

Examining Gender and Race Intersectionality in Public Law School Admissions and Enrollment:

A Multi-Institutional Analysis

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Abstract

In many ways law schools are gatekeepers to positions of influence or power in U.S. society, including state and federal judicial systems, legislative and executive branches of government, and a variety of industries. Law schools help prepare social leaders who may advocate for greater gender and racial equity and justice in our society in ways that are unique from undergraduate programs, master's programs, medical schools, and even research doctoral programs. Although scholars have long sought to address the underrepresentation of women or racial minorities in law schools and the legal profession, they tend to examine gender and race separately. This study focuses on law school admissions and enrollment among women of color, particularly Black and Hispanic women. It is important to improve access for underrepresented women of color to law schools as an equity issue within legal education and for the preparation of civic leaders. Additionally, this study is important for considering whether law schools achieve the educational benefits of diversity. Based on our findings, we argue that women of color are underrepresented, at least in part, because they are less likely than White men to be admitted to 25 public law schools—not less likely to enroll after being admitted. Unlike underrepresented women of color, Black and Hispanic men were more likely than White men to be admitted to public law schools. However, Black and Hispanic men were less likely to enroll, conditional on admission, than White men. Toward the end of the paper, we discuss the limitations of the study and implications for diversifying legal education.

Keywords: LSAT; multilevel model; predictive margins; nested data; legal education

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In many ways law schools are gatekeepers to positions of influence or power in U.S. society, including state and federal judicial systems, legislative and executive branches of government, and a variety of industries (Brint & Yoshikawa, 2017; Collins & Moyer, 2008; George & Yun, 2017). Lawyers are especially well represented at the highest level of government. In the 116th Congress, approximately 37% of members of the House of Representatives and 53% of U.S. Senators hold law degrees—far outnumbering the number of members of congress medical or research doctoral degrees (Manning, 2019). In addition to influencing national policy, many lawyers work in state capitol buildings as elected officials and can write laws that perpetuate or alleviate social inequality (Engstrom & O’Connor, 1980; Matter & