrett, an African American man at a Historically Black school appreciates this diversity on his campus, noting:

The big thing; it's a diverse world. So you're going to meet different types of people. If not in your profession, say, you're going to at least meet different types of people under you or that you're working for. So you're gonna' need to know how to interact with them.

Some students were clearly disappointed at the lack of diversity in their law schools. They note that it is problematic for a number of reasons. Aaron, an African American man at a predominantly white school, says:

I definitely agree about the absence of that different perspective; I think it is limiting when you do get out there in the real world, and the real world is not all one shade.

Arlene, a white woman, adds another reason why a lack of diversity is problematic, which relates specifically to learning legal concepts, saying:

And it's hard to talk about cases which involve discrimination of ethnicities when they're not even in the room.... If you were talking about how Blacks feel when they're discriminated against under the Civil Rights Act and you've got a bunch of white people talking about how they think [Black people] feel, it's kind of ironic.

As indicated above, students tend to be very supportive of diversity in law school and lament the lack of diversity when it is missing. For students of color at predominantly white institutions, diversity is a more complex issue. Non-diverse environments, even those with token numbers of students of color, may be extremely difficult for some students of color to

navigate.⁴⁷ These may even lead to less-than-optimal academic outcomes for students of color.⁴⁸ Hope, an API woman, notes:

So coming to the law school where there is a majority of non-students of color, it was really hard to adjust to that and feel once again like I'm like the "token Asian person" in the class. [I'm] feeling again the burden having to represent my group.

Being the "token Asian person in the class" with "the burden of having to represent my group" can present a serious barrier to both comfort in law school and academic achievement.⁴⁹ Studies indicate that some law students "choose silence as a way of protecting themselves from a hostile environment in and out of the classroom."⁵⁰ A student in the sample named Justine is one of only a handful of API women at her predominantly white law school; she explains how being a "token Asian" limits her academic engagement, stating:

I feel like [my first year] was kind of a disempowering experience. I feel like I'm someone who's pretty vocal and when I came to law school, I became the opposite. I feel like I'm just so silent when it comes to law school classes. I feel like I'm not supposed to have an opinion about anything. I think that it would be easier to kind of speak up in class, it'd be easier to sort of talk about law school, if there were more people who at least resembled me.

⁴⁷ BEVERLY DANIEL TATUM, "WHY ARE ALL THE BLACK KIDS SITTING TOGETHER IN THE CAFETERIA?" AND OTHER CONVERSATIONS ABOUT RACE. (1997).

⁴⁸ Solórzano et al., *supra* note 21.

⁴⁹ Allen & Solórzano, *supra* note 6; Buckner, *supra* note 6; *see also* R. FEAGIN ET AL., THE AGONY OF EDUCATION: BLACK STUDENTS AT WHITE COLLEGES AND UNIVERSITIES (1996); RUTH SIDEL, BATTLING BIAS: THE STRUGGLE FOR IDENTITY AND COMMUNITY ON COLLEGE CAMPUSES (1994); Min Zhou, *Social Capital in Chinatown: The Role of Community-Based Organizations and Families in the Adaptation of the Younger Generation*, in BEYOND BLACK AND WHITE: NEW VOICES, NEW FACES IN THE UNITED STATES SCHOOLS 181-205, 197 (Maxine S. Seller & Lois Weis eds., 1997) (detailing how community and family can help ease tensions facing second-generation immigrants, including adjustment to "conflicting values and behavioral standards" in the educational environment); Cassman & Pruitt, *supra* note 6.

⁵⁰ Buckner, *supra* note 6, at 888.

Other law students of color echo how they feel unwelcome in school because of the lack of diversity. Some opponents of affirmative action maintain that “racial preferences” admit unqualified students of color in place of white students who are entitled to the seats.⁵¹ This attitude often carries through to the classroom and beyond. Abigail, an African American student at a predominantly white school, feels that her peers do not think she belongs in school with them:

I don't know if they just look at me as a Black person and say, “Oh, you're a Black person, just get out of my way.” Or “You're not smart enough to be with me so get out.” I don't know what it is but you kind of have a look of, you know like, “You're not supposed to be here.”

Bianca, a Latina, similarly notes how some students make “blatantly racist, prejudiced statements” and she will never be able to explain what it's like to be a minority on a campus of mainly white students:

I know that a lot of times I don't even bother speaking [in class] because the people that are making the really blatantly racist, prejudiced statements... I just think they're kind of lost causes. Like these are people that I'm not going to ever convince. Who are never going to understand what it's like to be a person of color or Latina, or someone who's gay or anything like that.

