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**The Enrollment of Racially Minoritized Students in Law School:  
Factors Predicting Within- and Between-School Variation**

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**Abstract**

Given the substantial lack of racial diversity within the U.S. legal profession, it is critically important to understand how to improve the representation of racially minoritized students at law schools. This study uses panel data from the 2010s to consider several types of factors that may shape the number and percentage of incoming law school students from several racially minoritized identities: finances, demographic representation, and rankings. The results of fixed effects analyses revealed that increases in the representation of Latinx and Asian students as well as Faculty of Color actually predict subsequent decreases in the percentage of incoming racially minoritized students, which suggests that law schools could be seeking to maintain a certain approximate level of racial representation over time. Moreover, increases in the ingroup racial representation within the state (in which the law school is primarily housed) and *U.S. News* rankings are both associated with greater subsequent numbers of incoming Black and Latinx law students; the provision of conditional scholarships and the combined total of tuition and fees are also significant predictors. These findings have salient implications for policy and practice.

## Introduction and Context for the Study

The legal profession is one of the least racially and ethnically diverse in the United States. The 2019 American Bar Association (ABA) National Lawyer Population Survey reports that the percentages of African American (5%), Hispanic (5%), Asian American (2%), multiracial (2%), and Native American (1%) lawyers all fall far short of their representation in the national population, while White lawyers remain substantially overrepresented (85%). By comparison, only 60% of the U.S. population identified as White alone in 2019 (U.S. Census Bureau, n.d.). Representation is even worse in law firms, where only 6.6% of equity partners are racial or ethnic minorities (National Association for Law Placement, 2019). The ABA has argued that improvements in the diversity of the legal profession “support the perception, and reality, that our legal and political institutions fully reflect and represent all members of our society” (2015, p. 38). The racial and ethnic diversity of practicing lawyers is inherently limited by the pool of students who enter law school.

Within the legal education sector, White students remain overrepresented despite slow improvement toward greater inclusion: In 2011, 28% of incoming students were racial or ethnic minorities (ABA, 2013), and that number increased to 31% in 2019 (ABA, 2020). The AccessLex Institute (2018) has reported on the high shut-out rate (the proportion of law school applicants who were not ultimately admitted to any law school) for Black applicants (49%) and Latinx applicants (33%) in comparison to the total applicant pool (25%). Taylor (2019) argues that aspiring Black lawyers are especially marginalized by being shut out from receiving these offers of admission. Such gatekeeping manifests as a difference in racial representation between the applicant pool and the admitted classes at ABA-accredited law schools. For instance, 11.7% of law school applicants in 2020 were Black, but only 7.6% of admitted students were Black

(LSAC, 2020). Thus, although postsecondary enrollment dynamics are often framed through the lens of student “choice,” it is also critical to understand the organizational factors that shape incoming classes in a societal environment that purports to strive for greater inclusion.

Progress toward greater law school and legal sector representation for People of Color has been slow and unsteady when compared to national demographic trends. One reason stems from the educational pipeline, as leadership decisions have contributed to this slow improvement (Espeland & Sauder, 2016; Sauder, 2006). As another reason, given the ongoing lack of access for People of Color in the legal profession, prospective Students of Color may be dissuaded from applying to law school at all because of the perceived risk of not obtaining a high-paying legal career. As the gateway to the profession, it is incumbent upon law schools to present themselves as entry points to viable careers in the legal and civic sectors, acknowledging ways Students of Color can obtain desirable jobs in the sector amidst historical and ongoing legacies of racial bias (Fortin-Camacho, 2017). For these reasons of slower historical inclusion and ongoing disparities within the legal sector, law student enrollment must be examined not only at the level of individual student choice, but also as a matter of institutional and social context.

This study examined various attributes of law schools and their relevant contexts that predict the first-year law school student enrollment and representation of Students of Color. Specifically, we employed random effects and fixed effects analyses using eight years of data on U.S. law schools to explore how financial indicators, racial representation, and law school rankings are associated with the number and percentage of incoming students from several racially minoritized identities.

## Law School Admissions and Decision Making

The law school application process is competitive and involves complicated decisions on behalf of both applicants and school staff. Prospective students frequently weigh choices between schools with higher status and those that provide better scholarship offers (Espeland & Sauder, 2016). Admissions staff also make difficult decisions about how to allocate financial aid to construct the incoming class. Price is a primary decision factor for students because of the high cost of law school. Law students are more likely than other graduate students to use loans to pay for school (Pyne & Grodsky, 2020). Moreover, when they receive loans, law students typically borrow larger amounts than their peers, even after accounting for demographic differences (Belasco et al., 2014; Pyne & Grodsky, 2020).

Ranking mechanisms (e.g., *U.S. News and World Report*) and digital transparency initiatives (e.g., AccessLex Institute, [lawschooltransparency.com](http://lawschooltransparency.com)) provide information that may help students make good financial decisions (Espeland & Sauder, 2016). Transparency about finances, however, does not mean that all prospective students will benefit from this information. Winkle-Wagner and Locks (2019) point out that Students and Families of Color are vulnerable based on information asymmetries about the financial aid process. Scholars have also argued that higher education access is affected by substantial racial differences in the need to borrow money to afford postsecondary education (e.g., Goldrick-Rab et al., 2014). Factors affecting application patterns vary by students' racial/ethnic backgrounds, leading to stratification of the U.S. graduate education system (Posselt & Grodsky, 2017). Moreover, research on undergraduate education strongly supports the use of financial aid as a tool for improving postsecondary access and completion for Students of Color (see Goldrick-Rab et al., 2009; Herbaut & Geven, 2020; Mayhew et al., 2016).

