

Building Bridges: How Law Schools Can Better Prepare Students from Historically Underserved Communities to Excel in Law School

Amy H. Soled and Barbara Hoffman

I. Introduction

I once believed that I was destined to follow in the footsteps of my father and spend the majority of my life in prison. When I became the first in my family to graduate college and attend law school, I was overcome with excitement. However, such excitement is intertwined with fear and anxiety. As a poor, first-generation student, I constantly fear the judgment of my peers. Will my intelligence be judged by my inability to pronounce words that have long been foreign to my family and me? Will my commitment be questioned because I cannot afford to have my books on time or purchase supplemental materials? For me, the challenge of law school is not only overcoming the rigorous coursework. I must also overcome the social and financial barriers seeking to steer me away.

—Jalen D. Porter, Rutgers Law School '22

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Over decades of teaching, we have witnessed many students struggle to navigate law school successfully. And like all law school professors, we must acknowledge that we often don't know what we don't know; many students do not reveal the reasons they feel unprepared, overwhelmed, or lost. They may not even know themselves. Our experiences with struggling students made us think long and hard as to how law schools can help students—especially those left underprepared for law school by their formal education and personal experiences—succeed as students and attorneys. While most education literature reports on such students in early-childhood, primary, and secondary education, less attention is devoted to addressing these issues in professional schools such as law school.

Students from historically underserved communities¹ face significant barriers to academic achievement in law school,² which ultimately impact their academic and thus professional success.³ While many law schools have made strides to lower these barriers, much remains to be done. In 1975, only one in four law students were women and fewer than one in ten were members of a “racial minority.”⁴ By 2019, 54% of first-year law students were women and 31% of first-year law students were members of a “minority.”⁵ Moreover, many law schools now attempt to be “kinder and gentler place(s)”⁶ by “humanizing” legal education to help students fear their classmates and classes less.⁷

Despite these strides, students continue to struggle in the law school environment. Although no single characteristic defines those students who may need more assistance than their classmates, terms such as *at-risk*, *vulnerable*,

1. This article defines *students from historically underserved communities* as students whose circumstances—including but not limited to economic status, race, nationality, sexual orientation, gender identity, and/or educational background—disadvantage them in relation to their classmates whose privileged environment gave them access to resources that better prepared them for law school.
2. Tiffany Jeffers, Penn State Dickinson Law Professor, Leading in the Face of Hierarchy, ALWD Biennial Conference: A Time for Transformative Leadership: Teaching and Learning (May 2019) (arguing that many law schools focus on increasing diversity, and few focus on helping students from disadvantaged backgrounds successfully matriculate in the law school).
3. Law school grades correlate with postgraduate earnings during the first few years after graduation. Alexia Marks & Scott Moss, *What Predicts Law Student Success: A Longitudinal Study Correlating Law Student Application Date with Law School Outcomes*, 13 J. OF EMPIRICAL LEGAL STUD. 205, 209 (2016).
4. BEYOND ONE L: STORIES ABOUT FINDING MEANING AND MAKING A DIFFERENCE IN LAW xii (Nancy Levit & Allen Rostron eds., 2018).
5. *Statistics Archives*, American Bar Association: Section of Legal Education and Admissions to the Bar, https://www.americanbar.org/groups/legal_education/resources/statistics/statistics-archives/ (follow “First Year and Total JD Minority” hyperlink) [hereinafter ABA Statistics].
6. BEYOND ONE L, *supra* note 4, at xiii.
7. *Id.*

disenfranchised, and *disadvantaged* predominate the literature.⁸ These terms are problematic, as they grossly generalize and stigmatize students.⁹ Using these adjectives mistakenly overemphasizes common situations instead of focusing on the students themselves.¹⁰ Thus, this article discusses the needs of law students whose circumstances—including but not limited to economic status, race, nationality, sexual orientation, gender identity, and/or educational background—disadvantage them in relation to their classmates whose privileged environment better prepared them for law school.

This article first discusses factors that affect academic performance at law school. Second, it illustrates prelaw school and law school programs that target the needs of students from historically underserved communities. Finally, this article proposes ways law school faculty and administration can help these students succeed in law school and in their careers.

II. Identifying Which Law Students Are at Risk of Underperforming Their Classmates

For decades, law schools have sought to provide a legal education to students from a wide variety of backgrounds to increase attorney availability in all communities—especially those with limited access to legal representation—and to reduce hiring barriers and stereotyping in the legal profession. As the United States Supreme Court recognized in 2003, law schools have “a compelling interest in attaining a diverse student body.”¹¹ The ABA requires law schools to “demonstrate by concrete action a commitment to diversity and inclusion” in selecting students from “underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.”¹²

8. Byron P. White, *The Importance of Viewing Minority, Low-Income and First-Generation Students as Assets*, INSIDE HIGHER EDUCATION (Apr. 19, 2016), <https://www.insidehighered.com/print/views/2016/04/19/importance-viewing-minority-low-income-and-first-generation-students-assets-essay>. White argues that the term “rising scholars” better represents students of color, low income, and first generations “[w]ho typically are characterized for their likelihood of failure” by educators who should “[r]ecognize first their gifts, talents and contributions, rather than their deficits.” *Id.*
9. Ivory A. Toldson, *Why it's wrong to label students 'at-risk,'* THE CONVERSATION (Jan. 23, 2019), <https://theconversation.com/why-its-wrong-to-label-students-at-risk-109621>. Professor Toldson cautions against labels that can create a “[s]tereotype threat, a phenomenon in which students perform worse academically when they are worried about living up to a negative stereotype about their group.” *Id.*
10. *Id.*
11. *Grutter v. Bollinger*, 539 U.S. 306, 328 (2003).
12. *Standards of Rules of Procedure for Approval of Law Schools 2018-2019, Standard 206(a)*, American Bar Association: Section of Legal Edu. and Admissions to the Bar. The ABA encourages schools to select a diverse student body, ostensibly to further the ABA’s goal help to “eliminate bias and enhance diversity” in the legal profession. *Id.* This goal remains aspirational, as the percentage of lawyers who identify as members of racial or ethnic minorities still lags behind population demographics. In 2019, only 15% of lawyers identified as members of racial or ethnic minorities. John Hyde, *U.S. legal profession lags on race and gender equality*, LAW

To attract students from varied backgrounds, law schools consider many metrics, including race, socioeconomic factors, and gender.¹³ But human beings do not neatly fit into one box. As journalist Wesley Morris writes, “Classifying things is tricky, especially when the things you’re trying to classify are people.”¹⁴

Terms such as “minority” and “diverse” presuppose that white students are the norm and that nonwhites are the “other.”¹⁵ Not only does this perspective artificially categorize students into often ill-fitting labels, but population trends will make the term “minority” even more meaningless as the white/Caucasian/European population of the United States will soon fall below 50%¹⁶ and the number of students who identify as multiracial increases.¹⁷

Thus, as discussed *infra* at II(A), identifying law students primarily by racial categories results in flawed assessment of need.

While many scholars have addressed the needs of *diverse* students, studies inconsistently define which students are most at risk of underperforming their classmates.¹⁸ Race and socioeconomic factors are the most commonly identified factors that affect student performance.

SOC’Y GAZETTE (Aug. 15, 2019), <https://www.lawgazette.co.uk/news/us-legal-profession-lags-on-race-and-gender-equality/5101161.article>.

13. Kevin R. Johnson, *The Importance of Student and Faculty Diversity in Law Schools: One Dean’s Perspective*, 96 IOWA L. REV. 1549, 1551 (2011).
14. Wesley Morris, *Is Being a ‘Minority’ Really Just a Matter of Numbers?*, N.Y. TIMES MAG. (Jan. 23, 2019), at 15.
15. David Dante Troutt, *Stop Calling Me ‘Diverse’*, OZY (Feb. 13, 2019), <https://www.ozy.com/immodest-proposal/stop-calling-me-diverse/92540>; see also Teri A. McMurtry-Chubb, *There Are No Outsiders Here: Rethinking Intersectionality as Hegemonic Discourse in the Age of #MeToo*, 16 J. OF LEGAL COMM. & RHETORIC 1, 17–18 (2019).
16. The United States Census Bureau predicts that the white/Caucasian/European population of the United States will dip below 50% by 2024. Morris, *supra* note 14.
17. Richard H. Sander, *Class in American Legal Education*, 88 DENV. U. L. REV. 631, 665 (2011).
18. Data upon which authors rely are inconsistent in how they categorize students. For example, authors who refer to “minority” law students as defined by the American Bar Association refer to Black or African American, Hispanic, Asian, American Indian, Native Hawaiian Pacific Islander, and “two or more races.” https://www.americanbar.org/groups/legal_education/resources/statistics/. The Law School Admissions Council categorizes students as follows: Aboriginal or Torres Strait Islander, American Indian or Alaska Native, Asian, Black or African American, Canadian Aboriginal/Indigenous, Hispanic/Latino, Native Hawaiian or Other Pacific Islander, and Puerto Rican. <https://report.lsac.org/VolumeSummaryOriginalFormat.aspx>. Neither the American Bar Association nor the Law School Admissions Council include socioeconomic metrics in their annual data.

A. Race

As a Black woman from a predominantly Black neighborhood, I did not grow up seeing many attorneys who looked like me. I have had the opportunity to attend elite schools, but in each of the educational settings, I was one of very few people of color. Having a strong academic background is a blessing. But thriving in the law school environment requires more than prior academic training. It requires social and cultural preparation.

—Shannon Cohall, Rutgers Law School’22

Despite efforts to diversify their student bodies, most law schools remain predominantly white and middle-class. In 1971, 147 ABA-approved law schools reported a “minority enrollment” of only 6.1%.¹⁹ Although by 2018 31.2% of law school students were classified as “minority,”²⁰ this number remains far lower than the percentage of young adults who do not identify as non-Hispanic whites.²¹ Yet, a small number of law schools—especially those associated with historically Black colleges and universities (HBCUs)—account for a disproportionate number of Black and Latinx students.²² And in top-tier law schools, Black students are enrolled in numbers far lower than their population percentage in the United States.²³ Moreover, law schools typically enroll students of color from relatively elite backgrounds.²⁴

Although identifying law students who may need additional resources by racial, gender, and cultural characteristics is problematic, identifying law students primarily through the category of *race* is particularly flawed.²⁵

19. *ABA Statistics*, *supra* note 5.

20. *Statistics Annual Questionnaire Report*, ABA (2018), https://www.americanbar.org/groups/legal_education/resources/statistics/ (last visited 2020).

21. Sandra L. Colby & Jennifer M. Ortman, *Projections of the Size and Composition of the U.S. Population: 2014 to 2060*, U.S. Census Bureau (2015). By 2015, only 55.8% of millennials (ages 18 to 34) identified as white. William H. Frey, *The millennial generation: A demographic bridge to America’s diverse future*, Brookings Institution (2018), <https://www.brookings.edu/research/millennials/>.

22. SpearIt, *Not for Free: Exploring the Collateral Costs of Diversity in Legal Education*, 48 U. PAC. L. REV. 887, 899–900 (2017).

23. *Id.* at 898. For example, in 2014, enrollment of Black students in top-ranked law schools ranged from 3.6% at Michigan to 8.7% at Harvard; yet 13% of Americans identified as Black. *Id.* By 2018, only 4.45% of students at Michigan and 6.9% of students at Harvard identified as Black. *Statistics Annual Questionnaire Report*, American Bar Association, https://www.americanbar.org/groups/legal_education/resources/statistics/ (last visited 2020).

24. Sander, *supra* note 17, at 633.

25. See McMurtry-Chubb, *supra* note 15, at 17–18, n.92, for a discussion of why “unifiers such as race” do not always accurately “capture complex relationships.” For example, Black women “live in three dimensions simultaneously and [their] various identities are simultaneously shaping each other.” *Id.* at 33.

Race and socioeconomic factors are too intertwined to rely upon race itself as a key predictor of a student's risk of underperformance. Yet race cannot be ignored, because distressed socioeconomic factors "are compounded for disadvantaged blacks and Latinos,"²⁶ who face more poverty, segregation, and social dislocation than do white and Asian students.²⁷

Despite all of the resources law schools devote to attracting students of color, "law students of color . . . underperform in comparison to their white peers."²⁸ The United States Commission on Civil Rights reported that Black students "are two and a half times more likely to not complete law school than their [w]hite counterparts."²⁹

B. Socioeconomic Factors

Although I had completed two master's degrees, attended private higher education schools, and—as an older student—left behind my working-class income upbringing years ago, I made a lot of mistakes when I first started law school. I didn't know the unwritten rules and felt out of place at first. I had never heard nearly all the lingo (briefing cases, writing outlines, needing study groups) and had never practiced those skills before. I remember calling my best friend after orientation and told her for the first time since I moved to Newark, I didn't feel like I fit in somewhere. It took me a good two months or so before I felt like I belonged (or could at least fake it) at law school. I can only imagine that transition for someone who was younger or hadn't had my education experience.

—Erin Sweeney, Rutgers Law School '22

Before matriculating in law school, students typically experience fifteen to twenty years of schooling. The quality of their educations can vary significantly. Low-income students are more likely than are middle-class and upper-class students to have attended underperforming schools.³⁰ Public school teachers

26. Anthony Abraham Jack, *(No) Harm in Asking: Class, Acquired Cultural Capital, and Academic Engagement at an Elite University*, 89 SOC. EDUC. 1, 3 (2015).

27. *Id.* at 4.

28. Michael Hunter Schwartz, *50 More Years of CLEO Scholars: The Past, the Present, and a Vision for the Future*, 48 VAL. U. L. REV. 621, 622 (2014).

29. Erin Lain, *Experiences of Academically Dismissed Black and Latino Law Students: Stereotype Threat, Fight or Flight Coping Mechanisms, Isolation and Feelings of Systemic Betrayal*, 45 J.L. & EDUC. 279, 282 (2016).

30. Janie Boschma & Ronald Brownstein, *The Concentration of Poverty in American Schools*, ATLANTIC (Feb. 29, 2016), <https://www.theatlantic.com/education/archive/2016/02/concentration-poverty-american-schools/471414/>.

identify poverty as a significant barrier to effective learning.³¹ The “gaps in student achievement between high- and low-income children” are significant and are growing.³² Students of color are far more likely than are white students to attend public schools where large numbers of students qualify as low-income.³³ Because public school funding is tied to the local property tax base, schools in low-income communities often provide relatively:

- low quality physical resources, such as technology, books, and buildings;³⁴
- less access to rigorous coursework;³⁵ and
- limited access to guidance counselors to help students prepare for standardized tests (such as the SAT and ACT) and college applications.³⁶

Lower-performing public schools not only offer less rigorous academics, they “typically reinforce notions that teachers are distant authority figures, adopt test-oriented curricula, deal with problems that interrupt learning, and lack formal structures that promote contact with teachers.”³⁷ Students from low-income backgrounds tend to: 1) have fewer family members who have advanced educations; 2) live in marginally safe communities; and 3) attend lower-performing public schools.³⁸ As a result, low-income students on average score lower on standardized tests than do wealthier students;³⁹ these test scores are heavily relied upon by law school admissions standards. Thus,

31. *America’s Teachers Cite Poverty as Major Education Barrier*, CmtyS in Sch. (June 9, 2015), <https://www.communitiesinschools.org/press-room/resource/americas-teachers-cite-poverty-major-education-barrier/>.
32. Katherine Michelmore & Susan Dynarski, *The Gap Within the Gap: Using Longitudinal Data to Understand Income Differences in Educational Outcomes*, 3 AM. EDUC. RES. ASS’N 1, 1-18 (2017).
33. *Percent of Students in High-Poverty Schools: United States 2010–2017* National Equity Atlas, https://nationalequityatlas.org/indicators/School_poverty; Boschma & Brownstein, *supra* note 30.
34. See Meredith Broussard, *Why Poor Schools Can’t Win at Standardized Testing*, ATLANTIC (July 15, 2014), <https://www.theatlantic.com/education/archive/2014/07/why-poor-schools-cant-win-at-standardized-testing/374287/>.
35. See, e.g., Emily Deruy, *Where Calculus Class Isn’t an Option*, ATLANTIC (June 7, 2016), <https://www.theatlantic.com/education/archive/2016/06/where-calculus-class-isnt-an-option/485987/>; Chris Duncombe, *Unequal Opportunities: Fewer Resources, Worse Outcomes for Students in Schools with Concentrated Poverty*, Commonwealth Inst. (Oct. 26, 2017), <https://www.thecommonwealthinstitute.org/2017/10/26/unequal-opportunities-fewer-resources-worse-outcomes-for-students-in-schools-with-concentrated-poverty/>.
36. James S. Murphy, *The Undervaluing of School Counselors*, ATLANTIC (Sept. 16, 2016), <https://www.theatlantic.com/education/archive/2016/09/the-neglected-link-in-the-high-school-to-college-pipeline/500213/>.
37. Jack, *supra* note 26, at 4.
38. *Id.* at 3.
39. Jason P. Nance & Paul E. Madsen, *An Empirical Analysis of Diversity in the Legal Profession*, 47 CONN. L. REV. 271, 291 (2014). Standardized tests such as the LSAT have long been criticized for being racially and culturally biased. See, e.g., Dan Subotnik, *Does Testing = Race Discrimination? Ricci, the Bar Exam, the LSAT, and the Challenge to Learning*, 8 U. MASS. L. REV. 332, 343 (2013).

college graduates of low and middle socioeconomic status are far less likely to attend law school than are more affluent college graduates.⁴⁰

In a study of how students from different backgrounds experience elite universities, Harvard Professor Anthony Abraham Jack⁴¹ found that regardless of race and ethnicity, students who attended preparatory schools were better prepared to succeed in college. Simply being smart did not guarantee academic success; students who best navigated college had, before matriculation, already learned how to study, write papers, take tests, interact with faculty, engage with students from different backgrounds, and understand a demanding academic culture.⁴²

Students from low-income communities face numerous barriers to prepare for higher learning, which do not disappear when they matriculate to law school. Law students' economic status can make or break their ability to attend and graduate from law school. Low-income students face a variety of difficult financial choices throughout law school, leaving little room to address family or medical emergencies.⁴³ Tuition is by no means the only economic stressor of law schools.⁴⁴ Food insecurity⁴⁵ is a seldom-discussed but significant burden that affects up to half of all university students in the United States.⁴⁶ Food insecurity is correlated with lower grades in higher education.⁴⁷ Though food insecurity has only recently been recognized as a barrier to learning, media and academic reports have spurred hundreds of universities to provide

40. Sander, *supra* note 17, at 648.

41. ANTHONY ABRAHAM JACK, *THE PRIVILEGED POOR: HOW ELITE COLLEGES ARE FAILING DISADVANTAGED STUDENTS* 4 (2019).

42. Jack, *supra* note 26, at 13.

43. SpearIt, *supra* note 22, at 904; Lain, *supra* note 29, at 309.

44. The average law school tuition and fees in the 2018–2019 academic year were \$49,095 for private school students, \$40,725 for out-of-state public school students, and \$27,591 for in-state public school students. Ilana Kowarski, *See the Price, Payoff of Law School Before Enrolling*, U.S. NEWS & WORLD REP. (Mar. 18, 2020), <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/law-school-cost-starting-salary>. Yet the median annual earnings of full-time workers ages 25 to 34 was less than \$44,000 in 2018. U.S. Dep't of Labor, U.S. Bureau of Labor Statistics, <https://www.bls.gov/news.release/wkyeng.t03.htm> (last updated Apr. 15, 2020). The median net worth of individuals ages 25 to 29 was less than \$9,000. *Net Worth by Age Calculator for the United States*, Don't Quit Your Day Job, <https://dqydj.com/net-worth-by-age-calculator-united-states> (last updated 2020).

45. Food insecurity is "the inability to acquire sufficient or appropriate food in a socially acceptable manner." Aydin Nazmi et al., *A Systematic Review of Food Insecurity Among US Students in Higher Education*, 14 J. HUNGER & ENV'T NUTRITION 725, 726 (2018). "[S]chool-aged children from households with food security . . . had significantly lower math scores and were more likely to have repeated a grade." *Id.* at 726.

46. *Id.* at 727, 732.

47. Katharine M. Broton & Sara Goldrick-Rab, *Public Testimony on Hunger in Higher Education Submitted to the National Commission on Hunger*, Hope Ctr. (Aug. 5, 2015), at 8.

resources such as campus food pantries to address their students' hunger.⁴⁸ Some schools also help their students apply for benefits from the federal Supplemental Nutrition Assistance Program (SNAP).⁴⁹

Furthermore, students must purchase housing, books,⁵⁰ transportation, medical insurance, and computer hardware and software.⁵¹ Housing insecurity in particular negatively affects students' abilities to meet academic standards.⁵² Because many students do not have savings to cover these costs, they either incur substantial debt and/or work, often for more hours than permitted by their law schools.⁵³ These financial pressures require students to navigate the difficult balance of working no more than twenty hours per week—to comply with ABA rules—yet working at least twenty hours per week to comply with SNAP regulations.⁵⁴

Noneconomic factors can also impact readiness for higher education. Low-income students face many hurdles at law school compounded by social and cultural isolation.⁵⁵ Two cultural factors in particular suppress the academic performance of students from low-income backgrounds. First, low-income students may have “low stocks of dominant cultural capital to draw on when acclimating to college.”⁵⁶ Law school may feel culturally and socially isolating, as well as provide few familiar role models.⁵⁷ Second, faculty and administrators “privilege middle-class norms and behaviors”⁵⁸ by assuming that all students are equally prepared for the academic, administrative, and social rigors of law

48. Nazmi et al., *supra* note 45, at 733 (finding that by March 2017, more than 400 universities offered campus food pantries).

49. *Id.* at 734.

50. Law students must buy or rent books, which can cost from \$1,000 to \$2,250 per year. *How Much Does Law School Cost?*, Enjuris, <https://www.enjuris.com/students/law-school-cost.html> (last visited June 2020).

51. *Id.* at 726.

52. Broton & Goldrick-Rab, *supra* note 47, at 5.

53. In 2018, more than three-quarters of all law students borrowed money to attend law school. The average debt they incurred over three years exceeded \$100,000. *Law School Costs*, Law Sch. Transparency Data Dashboard, <https://data.lawschooltransparency.com/costs/debt>. Yet the ABA prohibits full-time law students from working more than twenty hours per week. *Standards and Rules of Procedure for Approval of Law Schools, 2018–2019*, ABA, Standard 304(f), Section of Legal Edu. and Admissions to the Bar.

54. *Supplemental Nutrition Assistance Program Works Requirements*, USDA (May 29, 2019), <https://www.fns.usda.gov/snap/work-requirements>.

55. 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, 284–85 (2001); SpearIt, *supra* note 22, at 902.

56. Jack, *supra* note 26, at 2.

57. See Lain, *supra* note 29, at 307.

58. Jack, *supra* note 26, at 2.

school. These cultural factors also impact students' post-graduation career opportunities.⁵⁹

III. Programs that Target Law Students from Historically Underserved Communities

Law schools actively recruit a *diverse* selection of students to provide legal education opportunities to students from a variety of backgrounds, as well as to promote the diversity of their student body. But with that practice comes an obligation to provide those students with a meaningful education that recognizes that not all students are equally prepared for law school.⁶⁰ One author describes the barriers some students face as the result of a “triple threat”: 1) “the solo status that accompanies being a member of an underrepresented group”; 2) “the stereotype threat that accompanies being a member of a stereotyped group”; and 3) “the challenges that attend lacking a background in the law before beginning law school.”⁶¹

Some scholars suggest rethinking the entire structure of the law school curriculum to better address the needs of students from historically underserved communities.⁶² But even without substantially restructuring law school curricula, law schools can offer prospective and current law students resources—modeled on programs that have fostered academic achievement—to help bridge the gap among students from different backgrounds.

59. *Id.* at 3.

60. SpearIt, *supra* note 22, at 901.

61. Sean Darling-Hammond & Kristen Holmquist, *Creating Wise Classrooms to Empower Diverse Law Students: Lessons in Pedagogy from Transformative Law Professors*, 24 NAT'L BLACK L.J. 1 (2016).

62. *See, e.g.*, Patricia A. Wilson, *Recreating the Law School to Increase Minority Participation: The Conceptual Law School*, 16 TEX. WESLEYAN L. REV. 577, 585 (2010) (suggesting a five- or six-year combined undergraduate and law school curriculum).

A. Prelaw Programs

As the son of an immigrant and as the first in my immediate family to pursue a law degree, I was not naturally afforded the opportunities and assistance that others may have when it comes to navigating law school and the legal profession more broadly. The SEO Law Institute introduced me to critical law school concepts, such as the importance of outlining courses and clear, structured writing. It also provided me the opportunity to meet with role models of color in the field who were willing to share their pathways with me. Simply put, I am not sure I would have entered law school with as much confidence or as great of a sense of community had I not participated in the SEO Law program.

—Christopher Cruz, SEO Law Fellow '19, Harvard Law School '22

Many organizations offer prelaw programs to help students from historically underserved communities prepare for law school.⁶³ These programs offer academic and cultural instruction to help students apply to and succeed at law school. Some law schools, such as UCLA School of Law and St. John's University School of Law, offer summer programs to college students from disadvantaged backgrounds to help them apply to and prepare for law school. Additionally, the American Bar Association, nonprofit organizations, and local courts sponsor prelaw programs such as the Council on Legal Education Opportunity, Sponsors for Educational Opportunity Law, and New York Legal Education Opportunity.⁶⁴

CLEO: In 1968, the ABA founded the Council on Legal Education Opportunity “to expand opportunities for minority and low-income students to attend law school.”⁶⁵ Initially, CLEO hosted six-week summer institutes at seven locations to introduce college students to a typical law school curriculum, provide financial support for prelaw and law school study, and encourage law schools to take a second look at students who were not admitted to a law

63. A variety of programs for high school and college students provide pre-law training for students from underserved communities. See, e.g., Laura Rothstein, *Shaping the Tributary: The Why, What, and How of Pipeline Programs to Increase Diversity in Legal Education and the Legal Profession*, 40 J.L. & Educ. 551, 601 (2011).