The quotes above give voice to the student perspective, while also demonstrating a strong support for diversity among American law students. While students of color and white students tend to be similarly supportive, their experiences with diversity are significantly different. First, regardless of race, many students recognize the ways in which diversity adds “different points of view” that are “absolutely crucial” to academic understanding of the law. Similarly, most note how a lack of diversity at their law school is “limiting” and does not adequately prepare them for interacting in an increasingly diverse and globalized society that “is not all one shade.” Both students of color and white students share these sentiments.

In addition, however, students of color face unique challenges on less diverse campuses. Data show that being a “token” minority, carrying the “burden” of race-representation can be a “disempowering experience” where

⁵¹ D'SOUZA, *supra* note 2; STEELE, *supra* note 2; THERNSTROM & THERNSTROM, *supra* note 2.

students of color are “silent” because they are “not supposed to be here.” Thus, without a critical mass or meaningful numbers of students of color, it is challenging for law schools to create a welcoming environment for all students.⁵² The next section examines how students draw on their family, peers, friends, faculty, mentors, and religion to get the encouragement they need to persevere in law school.

III. Sources of Support: Differences across Racial Divides

Where do white, African American, Asian/Pacific Islander (API), Latino, and other students go to get the support they need to face the many difficulties of law school life? How do students of color deal with the particularly challenging environment facing them in law school? This section outlines differential support sources based on race, specifically with regard to faculty, mentors, and religion.

The short survey that law students completed before beginning their focus group asked students to describe their level of support during law school from a number of different sources. There are no significant differences among racial groups in terms of their levels of support from family, classmates, and friends from outside of law school. In fact, students from all racial backgrounds tend to rely heavily on family (74-84% reporting “strong support”), law school classmates or peers (56-71% reporting “strong support”) and, to a slightly lesser degree, other friends outside of law school (36-51% reporting “strong support”) to help sustain them through law school.

However, there are major racial differences in support networks in three key areas. When asked to describe their level of support (“strong support,” “some support”, or “no support”) from different sources, a high percentage of African American students report that they receive “strong support” from law school faculty, other mentors, and religion. Other groups seem to be less adept at harnessing support from these sources.

Specifically, as shown in Table 4, APIs and African Americans report high levels of faculty support, with about one-third (36% of APIs and 33% of African Americans) saying that they receive “strong support” from law school faculty. In addition, 28% of Latinos also receive “strong support” from faculty members, while only 20% of whites rely on faculty for significant

⁵² See *supra* note 14 for more details regarding critical mass.

support in law school. Thus, students of color seem to rely more heavily on faculty support than white students.⁵³

Focus group data reveal that many of the students rely specifically on professors of color and female professors to provide support and mentorship. Students of color and white students alike report that faculty of color are often more accessible than whites and that female faculty tend to engage students more than male faculty. Thus, a white female student named Iris notes:

One of the things I've noticed, though, is that the Black male professor is much more approachable, hangs out and socially interacts with us, which I haven't seen happen with any of our other professors [all of whom are white men].

Jenn, an African American female at a Historically Black law school, notes:

But as far as outside class, interactions that go beyond maybe just the learning, or "I have a question about something that you said in class," I don't see that from the white faculty, or know any of my closer friends in the law school that have that type of mentor relationship with them.

In addition to their reliance on professors, African American law students seem better able to harness support from mentors generally than students of other racial/ethnic backgrounds. As displayed in Table 5, almost half (42%) of all African Americans report "strong support" from mentors, compared to less than a quarter of respondents from all other racial groups (specifically 22% of APIs, 24% of Latinos, and 22% of whites). India, a multiracial African American and Hawaiian student, is committed to performing well in all of her classes but puts additional effort into those taught by African American female professors, whom she sees as mentors:

I take all my classes seriously, but classes that are taught by Black female professors, I tend to take a lot more seriously and I try to perform to make them, I guess, not proud of me, but just proud of another young lady pursuing her career... Just the fact that they're there and it's evident that young Black females like myself can become professors,

⁵³ Note, however, that the three historically Black law schools included in the sample have larger Black faculty presence than most other schools and may skew responses on this item.

mentors to other individuals, and set a path. That's definitely very motivating for me, and I really admire the female, I mean I admire all of them, but I really do admire the female professors we have here.

Thus, mentorship seems to go a long way in supporting African Americans as they deal with the challenges of law school life. Yet, our data show that students of all other racial backgrounds do not rely much on mentors for support in law school.