Many law school students use the *U.S. News* rankings to help determine where to attend, so these rankings therefore also take priority in law school administrative decision making (Espeland & Sauder, 2016). Despite their ubiquity, *U.S. News* has been criticized for the methodological inaccuracy and arbitrariness of its ranking system (Sauder & Lancaster, 2006). For instance, a large proportion of difference in law school rankings can be explained by the median LSAT score of a school's entering class. Since these rankings have such great influence on a school's reputation, institutions have been known to "game" the rankings in order to maintain or increase their position (Sauder & Espeland, 2009); law schools have gone so far as to leave tenure-track faculty lines unfilled in order to provide small-scale scholarships to applicants with above-median LSAT scores (Espeland & Sauder, 2016). In addition, the *U.S. News* rankings have been criticized for failing to account for institutions' commitments to equity, diversity, and inclusion (Espeland & Sauder, 2008). Graduate and professional Students of Color care about such considerations in their enrollment decisions; these include perceptions of how campus environments embrace racial diversity, employ a non-trivial number of Faculty of Color, and have an existing presence of Students of Color (Morelon-Quainoo et al., 2009; Muñoz-Dunbar & Stanton, 1999).

Most studies on law school enrollment focus on admissions practices connected to the legal education pipeline. Given the media and financial pressures around law school rankings (Espeland & Sauder, 2016), it is no surprise that analyses frequently focus on factors most closely aligned with predominant rankings criteria: LSAT scores, undergraduate GPA, and selectivity. Specifically, scholars have noted the ways in which LSAT and GPA are used as the primary law school admissions criteria and the adverse societal effects of this overreliance (e.g., Curtis, 2019; Kidder, 2001; Organ, 2017). Related to geographic and policy dimensions, Garces

(2013) found that graduate and professional school student bodies, including at selective law schools, became less racially diverse at institutions located in states where affirmative action bans were passed. Less has been written, however, about less selective law schools that reject fewer students. These access law schools, as they are sometimes known (Kennedy, 2020), must still actively address matters of racial diversity in their recruitment processes, though how inclusive recruitment efforts and administrative practices influence their classes year-to-year remains under-researched.

Institutions at all levels of selectivity have considerable discretion in the type of students they choose to recruit and admit. Qualitative studies have found that many law school administrators believe that admitting more students from racially minoritized groups will negatively affect their rankings (Espeland & Sauder, 2016; Sauder, 2006). Although they have autonomy, law schools in the U.S. are also highly professionalized and structured, as shown by their commonly adopted regulations, program formats and content, and administrative organization. This degree of isomorphism stimulates the adoption of common practices (e.g., decisions about criteria upon which to base admissions decisions) and makes institutions susceptible to external pressures, such as the *U.S. News* rankings (DiMaggio, 1988; DiMaggio & Powell, 1983; Wedlin, 2007). To this end, it is important to consider both field-level trends across law schools as their practices move collectively across the U.S. legal education sector, as well as the shifts within particular law schools that operate as independent entities.

### **Theoretical Framework on Students' Postsecondary Choice**

We used Perna's (2006) student college choice model to understand racial enrollment patterns at law schools. In this model, students weigh the expected monetary and non-monetary benefits of a degree against the expected costs of college attendance. These considerations are

then nested within several layers: (1) students' habitus, defined as the "system of values and beliefs that shapes an individual's views and interpretations" (p. 115); (2) school and community context of students' precollege environments; (3) higher education context of colleges and universities to which a particular student may apply; and (4) social, economic, and policy context in which the other contexts occur. Perna proposed that this choice process may vary as a function of students' race/ethnicity, gender, and socioeconomic status.

The present study examined three types of variables that primarily occur in layers 1, 3, and 4: finances, demographic characteristics, and school prestige. Layer 1 includes students' own identities, such as race/ethnicity, and the social and cultural capital that may inform their decision-making process, which may be particularly relevant for understanding Black and Latinx students' college choices. Layer 4 also includes the demographics of surrounding communities, as the extent of match between students' own racial identity and that of the community could affect law school choice. The cost of living within the local community may also shape students' decisions.

Most variables considered in this study occur within Layer 3; we chose to focus on these school-level attributes, since law schools have some control and can therefore effect change. Importantly, Perna's (2006) theory recognizes that both students and colleges have agency in shaping choice outcomes. Law schools can influence these decisions via who they accept for admission, what types of financial aid packages they offer, and the extent to which they will recruit prospective students (Ryan, 2020); all of these factors may influence the racial composition of their incoming classes. In addition, prospective students may consider the racial representation of both students and faculty, which could include the presence of ingroup members as well as members of other racially minoritized groups. Generally, students prefer to



attend schools that match their particular identities and needs (Nora, 2004), Considering the importance of race and ethnicity on graduate student sense of belonging (Cole & Griffin, 2013; Strayhorn, 2012), prospective racially minorities students are likely to select schools where Students and Faculty of Color are perceived to be welcome (Morelon-Quainoo, 2009). Finally, the overall influence of *U.S. News* rankings has already been well-established (Espeland & Sauder, 2016), and this indicator of prestige may also shape the racial representation among incoming law school students.

### **Present Study**

The present study investigated how law school attributes predict first-year law student enrollment among students from several racial groups. This study brings together organizational and societal data to expand upon prior literature on postsecondary student access and choice, law school enrollment, and racially minoritized professional students. First, while there is a robust literature on how students make decisions about which postsecondary institutions to attend, this work has typically examined undergraduate institutions and occasionally graduate programs, with very limited attention to professional programs (including law school). Second, this analysis is unique in disaggregating the data by racial group and moving beyond reporting descriptive statistics to understand whether and how organizational and societal factors may shape enrollment among racially minoritized students. Third, we expanded upon the available law school research by incorporating eight years of data about organization and societal level features of U.S. law schools, whereas previous analyses were typically restricted to considering only data from student self-reports, standardized test scores, or rankings alone. Finally, research that broadly considered improving the enrollment of racially minoritized law students has often focused on evaluating particular admissions policies, such as (over)reliance on LSAT scores and

undergraduate GPA, affirmative action practices, and the role of attending to rankings while building an incoming class. The present study examined various predictors that may be salient to students' choices in an isomorphic field of law schools, such as offers of financial assistance or the potential to interact with Faculty of Color. This approach provided direct insights into actions that law schools can take to create a more racially inclusive cohort of incoming students (and ultimately degree recipients and lawyers).