64. See *infra* notes 93-111.

65. *About*, Council on Legal Educ. Opportunity, <https://cleoinc.org/about> (last visited June 2020). CLEO's bylaws—using language common in the 1960s—stated that its goal was “to expand and enhance the opportunity to study and practice law for members of disadvantaged groups—chiefly Negroes, American Indians, and Ibero-Americans.” Schwartz, *supra* note 28, at 625.

school but who excelled in CLEO.⁶⁶ Today, among other programs, CLEO offers a four-week residential summer institute program that teaches students who will be attending law school to understand court opinions, learn how to take law school exams, and learn time management and study skills.⁶⁷

Initially, CLEO met its goal of improving law school retention; of the 722 CLEO graduates who began law school in the first three years of the program, 80% remained in law school after their first year when the national retention rate for all law students was 77%.⁶⁸ Recent surveys of CLEO students reported that CLEO graduates believed the program helped them develop skills key to academic success.⁶⁹ CLEO advertises that its graduates “are represented in every area of society, including: private law firms and corporations, law schools, federal and state judiciaries, and legislatures across the country.”⁷⁰

CLEO, however, is not without its critics. The mean undergraduate grade point averages and LSAT scores of CLEO participants have increased over the decades in response to pressure from federal funders to demonstrate its students would succeed in law school.⁷¹ Although CLEO students have become more racially diverse, enhanced academic standards may exclude those very students CLEO was originally designed to support, such as students from low-income communities and first-generation college students. Moreover, other than law school graduation and bar passage rates, CLEO produces no data on how its graduates perform in law school.⁷²

SEO: Sponsors for Educational Opportunity Law⁷³ is a highly competitive⁷⁴ free summer program for “law students of color”⁷⁵ who have been admitted

66. Schwartz, *supra* note 28, at 625.

67. *Pre-Law Summer Institute*, Council on Legal Educ. Opportunity, <https://cleoinc.org/programs/plsi/> (last visited June 2020).

68. Schwartz, *supra* note 28, at 626.

69. “At least 95% of the students either agreed or strongly agreed that they had developed skill sets relating to case reading, case briefing, deconstructing rules into lists of elements, writing law school essays, and spotting issues.” Students also reported a significant improvement in grammar testing. *Id.* at 629.

70. *Id.* at 629–30.

71. Dana N. Thompson Dorsey, *Accessing the Legal Playing Field: Examining the Race-Conscious Affirmative Action Legal Debate through the Eyes of the Council of Legal Education Opportunity (CLEO) Program*, 16 *Tex. Wesleyan L. Rev.* 645, 683 (2010).

72. Schwartz, *supra* note 28, at 629–30.

73. The authors of this article have taught legal analysis and writing to students enrolled in SEO Law for many years.

74. SEO Law accepts fewer than 10% of its applications. Van Ann Bui & Grace Pajonk, *How SEO Law Provides a Path for Underrepresented Students into Corporate Law*, ABA (Aug. 22, 2017), <https://www.americanbar.org/groups/litigation/committees/diversity-inclusion/articles/2017/summer2017-how-seo-law-provides-a-path-for-underrepresented-students-into-corporate-law/> [hereinafter “Bui & Pajonk”].

75. *SEO Law Fellowship*, Seizing Every Opportunity Law, <https://law.seo-usa.org/our-program/>

to elite law schools.⁷⁶ Students first take an intensive two-week course that includes instruction on legal analysis, legal research, outlining, exam skills, and professionalism.⁷⁷ Funded primarily by large law firms, SEO Law then immerses students in the culture of large firm life through eight weeks of internships with sponsoring firms.⁷⁸ While students intern at firms, they also work with law professors to write and rewrite typical first-year analysis assignments.⁷⁹ Unlike most prelaw school programs, SEO Law also teaches students skills to prepare for legal careers, including “handling summer assignments, email and phone etiquette, making a good first impression, and networking and relationship building.”⁸⁰

NY-LEO: The New York Legal Education Opportunity Program is a six-week summer guide to the first-year curriculum “for minority, low income, and economically or educationally disadvantaged” students who will be attending law school in New York State.⁸¹ Administered by the dean of the New York State Judicial Institute, NY-LEO is a free residential program.⁸² After students complete the course, they are matched with attorneys and judges who serve as mentors.⁸³

B. Law School Programs

As the first in my family to graduate high school and attend law school, I recognize the value in initiatives like the Minority Student Program (MSP) at Rutgers Law School, which create spaces for diverse and disadvantaged students like me. MSP and organizations like the Hispanic Bar Association of New Jersey offered a window to the success of Rutgers alums, whose stories mirrored mine and were yet succeeding in their careers as lawyers in large firms and corporations. I learned there were no limitations in the career options I could pursue as long as I put in the work.

(last visited June 2020). Sponsors for Educational Opportunity is a nonprofit organization founded in 1963 that provides educational and career opportunities for “underserved” students. <https://www.seo-usa.org/about-us/history/>. SEO Law was founded in 1986 in a partnership with large international law firms. Bui & Pajonk, *supra* note 74.

76. *SEO Law Fellowship*, *supra* note 75.

77. *Id.*

78. *Id.*

79. Bui & Pajonk, *supra* note 74.

80. *Id.*

81. *N.Y. Legal Education Opportunity Program (NY LEO)*, NYCourts.Gov, <http://ww2.nycourts.gov/attorneys/leo> (last visited June 2020).

82. *Id.*

83. *Id.*

Without a doubt, efforts that embrace diversity and provide support for students from underrepresented backgrounds truly impact the success of students like me.

—Yelky Perez, Rutgers Law School '21

Although most law schools offer academic support for students who fall below a certain grade point average,⁸⁴ only a few law schools have orientation programs targeted at students from historically underserved communities.⁸⁵ One of the oldest ongoing programs is the Rutgers Law School MSP.⁸⁶ Originally founded in 1968 to serve twenty-three Black law students, Rutgers MSP has graduated more than 2500 students from a wide variety of backgrounds.⁸⁷ Rutgers MSP “serves students, regardless of race or ethnicity, who are underrepresented in the legal profession and who have faced discrimination or overcome social and economic hardships.”⁸⁸ In the summer before the first year and throughout the first year of law school, the MSP “program offers legal-skills development, academic support, alumni mentoring and networking, internships, and other opportunities.” Students who participate in Rutgers MSP have bar passage rates comparable to their non-MSP classmates.⁸⁹

The Jacob Fuchsberg Law Center at Touro College developed the Legal Education Access Program (LEAP) in 1990 “to encourage diversity in the legal academy, to engender a positive, welcoming environment for minority law students, and to offer students from minority racial and ethnic backgrounds the opportunity to achieve a high level of success in law school” through academic support and mentoring.⁹⁰ Like the Rutgers MSP, LEAP gives students a head

84. Leslie Yalof Garfield & Kelly Koenig Levi, *Finding Success in the "Cauldron of Competition": The Effectiveness of Academic Support Programs*, 2004 BYU Educ. & L.J. 1, 3 (2004). Although the main goal of academic support programs “is to increase the retention rate of academically at-risk students and, ideally, to help these students achieve law school grades that are competitive with those of the rest of their entering class, . . . as law schools' reputations are increasingly influenced by bar exam pass rates, law schools have expanded the criteria for measuring the effectiveness of” these programs to include improving bar passage rates. *Id.* at 4-5.
85. Anupama Ramlackhan, *Leveling the Playing Field in Law School: A Look at Academic Assistance Programs for Minority Law Students*, 1 J. of Race, Gender, & Ethnicity, 27, 31-34 (2006); Ellen Yankiver Suni, *Academic Support at the Crossroads: From Minority Retention to Bar Prep and Beyond—Will Academic Support Change Legal Education or Itself Be Fundamentally Changed?*, 73 UMKC L. Rev. 497 (2004).
86. Janice S. Robinson, *Unlocking the Doors to Legal Education: Rutgers-Newark Law School's Minority Student Program*, N.J. Law. 16 (1992).
87. Elizabeth Moore, *We Are Family: The Minority Student Program at Rutgers Law School celebrates 50 years of promoting underrepresented students for careers in the legal profession*, Rutgers Mag., at 64 (2018).
88. *Id.* at 63.
89. Interview with Yvette Bravo-Weber, Assistant Dean for Minority Student Program and Externships, Rutgers Law Sch., in Newark, N.J. (Aug. 29, 2019).
90. *The Legal Education Access Program (LEAP)*, Touro Coll. Jacob D. Fuchsberg Law Ctr., <https://www.tourolaw.edu/StudentResources/legal-education-access-program> (last visited June

start with instruction in the summer before the first semester of law school and throughout the first year.⁹¹

Similarly, UCLA Law provides extensive academic support to disadvantaged students,⁹² including those who were admitted through its Law Fellows Program, which is “designed to encourage and prepare high-potential undergraduate and graduate students for a career in law, increase the diversity of the law school pool, and demystify the law school experience.”⁹³

In 2018, Harvard Law School introduced a pre-matriculation program “designed to prepare incoming students from varying academic and professional backgrounds for their programs’ academic rigor.”⁹⁴ Harvard’s *Zero-L* program provides students ten hours of online instruction on introductory topics such as “the stages of civil litigation, how to read a legal case, and how to use the Socratic method.”⁹⁵

Some law schools at HBCUs also provide prelaw support. For example, in 2016 the Texas Southern University’s Thurgood Marshall School of Law⁹⁶ created a LEAP program that admits approximately thirty students with provisional status after they complete a rigorous six-week summer program.⁹⁷

IV. How Law Schools Can Help Students from Historically Underserved Communities Excel in Law School

Like many undergraduate and graduate schools, law schools are too often “inadequately equipped to assist” students from historically underserved communities.⁹⁸ “Most law students are taught from an invisible and assumed perspective that is largely white, male, heterosexual, economically advantaged,

2020), <https://www.tourolaw.edu/StudentResources/legal-education-access-program>.

91. *Id.*

92. *Office of Student Services*, UCLA Sch. of Law, <https://law.ucla.edu/life-ucla-law/office-student-services> (last updated June 2020).

93. *Law Fellows Program*, UCLA Sch. of Law, <https://law.ucla.edu/admissions/outreach/> (last updated June 2020).

94. Conor W. K. Brown, *Pilot Pre-Orientation Program for Harvard Law Students Enters Second Year*, *The Harvard Crimson* (May 3, 2019), <https://www.thecrimson.com/article/2019/5/3/hls-zero-1/>.

95. *Id.*

96. The majority of the students and faculty members of the Thurgood Marshall School of Law are nonwhite. See *ABA Standard 509 Required Disclosures*, Tex. Southern Univ., http://www.tsulaw.edu/consumer_info.html.

97. SpearIt, *supra* note 22, at 910; Marcus Gilmore, *Leap Scholars Named Mr. & Mrs. Thurgood Marshall School of Law*, *Culture Supplier* (Apr. 23, 2018), <https://www.theculturesupplier.com/culture-supplier-news/leap-scholars-named-mr-mrs-thurgood-marshall-school-law/>.

98. Byron P. White, *The Myth of the College-Ready Student*, *Inside Higher Educ.* (Mar. 21, 2016) <https://www.insidehighered.com/views/2016/03/21/instead-focusing-college-ready-students-institutions-should-become-more-student>.

and able-bodied.”⁹⁹ Building bridges to enable students from historically underserved communities to thrive in law school requires law school professors and administrators to implement a multiyear plan from orientation through graduation.

A. How Law School Professors Can Help Bridge the Gap

“Too often teachers are unprepared to work with students who have backgrounds substantially different from their own.”¹⁰⁰ Professors need to appreciate that students from different backgrounds may learn in different ways.¹⁰¹ Professors who are sensitive to multicultural values and nonacademically oriented families may understand why some students actively avoid deep engagement in school while others embrace it.¹⁰² Legal educators can provide a classroom environment in which all students, regardless of background, can excel.¹⁰³ To create this environment, professors must first understand their students’ circumstances, and second, implement educational techniques to help all of their students thrive.

99. Anastasia M. Boles, *Seeking Inclusion from the Inside Out: Towards A Paradigm of Culturally Proficient Legal Education*, 11 Charleston L. Rev. 209, 221 (2017); see also McMurtry-Chubb, *supra* note 15, at 12.
100. Scott G. Paris & Peter Winograd, *The Role of Self-Regulated Learning in Contextual Teaching: Principals and Practices for Teacher Preparation*, Office of Educational Research & Improvement, at 14, <https://files.eric.ed.gov/fulltext/ED479905.pdf>.
101. Professors need to reflect on their own learning and teaching experiences to achieve insight into their thinking and pedagogy. *Id.* at 14. “Collaboration in a community of scholars is so vital” to development; other people can provide valuable guidance for reflection because they stimulate us to see thinking from new perspectives and in new ways. *Id.* at 15.
102. *Id.* at 14.
103. Former law professor Edwin Scott Fruehwald suggests five ways law schools can help students from historically underserved communities: 1) educate students that anyone can learn how to succeed in law school; 2) motivate students to understand how effort can pay off; 3) inspire students to become metacognitive thinkers to solve problems; 4) train students to become self-regulated learners; and 5) teach students how to develop effective study habits. E. Scott Fruehwald, *How to Help Students from Disadvantaged Backgrounds Succeed in Law School*, 1 Texas A&M L. Rev. 83 (2013).

1. Get to Know Your Students

For me, the largest hurdle to law school was deciding that I was meant to be there. You hear the underdog stories about attorneys from underprivileged families going above and beyond to move out of the life they knew growing up—but almost exclusively from people that don't look, talk, or think like you. What you never hear are stories about getting kicked out of your family home more than once and being forced to figure out how to support yourself before you were ready, or stories about making just enough to be disqualified for food stamps, but not enough to actually afford food. You never hear from attorneys about that time in their early adulthood when their circle of support was sex workers and drug dealers.

—A third-year law student

The exchange of ideas prospers when professors appreciate their students' backgrounds and experiences. Three practices can help professors learn about their students: Embrace diverse cultures, hold mandatory conferences, and recognize the impostor syndrome.

a. Embrace Diverse Cultures

Law school professors can learn about the cultural background of their students before the first day of classes. For example, University of Pittsburgh Professor Ann Sinsheimer employs *the culture box* exercise.¹⁰⁴ Before school begins, she asks each student in her legal writing class to create a culture box, a collection of objects the students feel define them or their social identities. The goal is to help the students, the professor, and classmates understand how their life stories shaped who they are today. Not only does this exercise help the professor connect with the students, but it also enables her to help her students approach challenges in light of their interests and reasons for being in law school.¹⁰⁵ Students enter school with a box full of experiences; creating a culture box not only enlightens professors, it can help students adapt to their new profession.¹⁰⁶

104. Ann Sinsheimer, *Exploring Diversity with a Culture Box in First-Year Legal Writing*, 32 *Second Draft* 23 (2019).

105. *Id.*

106. *Id.* at 26.

b. Hold Mandatory Conferences

One-on-one professor-student conferences are essential to complement classroom instruction, the often intimidating and alienating setting in which most law school teaching takes place. Mandatory conferences can enable professors to identify the difficulties that some students experience in learning a new legal language and classroom culture, thereby allowing the professors to tailor the teaching environment to be more accessible. “[T]eachers who use a psychological lens to analyze students’ strategies, motivation, and attitudes gain deeper understanding about students’ behavior in the classroom which, in turn, allows them to design better instruction that can make learning more meaningful for them.”¹⁰⁷

Often during these conferences a professor learns whether a student is distracted from studying by a personal burden, a disability, or the need to care for a dependent.¹⁰⁸ For example, a professor may learn that the student’s spouse just lost a job and the student does not know whether she can continue in school. Although law school professors should not be expected to solve the hardships of every student, they can better understand their students’ challenges to help appreciate why a student’s work may be late or unpolished. While professors need not lower academic and professional standards, they can use these opportunities to discuss professionalism by teaching students strategies for how to produce the work quality that professors, courts, and employers expect.

Although not all students are forthcoming about their personal situations, by creating a safe space—one where the student does not feel judged or insecure—an educator can increase the likelihood of understanding the student’s needs to help direct the student toward a solution. The more contact students have with their teachers, the better the students do and the more connected the students feel to their school.¹⁰⁹ By individually meeting with students, law professors provide fertile soil for student growth. Teachers become the role models, mentors, and guides for continuous, lifelong learning.¹¹⁰ “The relationships that [law] professors develop with their students matter not just during class or even school, but across life.”¹¹¹

107. Paris & Winograd, *supra* note 100, at 6.

108. Despite many law schools’ having a policy that limits the number of hours first-year students can work, law schools often do not know whether students follow this policy. Often students with few resources have no choice but to work more than twenty hours per week. In communities where family members cannot afford medical and home health care, other family members assume primary responsibility for providing medical care and social services. Providing care to family members can take critical hours away from a law student’s study time.

109. Elizabeth Ramsey & Deana Brown, *Feeling like a Fraud: Helping Students Renegotiate their Academic Identities*, 25 *College & Undergraduate Libraries* 1, 86–90 (2017), <https://www.tandfonline.com/doi/full/10.1080/10691316.2017.1364080>.

110. *Id.*

111. Warren Binford, *How to Be the World’s Best Law Professor*, 64 *J. Legal Educ.* 542, 560 (2015).

c. Recognize and Test for the Impostor Syndrome

When I first started law school, the impostor syndrome was debilitating—I expected of myself unmitigated perfection at everything to prove that I had a place in this institution, that I was not admitted by accident. This unsurprisingly led to a near breakdown before I realized that I was expecting myself to seamlessly integrate into a system that was never built with people like me in mind.

—A third-year law student

Law professors should not assume the quiet or seemingly bored student is just that. Some students feel overcome by self-doubt, questioning their abilities. The impostor syndrome—a phenomenon in which a person is unable to internalize his or her accomplishments¹¹²—affects many students.¹¹³ Those suffering from the impostor syndrome do not believe they are as intelligent as others consider them to be; they believe they have merely fooled anyone who thinks otherwise.¹¹⁴ The syndrome “is characterized by chronic feelings of self-doubt and fear of being discovered as an intellectual fraud.”¹¹⁵

The impostor syndrome prevails in higher education,¹¹⁶ where students often face new challenges,¹¹⁷ and students in the minority of a student population demographic tend to experience the syndrome at a greater rate than those students who are in the demographic majority.¹¹⁸ Women suffer from the impostor syndrome more commonly than do men,¹¹⁹ first-generation college

112. Georgann Cope Watson & Andrea Smith Betts, *Confronting Otherness: An e-conversation Between Doctoral Students Living with the Impostor Syndrome*, 3 *Canadian J. New Scholars in Educ.* 1 (2010).

113. Clance and Imes first labeled the phenomenon in 1928 when their research noted that many intelligent women were unable to process and accept their academic success.

114. Ramsey & Brown, *supra* note 109, at 86.

115. Jennifer A. Villwock et al., *Impostor Syndrome and Burnout Among American Medical Students: A Pilot Study*, 7 *Int'l J. Med. Educ.* 364 (2016).

116. Anna Parkman, *The Impostor Phenomenon in Higher Education: Incidence and Impact*, 16 *J. Higher Educ. Theory & Practice* 51, 53 (2016).

117. *See* Villwock et al., *supra* note 115, at 368.

118. A study of medical students found that 30% who were members of the majority demographic (Asian and white students) experienced the impostor syndrome; in contrast, 72.7% of students who were members of the minority demographic experienced the impostor syndrome. *See* Villwock et al., *supra* note 115, at 366.

119. *See id.* Research has documented that the impostor syndrome hits minority groups harder because of their lack of representation, making members of the minority feel like outsiders. Kristin Wong, *Dealing with Impostor Syndrome When You're Treated as an Impostor*, *New York Times* (June 12, 2018), <https://www.nytimes.com/2018/06/12/smarter-living/dealing-with-impostor-syndrome-when-youre-treated-as-an-impostor.html>.

students experience it more often than do multigeneration college students,¹²⁰ and students of color are particularly susceptible to feeling like impostors.¹²¹

Students who experience the impostor syndrome are less likely to speak in class or volunteer answers compared with their unaffected classmates.¹²² Further, the impostor syndrome is significantly associated with multiple burnout components, such as physical and emotional exhaustion, cynicism, and depersonalization.¹²³ Students who suffer from the impostor syndrome experience increased psychological distress and worry that they will not be ready for practice after graduation.¹²⁴

Law school professors can address the impostor syndrome in two ways. First, by having students take the Clance Impostor Self-Assessment Tool, professors can help students determine whether they suffer from the impostor syndrome.¹²⁵ Second, by openly discussing the impostor syndrome with students, acknowledging it is real, and revealing the commonality of it, professors can help weaken the syndrome's debilitating effect.

2. Enable Your Students to Thrive

Once professors learn who their students are, they can employ classroom techniques that will enable all of their students, regardless of background, to thrive. The three objectives behind these educational techniques are: (1) helping outsiders feel like insiders, (2) stimulating critical thinking with techniques other than the Socratic method, and (3) teaching students how to ask for help.

a. Help Outsiders Feel Like Insiders

Sometimes professors make cultural references to experiences I am unable to relate to or we read cases that trigger feelings of inferiority based on race. And no amount of academic degrees can make up for those feelings of being both part of and apart from a school community.

—Shannon Cohall, Rutgers Law School '22

120. See Wong, *supra* note 119.

121. Bridgette J. Peteet et al., *Predictors of Impostor Phenomenon among Talented Ethnic Minority Undergraduate Students*, 84 *J. Negro Educ.* 175, 176 (2015).

122. See Villwock et al., *supra* note 115, at 365. The reluctance to participate in class discussion can affect a law student's grade in classes that award credit for participation.

123. *Id.* at 367.

124. *Id.*

125. The Clance Impostor Syndrome Self-Assessment Tool can help students identify whether they experience the impostor syndrome. *Impostor Phenomenon (IP)*, Pauline Rose Clance, https://paulineroseclance.com/impostor_phenomenon.html (last visited January 2020).

When entering professional fields, students from historically underserved communities often feel like outsiders.¹²⁶ The value systems reflected by the legal system can make some students feel alienated.¹²⁷ When students stop questioning whether they belong, they have more time and energy to focus on their studies. Students are more likely to thrive in law school if they feel less like outsiders and more like insiders.¹²⁸ Professors can open the door and invite outsiders in by 1) creating situations that will increase student self-esteem, and 2) encouraging students to be part of the law school community.

Self-esteem and academic achievement are strongly related.¹²⁹ Self-esteem is crucial to a student's classroom experience and successful learning outcomes.¹³⁰ Students with higher self-esteem are confident to face challenges.¹³¹ Professors can build their students' self-esteem by incorporating and embracing the varied cultures of the class with culturally-relevant pedagogy. A learning environment that embraces multiculturalism builds student self-esteem by helping students feel less like foreigners and more like citizens. By incorporating multiculturalism in the classroom, professors discreetly show students the positive effect they can have in their personal worlds, the world at large, and the legal profession.

To help build students' self-esteem, law school professors must be mindful of their own cultural biases and consciously create assignments, hypotheticals, and exams that involve facts and issues to which students can relate.¹³² Professors should create assignments and exam questions that are mindful of a variety of cultures, because students better grasp concepts when they can connect with what they are studying.¹³³ When the classroom integrates

126. "Despite markers of success such as high test scores [and] awards, . . . I didn't feel an internal sense of success . . . Singling out our classmates who achieved the extraordinary made many of us feel that we didn't belong 'here with all these bright, competent people.' . . . An estimated 70% of people feel like an impostor at some point in their career, and after that first day [of law school], opportunities to make negative comparisons were everywhere . . . But on that first day, the very people who tried to make us feel like part of the community made us feel like outsiders." Dwayne Allen Thomas, *When You Feel Like You Don't Belong*, *Law Practice Today* (Aug. 15, 2018), <https://www.lawpracticetoday.org/article/feel-like-an-imposter/>.
127. Lani Guinier, *Of Gentlemen and Role Models*, 6 *Berkeley Women's L. J.* 93, 96 (1990). Professor Guinier notes that having insider privileges and outsider consciousness, she remains along the perimeter of cultural norms. Guinier explains that a person with an outsider consciousness lives "with the peculiar sensation of always looking at one's self through the eyes of others." *Id.* at 97.
128. *See id.*
129. William Watson Purkey, *Self-Concept and School Achievement* (1970).
130. *Id.*
131. Maria Cardelle-Elawar, *A Self-Regulating Teaching Approach to Improve Minority Students' Self-Esteem*, 21 *Bilingual Rev.* 18-23 (1996).
132. Fruehwald, *supra* note 103, at 99-100.
133. Gloria Brown Wright, *Student-Centered Learning in Higher Education*, 23 *Int'l J. of Teaching & Learning in Higher Educ.* 92, 94 (2011).

a student's community and culture, it becomes a place more likely to hold engaged, active, and involved learners.¹³⁴

By creating assignments that reflect issues that impact diverse communities and by avoiding scenarios that presume wealth and privilege, professors will help make students feel less like outsiders and more like insiders. Assignments should be mindful of using heteronormative terms, referring to persons of color as *minorities*, and including vocabulary that presumes affluence. For example, a fact pattern may debase a student by assuming that the student is familiar with an expensive brand of designer clothing.¹³⁵ If wealth were a fact that the professor wanted to convey, then the fact pattern could simply refer to a prosperous person, rather than use labels more familiar to wealthier students.