A third source of potential support is religion. Again, African American students rely much more heavily on religion for support than their peers. Table 6 shows that almost half of all African Americans in our sample (46%) report that they receive "strong support" from religion. In addition, a full quarter (25%) of Latinos also report receiving "strong support" from religion. In contrast, only 11% of APIs and 10% of whites note religion as a major support mechanism. Interestingly, the vast majority of APIs (70%) and whites (76%) receive "no support" whatsoever from religion, compared to half (50%) of all Latinos and less than a quarter (21%) of African Americans. In other words, about three-quarters of all African Americans and Latinos report that they rely on religion to support them through law school, while three-quarters of whites and APIs report no religious support at all.

Although students indicate this support from religion on survey responses, few students spontaneously elaborate on the ways in which religion provides a support mechanism during focus group discussions.⁵⁴ However, a number of students do mention how religious diversity improves the learning environment at their law schools. Selma, an African American woman at a Historically Black law school states:

I think it's also diverse in terms of experiences that people come to law school with. Some folks have worked, some people have not, as well as sort of cultural backgrounds and religious backgrounds that have come out in different ways in class. So, you can kind of see all that diversity.

Ken, an API male, recounts one particular instance of experiencing diversity of religion with fellow students:

⁵⁴ The 2006 protocol asked students directly about source of support, including religious support. Analyses of those data indicate that students who draw support from religion rely on "church families," pastors, and prayers to help them get through many of the challenges of law school.

I was talking to people about a Muslim female student who doesn't really talk to men because her belief is such that she doesn't, that in respect for her husband and her religion, she doesn't really talk to men. That actually created an issue between a few students.

Audrey, a Latina, mentions how some students used religion to back up their views on gay rights; although she disagrees with them, she appreciates their willingness to speak up in class and educate their peers about their beliefs, saying:

A lot of it was just, "Well, it's immoral. It's against my religion, so I just think it should be wrong." It was pretty much, these were like the really religious people that I was talking to, and that was pretty much their argument. . . . So it was a surprise to hear that some people did actually have those arguments.

Thus, there are racial differences in terms of where and how students receive support during law school. In general, students of all racial backgrounds rely on professors to provide support and encouragement, though African American and API students do so to a greater degree than others. In addition, mentorship provides an especially useful tool for navigating the difficulties of law school for almost half of African American students but only a quarter of students from other race/ethnic backgrounds. Finally, religion strongly supports a full half of all African American law students and a quarter of Latino students through school, though very few API and white students draw from this resource.

IV. Conclusion

In summary, the data reveal that law students share both similarities and differences based on race. The main similarity is that white and non-white students alike express strong support for diversity in the educational setting. The vast majority of students in the EDP sample note that diversity enhances their learning environment. Some students make this reflection lamenting that a lack of diversity at their school may put them at a disadvantage, while others made clear that they appreciate the diversity at their school because of the benefits it provides. Yet, the racism and discrimination that are a part of the daily lives of students of color mean that diversity may have a differential impact on these students as compared to their white peers.

Because our society relies on American law schools to produce many of our future leaders, it is especially important to recognize how these institutions deal with issues of diversity. The lessons learned in the law school classroom may well be recreated in board rooms and capitol buildings throughout the country. Thus, when these students state the ways in which they appreciate the many benefits diversity provides, we know they plan to draw on these advantages far into the future. In fact, this has been empirically documented with 78% of the EDP sample agreeing that law school diversity will improve their future careers.⁵⁵

In addition to the traditional benefits of increased perspectives and exposure to different viewpoints, diversity means something extra for students of color. When greater than token numbers of students of color enroll on a particular law school campus – when they achieve “critical mass” – students of color experience true diversity, a situation where students of color can be comfortable expressing their own viewpoints, rather than representing some expected and impossible “Black perspective,” or “Asian American perspective,” for example. Just as structural diversity relies on having numerical and proportional representation of students of color, critical mass allows these students to share their perspectives and show both a unified voice on particular issues and diversity within their group on others. Thus, a critical mass of students from one race/ethnic background allows individual students in that race/ethnic group to disagree with one another in the classroom, to move away from the burden of being a “token,” and be engaged in learning as individuals rather than as group representatives.

Additionally, critical mass is important because it provides a level of peer support that students of color cannot achieve otherwise. Whether drawing on support from individual law school friends or through race/ethnic-specific organizations, the existence of these sources of support relies on the presence of students of color. Without the students, there will be neither peer support nor student groups.