## **Method**

### **Data Sources and Sample**

The analytic sample consisted of the 190 ABA-accredited U.S. law schools that did not open, close, or merge with another law school during the time period of the study. The analyses examined data that were released from 2011 to 2019, since ABA-required disclosures were publicly available during this time. Data were obtained from three primary sources. First, ABA Standard 509 Information Reports provided school-level information about student enrollment, financial aid, tuition/fees, estimated living expenses, and student and faculty demographics. Second, law school rankings were obtained via *U.S. News & World Report*. Third, the U.S. Census Bureau's American Community Survey (ACS) 1-Year Estimates provided demographic information for the state in which each law school primarily operates. Because the predictors were lagged by one year, eight years of data were available in the analyses, which yielded a final sample of 1,506 school x year observations (fewer than 1% of observations were omitted as a result of missing data).

### **Measures**

Two types of dependent variables were used: the percentage and the number of racially minoritized J.D. students within the incoming law school cohort. Each of these constructs was

operationalized in several ways: all Students of Color (SOC; i.e., any student who was not White/Caucasian), underrepresented racial minority students (URM; i.e., American Indian/Alaska Native, Black/African American, Hispanic/Latinx, Native Hawaiian or other Pacific Islander, multiracial), and individual racial groups that each had sufficient representation within U.S. law schools to conduct statistical analyses (Asian, Black, Latinx). The number of incoming White students was also used as an outcome variable, which allowed us to compare results across analyses and distinguish between greater numerical enrollment for students from all racial identities versus only for racially minoritized students.

The choice of independent variables was based on theory and prior research. Several financial indicators were included: the percentage of students receiving grants or scholarships for less than half of tuition, percentage of students receiving grants/scholarships worth at least half of tuition, total amount of combined full-time tuition and fees (using in-state tuition for public institutions), average cost of off-campus living expenses reported by the law school, and whether some scholarships in the law school were conditional in nature (i.e., contingent on students' academic performance; 0 = no, 1 = yes). Additional ABA variables indicated the percentage of law school instructors who were racial minorities; the total number of students enrolled at the law school; the average size of a first-year course; the proportion of non-first-year courses that had fewer than 25 students; and the percentages of currently enrolled law school students who were Asian, Black, Latinx, or SOC from another categorized group (i.e., American Indian/Alaska Native, Native Hawaiian or other Pacific Islander, multiracial, nonresident alien).

*U.S. News* law school rankings were also used as predictors; these were reverse-coded so that higher values represented better rankings. One-year ACS data was used to indicate the percentage of Asian, Black, Latinx, URM, People of Color, and White residents within the state

in which the law school was primarily housed. Some of the continuous variables were natural log transformed to reduce skew: total law school enrollment, percentage of Faculty of Color, percentages of enrolled and incoming racially minoritized students (all groups), and percentages of racially minoritized residents within the state (all groups). Because some law schools had 0% representation of some racial identities and the natural log of zero is undefined, one was added to each percentage of enrolled and incoming law students and of Faculty of Color before computing the natural log. Descriptive statistics for all variables are provided in the Appendix.

### **Analyses**

Random effects and fixed effects analyses were conducted. Random effects models simultaneously examine between- and within-institution variance; this approach is very similar to hierarchical linear modeling with grand-mean centered predictors (see Cheslock & Rios-Aguilar, 2011). Fixed effects analyses remove all between-institution variance so that the results convey the extent to which within-institution changes in the predictors are associated with changes in the outcomes. By accounting for all observed and unobserved differences across institutions, this approach increases the likelihood that the coefficients for non-experimental data reflect causal estimates of the variables of interest (see Allison, 2009). Moreover, fixed effects analyses better address the underlying practical implication of interest: Under what conditions might a law school increase representation of racially minoritized students in its J.D. program? These analyses can be summarized via the following equation:

$$y_{it} = \alpha_{it} + \beta \mathbf{x}_{it} + \gamma \mathbf{z}_i + \delta \mathbf{w}_t + \varepsilon_{it}$$

such that  $y_{it}$  is the outcome variable,  $\mathbf{x}_{it}$  is a vector of time-varying predictors,  $\mathbf{z}_i$  is a vector of dummy variables representing each institution (leaving out one as the referent group),  $\mathbf{w}_t$  is a vector of dummy variables representing each year (also leaving out one),  $\alpha_{it}$  is the intercept, and

$\varepsilon_{it}$  is the error term. Across all outcomes, 10-25% of the total variance occurred within law schools, thereby indicating a non-trivial amount of within-school heterogeneity.

The count outcomes for the number of incoming students who hold a particular racial identity were modeled using negative binomial regression. This analytic approach appropriately accounts for the fact that these count outcome variables were overdispersed, such that the variance was greater than the mean (see Hilbe, 2011). Likelihood ratio tests showed that negative binomial regression analyses provided a better fit in every model than would Poisson regression analyses (which instead assume that the mean and variance of the outcome variable are identical to each other).

The predictors were lagged so that these institutional characteristics and state-level demographics were observed during the academic year before the enrollment outcome, since students and institutions were in the process of law school enrollment decision making and recruitment, respectively, in that prior year. Virtually all predictors discussed above were included in all models; the lone exception was that the only census variable in each model indicated the racial ingroup representation within the state in which the law school was primarily housed (e.g., the percentage of Asians within the state predicting Asian law school enrollment).

### **Limitations**

Some limitations should be noted. First, similar to the Integrated Postsecondary Educational Data System (IPEDS), the ABA Standard 509 Information Reports provide codes for nonresident alien and multiracial students as two mutually exclusive options within a list of “racial” categories, so we were not able to determine the actual racial group(s) with which these students identify. Given that approximately 75% of graduate international students in the U.S. are from Asia (Institute of International Education, 2020), we chose to code nonresident alien

students as Students of Color but not URM. We also chose to classify multiracial students as both SOC and URM, since the vast majority of multiracial students would have at least one of these identities (with the lone exception of White and Asian biracial students). We are aware that this approach (and any alternative) will misclassify some students within each of these groups. Second, the use of state-level demographics was intended to serve simultaneously to (a) define a pool of (relatively) local prospective students, and (b) describe a local community population that might attract racially minoritized prospective students from within or out of state. Of course, such state-level analyses provide a rough proxy for both of these purposes; metropolitan area data would be a better indicator, but it was not available for the location of all law schools. Third, although we were able to conduct meaningful analyses separately for Asian, Black, and Latinx students, the modest representation of American Indian/Alaska Native and of Native Hawaiian or other Pacific Islander students in U.S. law schools prevented us from doing so for these groups. Fourth, as with all studies that employ secondary data, the analyses were limited to the information that we were able to obtain from relevant sources. These constraints led us, for example, to create a variable for the percentage of all Faculty of Color, since we did not have detailed information about the specific racial identities of law school faculty across all years.

## **Results**

### **Predicting the Percentage of Incoming Racially Minoritized Students**

The results for random effects analyses predicting the percentage of incoming students from each racial group are presented in Table 1. Demographics were frequently associated with law school enrollment: Ingroup racial representation within the state was positively related to the percentage of incoming students from all five racial groups; the percentage of Faculty of Color was associated with greater incoming enrollment of all groups except Latinx students; and the

percentage of Black students predicted greater percentages of incoming Black students, URM students, and Students of Color. Because the predictors were all lagged by one year, the appropriate interpretation is that the percentage of students from a particular racial group enrolled in one academic year predicts the percentage of incoming students in the following academic year. Each of the enrolled student demographics was positively related to the percentage of all Students of Color; the percentage of enrolled Black and Latinx students also predicted greater enrollment of incoming URM students. Furthermore, positive results were observed for ingroup representation of Latinx and Asian students, but the percentage of enrolled Latinx students was inversely related to the percentage of incoming Black students.

*U.S. News* rankings were associated with lower percentage enrollment of incoming students from most groups, except that these were positively related to the percentage of Asian students and unrelated to the percentage of URM students. The other predictors had less frequent significant results; for instance, tuition and fees was positively associated with the enrollment of incoming Black and Asian students, and cost of living predicted greater percentages of incoming URM students and Students of Color. In a handful of scattered results, the percentage of students who received grants for at least half of tuition was inversely related to the representation of incoming Students of Color, while the total number of enrolled students was positively related to the enrollment of incoming Students of Color, and the average size of first-year classes was associated with greater percentages of incoming Asian students.

The results for fixed effects analyses predicting these same outcomes diverge notably from those of the random effects analyses. As shown in Table 2, the percentage of Faculty of Color was inversely related to the percentage of incoming URM students and Students of Color, and the ingroup representations of Latinx and Asian students were also negatively related to the

percentage of these groups enrolling within the following year. Latinx student representation also predicted lower percentages of incoming URM students and SOC, whereas the percentage of enrolled Black students was positively related to both of those outcomes, along with the percentage of incoming Latinx students. *U.S. News* rankings were largely unrelated to these outcomes, except for a positive link with the percentage of incoming Asian students. Both measures of class size predicted a greater percentage of incoming URM students and Students of Color, and the size of first-year classes also predicted a greater percentage of incoming Black students. Finally, the percentage of students receiving grants for less than half of tuition was associated with greater incoming enrollment of Black students, and offering conditional scholarships (versus not doing so) was associated with a higher percentage of incoming Asian students.

### **Predicting the Number of Incoming Students by Racial Identity**

Table 3 provides the results for random effects analyses using negative binomial regression to predict the number of incoming students from each racial group. Not surprisingly, the total student enrollment and average size of first-year classes were positively and strongly related to the number of students from all racial groups in all analyses; however, the percentage of small classes after the first year was not significantly related to any outcome. Ingroup racial representation within the state was also positively associated with the number of students from each ingroup. The percentage of enrolled Black students was positively related to the number of incoming students from most racial groups (except Latinx and White students), and the percentage of enrolled Asian students predicted more incoming Black, Asian, and White students. The percentage of enrolled Latinx students was positively associated with the number of incoming Latinx, Asian, URM, and SOC, while it was inversely related to the number of



White students. The enrollment of other SOC was positively related to the number of incoming Asian students and SOC overall. The representation of Faculty of Color was inversely related to the number of White students. Law school rankings were also positively associated with the number of incoming Asian, SOC, and White students. Among the financial indicators, the presence of conditional scholarships was associated with greater numbers of incoming Black students, URM students, and Students of Color, and the percentage of students receiving grants for less than half of tuition was positively related to the number of incoming Black students. For predicting the number of incoming White students, the prevalence of grants for less than half and for at least half of tuition as well as the total amount of tuition and fees were all positively related.

The pattern of significant results was sparser within the fixed effects analyses predicting the same count outcomes (see Table 4). Average first-year class size was positively and significantly related to all outcomes, while total student enrollment predicted greater numbers of incoming Black students, URM students, and Students of Color. *U.S. News* rankings were positively related to the number of incoming students from all racial groups, and ingroup racial representation within the state was associated with more incoming Black, Latinx, and White students. The percentage of students receiving grants for less than half of tuition predicted greater numbers of all incoming groups except for Latinx and Asian students, and offering conditional scholarships predicted greater enrollment of incoming Asian students, while tuition and fees predicted lower enrollment of Black and Asian students. Finally, the percentage of students receiving grants for at least half of tuition was positively related to the number of incoming White students, whereas the percentage of enrolled Black students was negatively associated with this outcome.