Moreover, professors should consider creating assignments based on real public-interest cases. Consider Seattle University School of Law's Collaborative project, which integrates pro bono projects into the first-year legal research and writing class. Students research and prepare memoranda on issues faced by lawyers working in a range of legal services settings, but they do so within the context of learning material covered in their legal writing course.¹³⁶ By working on real problems as opposed to hypothetical ones, students can help others and realize the difference they can make in a person's life. For example, students researched the factual and legal issues raised by two female asylum seekers who had been the victims of human trafficking and genital mutilation. The upper-level students in the immigration clinic used the first-year legal writing students' work in preparing asylum applications.¹³⁷ In another project, a writing professor worked with a local nonprofit organization on a research project to determine whether stepparents were eligible for classification as de facto parents. The research and analysis was used by the organization to prepare an amicus brief filed with the Washington Supreme Court.¹³⁸

Law professors should also try to center classroom discussion on students' experiences. Classroom interactions are seldom neutral with respect to messages, and any serious attempt to build a student's self-worth must challenge not only the devaluation of that student's identity that the student may have historically experienced, but it must also confront implicit biases that undermine people from historically underserved communities.¹³⁹ Students

134. Classroom Diversity Connecting Curriculum to Students' Lives 34 (Elle McIntyre et al., eds., 2001).

135. For example, an assignment should avoid describing a man as wearing Gucci shoes. Gucci is a luxury brand of fashion and leather accessories.

136. Mary Nicol Bowman, *Engaging First-Year Law Students Through Pro Bono Collaborations in Legal Writing*, 60 J. Legal Educ. 586, 587 (2013).

137. *Id.* at 590.

138. *Id.*

139. Classroom Diversity, *supra* note 134, at 28. For example, law schools that incorporate critical race theory into their curricula expose students to racial, cultural, and economic

can better understand concepts and make connections when their funds of knowledge are the centerpiece of instruction. When students are an integral part of classroom discussion, they feel more relevant, engaged, and confident.

Additionally, to help students feel less like outsiders, professors should encourage students to participate in campus activities or clubs that interest them. Studies show a correlation between campus involvement and positive educational outcomes, including achieving learning objectives such as critical thinking, cognitive development, and retention.¹⁴⁰ By becoming involved in activities within the law school, students may feel more connected to their environment and classmates. Feelings of belonging help students connect with their peers and the institution, relationships that are associated with academic persistence and satisfaction.¹⁴¹ Engagement in school activities not only helps students feel part of a school, but it prepares students to become leaders, to collaborate, and to manage their time more efficiently, skills that will serve them well in law school and in the workforce.¹⁴²

b. Stimulate Critical Thinking with Techniques Other than the Socratic Method

The dominant pedagogy for most first-year law classes is the Socratic method, a pedagogical technique involving cold-calling and posing questions designed to stimulate critical thinking to teach the law.¹⁴³ Proponents of this method claim it allows students to envision how they would resolve legal disputes, recognize compelling arguments on both sides of a legal question, think on their feet, and practice public speaking.¹⁴⁴ While some law students learn from instruction in the Socratic method,¹⁴⁵ many students—especially

disparities in the law that are experienced not only by their future clients, but by some of their classmates, too. See, e.g., Taifha N. Baker, *How Top Law Schools Can Resuscitate an Inclusive Climate for Minority and Low-Income Law Students*, 9 *Geo. J.L. & Mod. Critical Race Persp.* 123, 144-45 (2017); Beverly I. Moran, *Disappearing Act: The Lack of Values Training in Legal Education—A Case for Cultural Competency*, 38 *S.U. L. Rev.* 1, 44-46 (2010); Cheryl I. Harris, *Critical Race Studies: An Introduction*, 49 *UCLA L. Rev.* 1215, 1231 (2002).

140. S.J. Quaye et al., *Student Engagement in Higher Education: Theoretical Perspectives and Practical Approaches for Diverse Populations* 17 (2d ed. 2014).

141. George D. Kuh et al., *Student Success in College: Creating Conditions That Matter* 119 (2010).

142. *Id.*

143. “The Socratic method, or case-study method, was developed and originally implemented by Christopher Columbus Langdell at Harvard Law school in the late 19th century.” Lani Guinier et al., *Becoming Gentlemen: Women’s Experiences at One Ivy League Law School*, 143 *U. of Pa. L. Rev.* 1, 3, n.11 (1994). “Typically, the class session is devoted to the professor’s questioning the student (or students) about details of the court’s decision in an effort to extrapolate the legal principles embedded in the opinion. This method was intended not only to convey legal principles, but also to aid the student in developing legal reasoning skills and becoming an independent thinker.” *Id.*

144. Ilana Kowarski, *What is the Socratic Method that Law Schools Use?* *U.S. News and World Report* (April 4, 2019), <https://www.usnews.com/topics/author/ilana-kowarski>.

145. Binford, *supra* note 111, at 549.

those who already feel out of place in law school—sit in class with a pit in their stomach, unable to process anything, because the Socratic method alienates them.¹⁴⁶

Law professors who value instilling confidence in their students should not rely on the Socratic method as a primary teaching tool. Instead, professors can supplement the Socratic method by providing an opportunity for dialogue in which the teacher leads class and small group discussions, and by exposing students to authentic or situated problems and examples. Both teaching techniques, especially if used together, produce critical thinkers.¹⁴⁷

While law professors need not completely abandon the Socratic method, they should ease students into its use instead of putting students—whom they may not yet know—on the spot in front of their classmates. They should also explain to students the purpose and format of the Socratic method so students can understand how it is designed to strengthen critical thinking and not to simply terrify and disempower new law students.¹⁴⁸ Finally, if a professor recognizes students who are reluctant to speak in front of others, the professor could provide them ahead of time the questions they will be asked in class. The students could meet with the professor to discuss how to best answer the question. This individualized instruction may instill more confidence in students as well as help them overcome the fear of speaking in front of peers.

c. Teach Students How to Ask for Help

See, when I started my freshman year at Princeton, I felt totally overwhelmed and out of place . . . I had no idea how to choose my classes, to—how to take notes in a large lecture

. . . .

146. Parkman, *supra* note 116, at 53.

147. Critical thinking is “purposeful, self-regulatory judgment that results in interpretation, analysis, evaluation, and inference, as well as explanation of the considerations upon which that judgment is based.” These are traits every attorney should have. A critical thinker is inquisitive, open-minded, trustful of reason, honest in facing personal biases, orderly in complex matters, diligent in seeking relevant information, and focused on inquiry. Philip C. Abrami et al., *Strategies for Teaching Students to Think Critically: A Meta-Analysis* (2015), <https://doi.org/10.3102%2F0034654314551063>.

148. Kowarski, *supra* note 144.

*So at first, I didn't tell a soul how anxious and lonely and insecure I was feeling. But as I got to know my classmates, I realized something important. I realized that they were all struggling with something, but instead of hiding their struggles and trying to deal with them all alone, they reached out. They asked for help. If they didn't understand something in class, they would raise their hand and ask a question, then they'd go to professor's office hours and ask even more questions. And they were never embarrassed about it, not one bit. Because they knew that that's how you succeed in life.*¹⁴⁹

—Former first lady Michelle Obama

Former first lady Michelle Obama did not learn the importance of seeking help in an academic setting until she attended college.¹⁵⁰ Some law students never learn to ask for help, fearing that asking for help will make them look ignorant and unprepared. They would rather try to figure out the answer themselves instead of risking asking a stupid question. Students of color, especially in schools that have a primarily white and/or privileged student body, may experience anxiety about the questions they ask and answer.¹⁵¹

At the very first meeting of each course, law professors should tell students that they welcome all questions and should encourage students to ask any faculty member or administrator for information or guidance. Students are more likely to ask for help if they are assigned a faculty mentor or administrator to approach. “Faculty mentors can address problems in learning as they arise, intervene if groups experience communication issues, provide skill-specific training, serve as role models, and otherwise communicate to the students that the law school has made a significant investment in the group’s and each member’s law school success.”¹⁵² Faculty can supplement administrative academic advisors by answering students’ questions about all aspects of law school curriculum and culture.¹⁵³

149. Michelle Obama, *Remarks by the First Lady at Martin Luther King Jr. Preparatory High School Commencement Address*, The White House (June 9, 2015), <https://obamawhitehouse.archives.gov/the-press-office/2015/06/09/remarks-first-lady-martin-luther-king-jr-preparatory-high-school-commenc>.

150. *Id.*

151. Leslie P. Culver, *White Doors, Black Footsteps: Leveraging “White Privilege” to Benefit Law Students of Color*, 21 *J. Gender Race & Just.* 37, 67, 70 (2017).

152. Schwartz, *supra* note 28, at 640.

153. Alicia Jackson, *Advising 2.0: Helping Students Achieve Academic Success through Meaningful Academic Advising*, *The Learning Curve*, at 7 (2018).

B. How Law School Administrations Can Help Bridge the Gap

Law professors alone cannot build sufficient bridges for students; effective teaching requires collaboration with law school administrators to make institutional changes that will enable all students to thrive. By embracing change, law schools would not only foster a better education for their students, they would lay a solid foundation for a strong alumni network. Law schools should implement four methods to foster student inclusion: 1) orient students with information, rituals, and tradition; 2) recruit professors from diverse background; 3) provide financial support beyond traditional scholarships; and 4) expand academic support.