The main differences discussed in this article reveal that not all students get support from the same sources. While students of all races rely on family, peers, and friends for support, there are differences in terms of other support sources. African American and API law students rely heavily on law school faculty for support. In addition, African American law students receive strong support from mentors. Finally, religion plays a key role in providing support to almost half of all African American law students and also a large percentage of Latino law students; this is in stark contrast to APIs and whites, the overwhelming majority of whom receive no support from religion at all.

⁵⁵ See *supra* Part II.A. and *infra* Table 3.

These findings regarding support bring up a number of important implications. Topping the list is how to encourage students from other racial/ethnic backgrounds to draw on support from faculty and other sources to the same degree as their African American peers. Additionally, it may be interesting to determine if these students may be drawing more heavily from other sources, or whether they could benefit from additional sources of support. This information would enable law schools to better channel their resources effectively to promote interactive learning and engagement from all students, which would potentially improve academic outcomes and even future success.

Topics for future analysis include examinations of how race and other factors affect actual academic outcomes, professional expectations, and trajectories; how and whether participation in student organizations provides academic, emotional, and/or intellectual support; and ways in which faculty diversity affects classroom learning and interaction. To increase opportunities for students of color to succeed, college campuses must combat the subtle and vicious forms of racism that persist, while also offering support to students of color so that they are less isolated and have more resources. Numerous scholars have published research on diversity in higher education.⁵⁶ Now law schools must do more to maintain and increase it. Financial aid, institutional support programs, and respectful recruitment and retention policies may all assist in creating a supportive environment for students of color.⁵⁷ Specifically, organizations and institutional programs focused on meeting the unique needs of students of color may be mechanisms for creating a safe space on otherwise hostile campuses to foster their academic success.⁵⁸ The broader aim should be to make the campus climate as a whole one that supports diversity, provides adequate support, and facilitates the success of all students. Otherwise, “traditionally white institutions of higher education will continue to be substantial bastions of white interests, power, and privilege.”⁵⁹

⁵⁶ BOWEN & BOK, *supra* note 22; Torres & Mitchell, *supra* note 22; Allen & Solórzano, *supra* note 6; Cassman & Pruitt, *supra* note 6; Dowd, *supra* note 6.

⁵⁷ FEAGIN ET AL., *supra* note 49 at 154.

⁵⁸ Solórzano et al., *supra* note 21, at 66-70.

⁵⁹ FEAGIN ET AL., *supra* note 49 at 165.

Table 1. Self-reported Discrimination by Race. EDP Survey of Law Students 2004. (N = 8,063)



Table 2. Support for Affirmative Action in University Admissions by Race. EDP Survey of Law Students 2004. (N = 8,063)

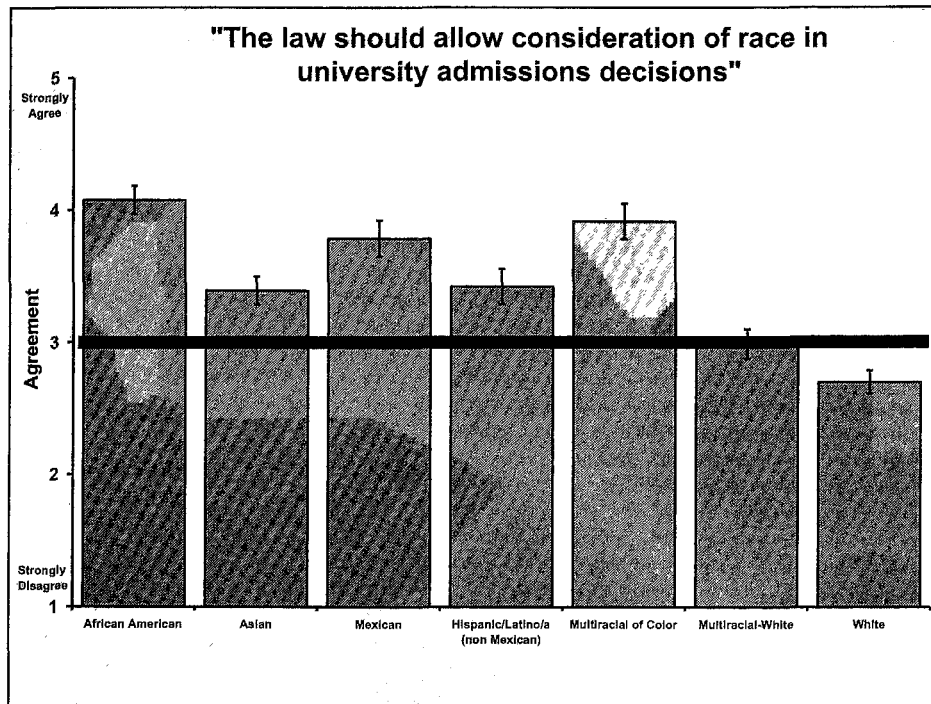


Table 3. Support for Diversity along Three Measures and Opposition to Diversity along Three Measures; in Percent by Race. EDP Survey of Law Students 2004. (N = 8,063)

	Diversity Adds Different Viewpoints	Diversity Helps Students Get Along After Graduation	Diversity Provided Past Educational Enhancement	Do Not Support Any of the Three Statements
white	80	74	70	13
African American	94	88	85	6
API	89	86	83	9
Latino	90	89	84	7
Multiracial	85	82	78	10

Table 4. Support from Faculty by Race. EDP Pre-Focus Group Survey of Law Students 2005. (n = 203)

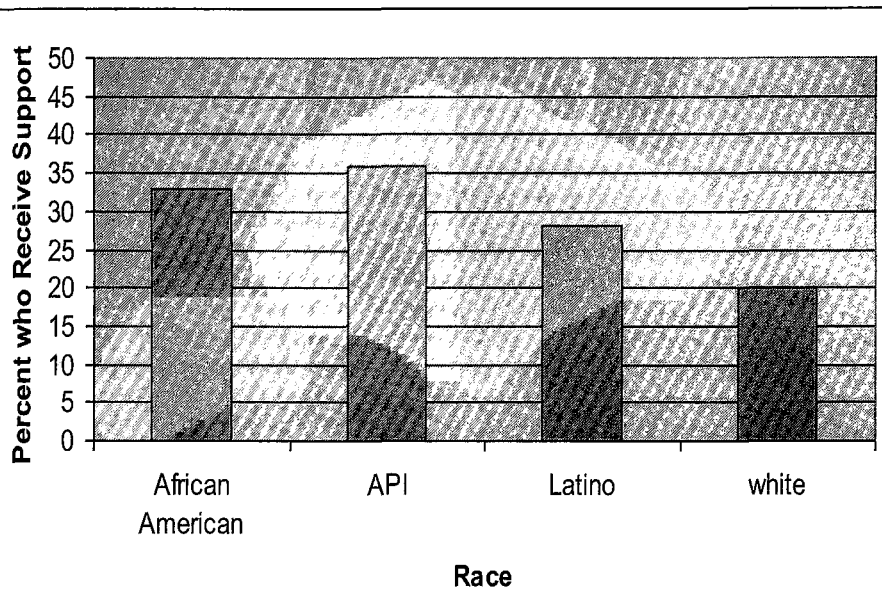


Table 5. Support from Mentors by Race. EDP Pre-Focus Group Survey of Law Students 2005. (n = 203)

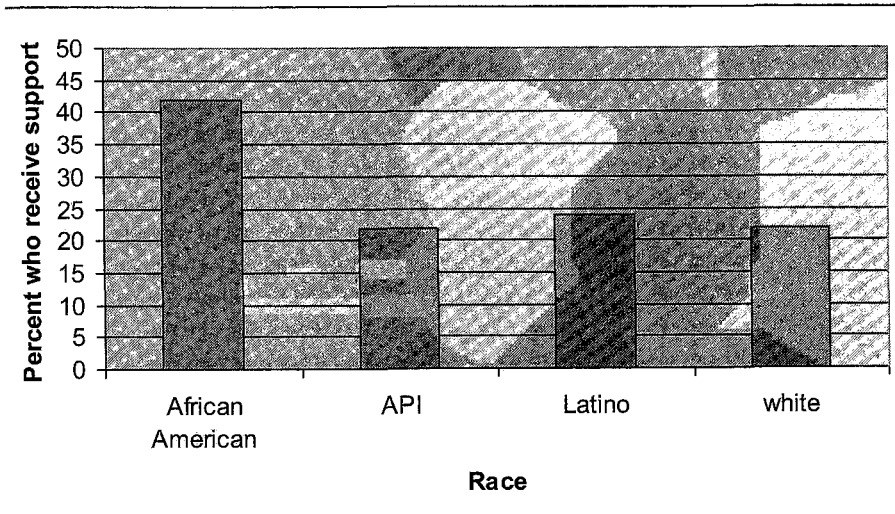


Table 6. Support from Religion by Race. EDP Pre-Focus Group Survey of Law Students 2005. (n = 203)