## Discussion

Overall, the results diverged notably between the random effects and fixed effects analyses. The random effects models contained more significant results, which were likely driven by the presence of between-school variance. Through that lens, it may not seem surprising that law schools with greater percentages of racially minoritized students, faculty, and residents within the state tend to attract more incoming racially minoritized students in the following year. However, these results do not necessarily imply that increases in those predictors within a law school would lead to increased representation of racially minoritized students, which is exactly what fixed effects analyses are designed to examine. Thus, given their ability to account for all observed and unobserved differences across law schools, the fixed effects analyses seem preferable for drawing conclusions about potential causal relationships.

The results for demographic predictors in the fixed effects analyses were, to some extent, unexpected and conflicting. Although increases in the percentage of enrolled Black students predicted increases in the percentage of incoming racially minoritized students, the reverse pattern was apparent for the percentages of enrolled Latinx and Asian students and of Faculty of Color predicting changes in the percentage of incoming minoritized students. It seems unlikely that Students of Color would be dissuaded from attending a law school by the presence of other People of Color; instead, this inverse pattern could suggest that law schools that exhibit gains in the representation of People of Color during one year may reduce their efforts to admit and recruit racially minoritized students in the subsequent incoming cohort. This phenomenon could also be framed as (mostly White) law schools increasing their diversification efforts in the following year when they experience a decline in the representation of Students of Color or Faculty of Color. If that is true, then it is unclear why increases in Black students would lead to

subsequent increases in the representation of incoming Students of Color. It is also intriguing that we observed no significant patterns within the fixed effects analyses predicting the number (rather than the percentage) of incoming racially minoritized students.

For other predictors within the fixed effects analyses, improvements in law school rankings led to larger numbers of incoming students from all racial identities, and ingroup racial representation within the state led to larger numbers of incoming Black, Latinx, and White students. Thus, while prior research indicated the potential impact of law school rankings among students overall (Espeland & Sauder, 2016), our findings indicate that rankings may be influential in enrollment decisions for students from various racial identities. Because this dynamic is pervasive regardless of prospective students' racial identities, improvements or declines in rankings appear to have little or no effect on the percentage racial representation within law schools.

The fixed effects analyses also showed that the total for full-time tuition and fees was associated with lower numbers of incoming Asian and Black students, but no significant relationships were found for other racial groups or for the percentage enrollment of any racial group. Most students do not pay the actual listed price of law school (Whitford, 2017), so these results suggest that racially minoritized students may not even apply to law schools with a high “sticker price.” These results run contrary to prior research on undergraduate admissions, which suggests that tuition may sometimes serve as a proxy for reputation; as a result, tuition increases may not reduce admissions outcomes and may sometimes even lead to more favorable undergraduate admissions outcomes among selective institutions (Bowman & Bastedo, 2009). Given the pervasiveness of the *U.S. News* rankings and other frequently used metrics of law

school quality or reputation, law school tuition may not send any reputational signals above and beyond those indicators.

More broadly, the financial predictors had occasional significant relationships with the representation of incoming racially minoritized students. In the fixed effects analyses, a greater percentage of grants and scholarships for less than half of tuition was sometimes related to increased enrollment of Black students, URM students, and Students of Color. No such relationships were observed for larger amounts of grants/scholarships, which may reflect the relative scarcity of such offers. In addition, the few significant results for conditional scholarships identified positive relationships with the prevalence of incoming racially minoritized students. Before conducting the analyses, it seemed reasonable to assume that students may be reluctant to enroll at institutions that frequently make conditional financial offers. However, many students may not have been aware of these conditions, may not have access to other schools that provide unconditional scholarships, or may have felt quite capable of meeting the grade thresholds attached to these scholarships (even though the tools needed to predict success are often obscured from admitted students; see Chen, 2017).

As another explanation for the paucity of significant results, the nature of financial offers may have varied considerably across racial groups; to the extent that is true, then school-level information on grants and scholarships may be less informative for racialized minoritized students. The current ABA reporting allows for some inferences related to relative magnitude of these grants to “sticker price,” but there is a sizable difference between a scholarship for 51% versus 100% of tuition, and what the magnitude of that difference might mean for students’ lived experiences. Considering that 72% of respondents to the Law School Survey of Student Engagement (LSSSE, 2021) receive some type of grant or scholarship, disaggregating these

discounts with greater precision can improve understanding about the true price of law school, and whether this is different for students from different racial groups. For example, Taylor (2019) used LSSSE data to point out disparities in chances of receiving a tuition discount in the form of a grant or scholarship: 49% for Black students, 52% for Latino/a students, 61% for Asian students, and 66% for White students. In addition to these notable disparities in the frequency of awards, the actual amounts of such scholarships that constitute tuition discounts are not disclosed. Because White students comprise a sizable majority of enrollment at most law schools, it is probably not a coincidence that school-level figures on the prevalence of grants and scholarships were consistently related to the number of incoming White students.

### **Conclusions and Implications**

Overall, the results of this study provide intriguing evidence about the dynamics that shape the percentage and number of racially minoritized students in U.S. law schools. Although it seemed that the presence of People of Color among law school students and faculty might lead to future enrollment of incoming racially minoritized students (see Morelon-Quainoo et al., 2009; Muñoz-Dunbar & Stanton, 1999), the fixed effects analyses more often indicate that increases in faculty and student representation instead predict reductions in the percentage of incoming racially minoritized students. By definition, law school efforts merely to maintain a certain percentage of URM students will not help achieve the goal of creating a legal education workforce that mirrors the racially diverse population it is intended to serve. This study cannot provide direct insights into the reasons for these findings, but it does show that law schools must strive to substantially increase—not simply avoid declines in—the representation of racially minoritized students.

More broadly, this study offers an illustration of obtaining highly divergent findings as a function of the analytic approach, which occurred here even when the predictors and outcomes were identical. Quantitative research on college students has increasingly moved toward research designs that provide stronger causal inferences (see Mayhew et al., 2016), and random effects analyses do not account for unobserved institution-level characteristics that are confounded with the predictor(s) of interest (Allison, 2009). Fixed effects analyses avoid this problem by eliminating all between-institution variance, so these are better suited toward drawing causal inferences and should therefore be used whenever possible for analyzing panel data. The lone drawback is that this approach is less than ideal when very little within-institution variance exists, since researchers have to make the difficult choice of examining a small amount of within-institution variance (which could lead to large standard errors) or utilizing between-institution variance almost exclusively (e.g., Rosinger et al., in press). In general, we recommend presenting the results of both types of models to provide readers with as much as relevant information as possible (within reason and space constraints) about the phenomena of interest.

From an administrative practice perspective, the negative results for tuition and fees among Black and Asian students in the fixed effects analyses suggest that a strategy of listing high full-price tuition rates and then offering large discounts, which has become increasingly popular at the undergraduate level (Behaunek & Gansemer-Topf, 2019), may not be effective for increasing the representation of racially minoritized law school students. More research is needed to provide stronger conclusions, but this strategy may prevent some prospective law school applicants from even considering institutions that boast a high tuition fee. Tuition discounting itself constitutes an important equity issue, since this approach could be used in an equity-minded manner (e.g., frequently charging wealthier, primarily White applicants higher

tuition, which then subsidizes the education for less wealthy Applicants of Color), or it could be used in the opposite manner (e.g., frequently basing financial aid offers heavily on LSAT scores, which then leads to more substantial discounting for White applicants).

Greater transparency on the part of ABA-accredited institutions about their tuition discounting practices would be a tangible step toward equity in law school admissions. We believe that law schools should be accountable for sharing information related to their gatekeeping, because they train and graduate caretakers of the legal system that makes up the fabric of civil society. This transparency would not only serve to make the legal education system more equitable, but also influence the communities in which law schools operate and into which they graduate legal professionals. For example, there is strong evidence that racial disparities in criminal sentencing improve in counties where the legal profession is itself more diverse (King et al., 2010), so racial representation should be a matter of great focus for the ABA and the schools it accredits. Thus, understanding who is being financially incented to enter the legal profession, along with whether the impact of incentives diverges based on racial group, should take priority in law school accreditation and transparency.

Coupled with transparency, law schools that seek greater racial diversity should offer financial incentives equitably to diversity their incoming classes. Law Students of Color are less likely to receive tuition discounts in the form of scholarships or grants (Taylor, 2019), and law schools should attend carefully to their internal distribution practices. The positive results of the fixed effects model for partial tuition grants among the number of Black matriculants, of underrepresented racial minority matriculants, and matriculating Students of Color suggest the role of financial support in the law school choice process at the organizational level. Recalling the Perna (2006) conceptual model of college choice, students carefully weigh the expected

benefits and costs (monetary and non-monetary) of enrollment. For Students of Color, entering the system of legal education and the legal profession itself, which have substantial legacies of racial exclusion, may be perceived to carry considerable risks despite the (potential) opportunity for high salaries, prestige, and civic efficacy. While financial gain is not the sole factor in law school choice, schools that are proactive about efforts to distribute funds equitably can shift their culture at an organizational level. Although a tuition grant is a financial mechanism for supporting a single student, a law school that couples equitable financial incentives with transparency measures about the distribution of its tuition discounts can support a value of moving toward greater racial inclusion. Such examinations of scholarship distribution and corresponding voluntary disclosures are not common practice, but these could be spurred by a requirement from the ABA or *U.S. News* that institutions disclose greater detail about the size and distribution of tuition discounts, including disaggregation by the racial identity of recipients.

Beyond policy and practice shifts, further research on this topic is certainly needed. Scholarship considering racial equity in the legal education pipeline must attend to how financial incentives and differential impact are interwoven within the prestige hierarchy of the legal education sector. Higher-rank, higher-prestige, and higher-price schools—which most frequently graduate members of the federal judiciary (Iuliano & Stewart, 2017), legal academia (George & Yoon, 2014), and so-called “biglaw” firms (Dinovitzer & Garth, 2020)—operate differently than lower-rank, lower-prestige, and lower-price schools that prepare the essential professionals who navigate the legal world on behalf of most Americans. In considering the societal implications of racial underrepresentation in the legal education sector, additional research on the pipeline must also attend to schools and legal careers beyond the most highly ranked, as these lower-status schools are most likely to influence civic life at the state and local level.



Although the present study provides intriguing insights into the dynamics that may shape the representation of racially minoritized law school students, qualitative studies would provide useful information into students' conscious decision-making processes about where they choose to apply and which school they ultimately attend. Detailed student-level quantitative data about acceptance decisions, financial aid offers, and enrollment could also be very helpful in understanding the factors that shape prospective law school students' decisions. These data would ideally be paired with enrollment data to explore whether and how admissions decisions and financial aid offers to racially minoritized applicants vary in relation to changing racial demographics within the law school. In-depth studies of administrators and faculty would also provide insights into whether law schools may actually engage in the racial balancing practices for which this study offers some (indirect) evidence.

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**Table 1***Unstandardized Coefficients for Random Effects Analyses Predicting Law School Student**Enrollment Percentages*

Independent variable	Dependent variable				
	% Incoming Black Students	% Incoming Latinx Students	% Incoming Asian Students	% Incoming URM Students	% Incoming Students of Color
% students receiving grants <50% of tuition	.000 (.001)	.001 (.001)	.001 (.001)	-.001 (.001)	-.001 (.001)
% students receiving grants ≥50% of tuition	.000 (.001)	.001 (.001)	-.001 (.001)	-.001 (.001)	-.002* (.001)
Offer conditional scholarships	.008 (.022)	-.005 (.023)	.012 (.025)	.010 (.020)	.004 (.018)
Tuition for full-time students	.002* (.001)	.000 (.001)	.003* (.001)	-.002 (.001)	.000 (.001)
Cost of living	.002 (.003)	.003 (.003)	.001 (.003)	.007* (.003)	.005* (.003)
Total student enrollment	.036 (.032)	.051 (.032)	-.010 (.034)	.060 (.033)	.076* (.030)
Average size of first-year classes	.000 (.001)	.000 (.001)	.002** (.001)	.000 (.001)	.000 (.000)
% of small classes after first year	.093 (.128)	.040 (.134)	.107 (.144)	.099 (.105)	.077 (.091)
% of enrolled Black students	.835*** (.020)	-.029 (.017)	-.004 (.018)	.114*** (.018)	.090*** (.016)
% of enrolled Latinx students	-.072*** (.019)	.725*** (.025)	.031 (.021)	.256*** (.018)	.214*** (.016)
% of enrolled Asian students	.023 (.021)	.022 (.022)	.666*** (.029)	-.002 (.020)	.055** (.018)
% of enrolled Students of Color from other races	-.032 (.019)	-.022 (.020)	.034 (.021)	.028 (.017)	.083*** (.015)
% of Faculty of Color	.053* (.022)	.010 (.023)	.054* (.024)	.123*** (.019)	.102*** (.016)
Ingroup racial representation in the state	.071*** (.017)	.158*** (.021)	.134*** (.023)	.257*** (.033)	.261*** (.033)
<i>U.S. News</i> ranking	-.001*** (.000)	-.001*** (.000)	.001*** (.000)	.001 (.001)	-.001** (.000)

*Note.* Standard errors are in parentheses. URM = underrepresented racial minority. Year fixed effects were entered in all models.

\* $p < .05$  \*\* $p < .01$  \*\*\* $p < .001$



**Table 2**

*Unstandardized Coefficients for Fixed Effects (Within Law School) Analyses Predicting Student Enrollment Percentages*

Independent variable	Dependent variable				
	% Incoming Black Students	% Incoming Latinx Students	% Incoming Asian Students	% Incoming URM Students	% Incoming Students of Color
% students receiving grants <50% of tuition	.003* (.001)	.001 (.001)	.000 (.001)	.001 (.001)	.001 (.001)
% students receiving grants ≥50% of tuition	.002 (.001)	.002 (.001)	-.001 (.002)	.001 (.001)	.000 (.001)
Offer conditional scholarships	.034 (.037)	-.036 (.039)	.144** (.042)	-.006 (.022)	.008 (.019)
Tuition for full-time students	-.001 (.005)	-.007 (.005)	-.007 (.006)	-.001 (.003)	-.004 (.002)
Cost of living	-.009 (.006)	.003 (.006)	.002 (.006)	-.001 (.003)	-.003 (.003)
Total student enrollment	.001 (.087)	-.136 (.092)	-.146 (.098)	-.049 (.052)	-.023 (.044)
Average size of first-year classes	.002** (.001)	.001 (.001)	.001 (.001)	.001* (.001)	.001** (.000)
% of small classes after first year	.302 (.173)	.153 (.182)	.244 (.197)	.207* (.104)	.176* (.088)
% of enrolled Black students	.017 (.043)	.111* (.045)	.029 (.049)	.060* (.026)	.065** (.022)
% of enrolled Latinx students	-.019 (.042)	-.129** (.045)	.069 (.048)	-.101*** (.025)	-.046* (.021)
% of enrolled Asian students	.045 (.043)	.060 (.045)	-.148** (.049)	-.014 (.026)	-.024 (.022)
% of enrolled Students of Color from other races	-.032 (.032)	-.031 (.033)	.058 (.036)	-.037 (.019)	-.004 (.016)
% of Faculty of Color	-.048 (.033)	-.060 (.034)	-.018 (.037)	-.056** (.020)	-.039* (.017)
Ingroup racial representation in the state	-.075 (.174)	.256 (.364)	-.234 (.190)	.363 (.201)	.081 (.193)
<i>U.S. News</i> ranking	-.000 (.001)	-.000 (.001)	.003** (.001)	-.001 (.000)	-.000 (.000)

*Note.* Standard errors are in parentheses. URM = underrepresented racial minority. Institution and year fixed effects were employed in all models, so the analyses accounted for all between-institution variance and therefore examined within-institution changes in predictors and outcomes.

\* $p < .05$  \*\* $p < .01$  \*\*\* $p < .001$

**Table 3***Unstandardized Coefficients for Random Effects Analyses Predicting Student Enrollment Counts*

Independent variable	Dependent variable				
	# Incoming Black Students	# Incoming Latinx Students	# Incoming Asian Students	# Incoming URM Students	# Incoming Students of Color
% students receiving grants <50% of tuition	.002* (.001)	.000 (.001)	.001 (.001)	.001 (.001)	.001 (.001)
% students receiving grants ≥50% of tuition	.001 (.001)	.000 (.001)	-.001 (.001)	.000 (.001)	-.001 (.001)
Offer conditional scholarships	.104** (.034)	.005 (.030)	.028 (.039)	.070* (.028)	.059* (.025)
Tuition for full-time students	-.002 (.002)	.002 (.002)	.003 (.002)	-.001 (.002)	.000 (.002)
Cost of living	.004 (.005)	-.002 (.004)	.004 (.005)	.002 (.004)	.001 (.004)
Total student enrollment	.672*** (.063)	.754*** (.046)	.687*** (.061)	.536*** (.056)	.568*** (.053)
Average size of first-year classes	.004*** (.001)	.003*** (.001)	.003*** (.001)	.004*** (.001)	.004*** (.001)
% of small classes after first year	.073 (.157)	.189 (.150)	.230 (.185)	.112 (.125)	.100 (.113)
% of enrolled Black students	.604*** (.065)	.022 (.024)	.080* (.032)	.101*** (.028)	.082** (.025)
% of enrolled Latinx students	-.054 (.032)	.619*** (.052)	.083* (.034)	.181*** (.036)	.165*** (.030)
% of enrolled Asian students	.082* (.037)	-.001 (.029)	.357*** (.062)	.011 (.029)	.038 (.027)
% of enrolled Students of Color from other races	.038 (.031)	-.005 (.022)	.076* (.033)	.036 (.022)	.065** (.021)
% of Faculty of Color	.001 (.038)	.043 (.023)	-.023 (.039)	.053 (.028)	.042 (.026)
Ingroup racial representation in the state	.298*** (.052)	.282*** (.041)	.436*** (.052)	.380*** (.064)	.341*** (.063)
<i>U.S. News</i> ranking	-.000 (.001)	-.001 (.000)	.004*** (.001)	.001 (.000)	.002*** (.000)