1. Orient Students with Information, Rituals, and Traditions

All law schools should have structured experiences for new students—experiences that welcome the students to the community and provide them the information they need to succeed.¹⁵⁴ For example, law school orientation can provide: 1) online instruction¹⁵⁵ so students can be exposed to some concepts individually without peer pressure, and 2) in-person instruction so students can ask questions and meet professors, students, and administrators, as well as become familiar with the law school building and campus. Both upper-class students and faculty should participate in orientation programs to emphasize the commonality of the law school experience.¹⁵⁶ By encouraging upper-class students and faculty to personally connect with new students, the administration can help new students feel less intimidated or alienated during the critical first few weeks of class.

Law schools can also offer summer transition programs to support students who may need extra preparation. These programs could help students acquire certain skills and the social confidence they need to succeed in law school.¹⁵⁷ Such programs would also accelerate the ability of faculty who teach first-year classes to get to know their new students.

Rituals and traditions serve to bond students to one another and their institution. Before the commencement of classes, American medical schools hold the “white coat ceremony,” a ceremony that welcomes students and

154. *Id.* at 123.

155. Law schools should introduce legal analysis and the court system so that all students have a context for the first-year curriculum, regardless of personal exposure to the legal profession. This orientation could be offered through online instruction, allowing students to become familiar with law school terminology and culture in private and at their own pace. In spring 2020, most law schools transitioned to online instruction to address the COVID-19 pandemic. Bridget J. Crawford & Michelle S. Simon, *Law Faculty Experiences Teaching During the Pandemic*, St. Louis U.L.J. (forthcoming 2021) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3606843. This sea change in academic instruction will likely transform law school pedagogy long after the pandemic has waned.

156. For example, many students are unfamiliar with moot court competitions, Barrister’s Balls, the Socratic method, etc.

157. Jackson, *supra* note 153, at 117.

parents to the medical school and the profession. This ceremony not only honors the culmination of years of hard work that manifest in admission to medical school, but it also celebrates the students embarking on the educational journey of their profession. The legal academy should design a similar ceremony to commemorate admission into law school, foster community spirit, and welcome entry into the legal profession.

2. *Recruit Professors from Diverse Backgrounds*

Every morning I remind myself that I belong here and I deserve to become an attorney. So that in the future I can become that attorney whom a young Black girl from Brooklyn can emulate.

—Shannon Cohall, Rutgers Law School ‘22

Law schools need to engage in diverse hiring practices. But just like defining law students as *at-risk*, *vulnerable*, or *disadvantaged* is problematic, defining *diverse faculty* similarly defies clear categorization.¹⁵⁸ Nevertheless, almost all law schools have proportionally fewer faculty who identify as persons of color than students who so identify.¹⁵⁹ Thus, law students from historically underserved communities may have fewer professors whom they want to approach as mentors and role models.¹⁶⁰ And first-generation university students’ lack of role models and personal experience with attorneys can result in “emotionally taxing moments of miscommunication with faculty” and the inability to appreciate the metrics faculty apply to assess student work.¹⁶¹

Law students need mentors to whom they can relate to help break down cultural, economic, and racial barriers in the legal profession.¹⁶² Teachers from underrepresented backgrounds provide a particularly positive impact on the educational experiences and outcomes of students with similar backgrounds.¹⁶³

158. See James Lindgren, *Measuring Diversity: Law Faculties in 1997 and 2013*, 39 Harv. J.L. & Pub. Pol’y 89, 102 (2016).

159. 2020 Raw Data Law School Rankings, PublicLegal, <https://www.ilrg.com/rankings/law/1/asc/FacultyMinority> (last visited Jan. 2020). Though law school faculties are becoming more diverse, white males still dominate law school faculties. Thus, the white male professor may need to work even harder to show he is approachable.

160. Gurney Pearsall, *The Human Side of Law School: The Case for Socializing Minority Recruitment and Retention Programs*, 64 J. Legal Educ. 688, 688–89 (2015).

161. Jack, *supra* note 26, at 3.

162. Leslie P. Culver, *White Doors, Black Footsteps: Leveraging “White Privilege” to Benefit Law Students of Color*, 21 J. Gender Race & Just. 37, 74–75 (2017).

163. Desiree Carver-Thomas, *Diversifying the Teaching Profession: How to Recruit and Retain Teachers of Color*, Learning Policy Institute (Apr. 19, 2018) <https://learningpolicyinstitute.org/product/diversifying-teaching-profession-report> (discussing the impact of having diverse faculty teach primary and secondary students); see also Pearsall, *supra* note 160, at 692.

3. Provide Financial Support Beyond Traditional Scholarships

Learning how to navigate the legal profession can present a challenge to students who have less financial security and institutional knowledge than many of their classmates. Law schools should identify resources to defray costs typically not covered by scholarships.¹⁶⁴ A student may be stressed by an old unreliable laptop, may not have sufficient professional attire for interviews and externships, or may not have a safe place to live.

Administrators should advise students of resources to help offset the costs of required materials, such as how to obtain law school textbooks through free open-source libraries.¹⁶⁵ Additionally, administrators could work with student organizations to coordinate the distribution of complimentary, discounted, or loaned professional attire, books, and technology.¹⁶⁶

4. Expand Academic Support

Law schools should invest in academic support, the mission of which is “to provide diverse persons access to legal education, help create community, help diverse students succeed and excel academically, and most importantly, preserve students’ feelings of self-worth and value.”¹⁶⁷ As academic advising becomes commonplace in undergraduate programs, law students expect a similar level of academic guidance.¹⁶⁸ The American Bar Association requires law schools to “provide academic advising for students that communicates effectively the school’s academic standards and graduation requirements, and that provides guidance on course selection.”¹⁶⁹ All students would benefit from proactive counseling on not only how to select courses, but also how to choose professors, clinical studies, and extracurricular activities.¹⁷⁰

164. See *supra* pp. 275-276 for a discussion of the financial burdens of law school.

165. Some law school textbooks are available through free open-source libraries. William Peacock, *More on Open Source Casebooks (They Already Exist)*, FindLaw (May 9, 2014), <https://blogs.findlaw.com/technologist/2014/05/more-on-open-source-casebooks-they-already-exist.html>.

166. Yelky Perez, a Rutgers law student who participated in its Minority Student Program (MSP) orientation, saved the money she earned from being a summer associate at a large law firm and organized contributions from attorneys at the firm to help other students purchase first-year books. To have a lasting impact, she then created a nonprofit charitable organization, *The Beyond the Books Initiative*, to purchase first-year textbooks for students who have limited resources.

167. Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support Programs*, 31 Univ. of San Francisco L. Rev. 839, 842 (1997).

168. Jackson, *supra* note 153, at 6 (2018).

169. American Bar Association Standard 309.

170. “The underlying purpose of most Academic Support Programs (‘ASPs’) is to diversify the legal profession by helping more diverse students gain admission into, remain and excel in, and graduate from law schools, so they can pass a bar examination and gain entry into the legal profession.” Lustbader, *supra* note 167, at 840.

Academic support demystifies the learning process. Law faculty can consult with academic support faculty regarding “teaching methods, problems with students, ways to address issues of diversity in a sensitive manner, and ways to avoid alienating students.”¹⁷¹ Academic support faculty can further advise other faculty on how to integrate academic support pedagogy into their teaching.¹⁷² Academic support faculty could even screen exam questions before the exam is given for potential problems that could further disadvantage students from historically underserved communities.¹⁷³

V. Concluding Thoughts

Nothing prepared me for the pressures of studying in law school; it's like a roller coaster of stress. Yet, my sincere interest in the courses that I am studying compels me to move forward and to see this through, with the support of great friends and loving siblings.

—Chereen James, Rutgers Law School '22

Legal education has evolved, albeit often too slowly. Professor Karl N. Llewellyn's famous 1935 critique of legal education sought to transform legal pedagogy from aloof theoretical lectures to one structured to train practicing attorneys and public servants.¹⁷⁴ Notably, Llewellyn wrote at a time when law schools were overwhelmingly white, male, and socially and economically privileged.¹⁷⁵ Today, to effectively train *all students*—and to promote racial, economic, social, and cultural diversity in the legal profession—law schools must address the academic and related psychosocial needs of their students from historically underserved communities. Both law school administrations and their faculty must proactively support students so that the law school experience embraces and empowers them, not alienates and diminishes them.

171. *Id.* at 844.

172. *Id.* at 844.

173. *Id.* at 844.

174. Karl N. Llewellyn, *On What Is Wrong with So-Called Legal Education*, 35 Colum. L. Rev. 651, 654-56 (1935). “Law School education, even in the best schools, is, then, so inadequate, wasteful, blind and foul that it will take twenty years of unremitting effort to make it half-way equal to its job.” *Id.* at 678.

175. Llewellyn's famous critique refers to law students as *men*. *Id.*