*Note.* Standard errors are in parentheses. URM = underrepresented racial minority. Negative binomial regression analyses were used to model the count outcomes. Year fixed effects were entered in all models.

\* $p < .05$  \*\* $p < .01$  \*\*\* $p < .001$

**Table 4**

*Unstandardized Coefficients for Fixed Effects (Within Law School) Analyses Predicting Student Enrollment Counts*

Independent variable	Dependent variable				
	# Incoming Black Students	# Incoming Latinx Students	# Incoming Asian Students	# Incoming URM Students	# Incoming Students of Color
% students receiving grants <50% of tuition	.005*** (.001)	.001 (.001)	.001 (.001)	.002* (.001)	.002* (.001)
% students receiving grants ≥50% of tuition	.002 (.002)	.001 (.001)	-.003 (.002)	.001 (.001)	.000 (.001)
Offer conditional scholarships	.052 (.042)	-.009 (.040)	.096* (.049)	.035 (.029)	.038 (.026)
Tuition for full-time students	-.010* (.005)	-.002 (.004)	-.011* (.005)	-.003 (.003)	-.004 (.003)
Cost of living	-.009 (.007)	-.001 (.006)	.001 (.006)	-.004 (.004)	-.005 (.004)
Total student enrollment	.287** (.091)	.180 (.097)	.064 (.105)	.216** (.070)	.264*** (.065)
Average size of first-year classes	.005*** (.001)	.004*** (.001)	.003** (.001)	.004*** (.001)	.004*** (.001)
% of small classes after first year	-.008 (.177)	.125 (.185)	.072 (.210)	.102 (.130)	.088 (.117)
% of enrolled Black students	.060 (.050)	.048 (.045)	-.042 (.051)	.039 (.032)	.027 (.028)
% of enrolled Latinx students	-.015 (.045)	.001 (.051)	.025 (.053)	-.043 (.033)	-.004 (.029)
% of enrolled Asian students	.060 (.047)	.034 (.047)	-.097 (.057)	-.002 (.033)	.001 (.029)
% of enrolled Students of Color from other races	.038 (.036)	-.005 (.033)	.058 (.041)	.018 (.025)	.036 (.022)
% of Faculty of Color	-.082 (.044)	-.040 (.036)	-.045 (.051)	-.053 (.027)	-.041 (.024)
Ingroup racial representation in the state	.365** (.128)	.199* (.099)	.152 (.158)	.164 (.145)	-.144 (.141)
<i>U.S. News</i> ranking	.005*** (.001)	.002** (.001)	.005*** (.001)	.004*** (.001)	.004*** (.001)

*Note.* Standard errors are in parentheses. URM = underrepresented racial minority. Negative binomial regression analyses were used to model the count outcomes. Institution and year fixed effects were employed in all models, so the analyses accounted for all between-institution variance and therefore examined within-institution changes in predictors and outcomes.

\* $p < .05$  \*\* $p < .01$  \*\*\* $p < .001$

## Appendix. Descriptive statistics for all variables.

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Variable	Mean	SD
Percentage of incoming Black students (ln)	1.96	.76
Percentage of incoming Latinx students (ln)	2.24	.76
Percentage of incoming Asian students (ln)	1.68	.76
Percentage of incoming URM students (ln)	3.11	.52
Percentage of incoming Students of Color (ln)	3.43	.48
Number of incoming Black students	16.95	23.49
Number of incoming Latinx students	23.94	30.72
Number of incoming Asian students	12.81	14.27
Number of incoming URM students	49.09	43.99
Number of incoming Students of Color	67.66	54.36
Number of incoming White students	121.66	63.35
Percentage of students receiving grants <50% of tuition	37.13	15.56
Percentage of students receiving grants ≥50% of tuition	22.96	14.61
Offer conditional scholarships	.52	.50
Tuition and fees for full-time students	35.77	13.53
Cost of living off-campus	21.10	4.47
Total student enrollment (ln)	6.33	.48
Average size of first-year classes	60.09	17.56
Proportion of small classes after first year	.73	.09
Percentage of enrolled Black students (ln)	1.96	.71
Percentage of enrolled Latinx students (ln)	2.17	.71
Percentage of enrolled Asian students (ln)	1.73	.70
Percentage of enrolled Students of Color from other races (ln)	1.81	.62
Percentage of Faculty of Color (ln)	2.63	.60
Percentage of Black residents in the state (ln)	2.34	.85
Percentage of Latinx residents in the state (ln)	2.47	.85
Percentage of Asian residents in the state (ln)	1.30	.82
Percentage of other People of Color in the state (ln)	2.02	.57
Percentage of URM residents in the state (ln)	3.03	.46
Percentage of People of Color in the state (ln)	3.24	.45
Percentage of White residents in the state	72.14	11.45
<i>U.S. News and World Report</i> ranking (reverse-coded)	107.55	51.68

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*Note.* URM = underrepresented racial minority; ln = natural log transformed variable.

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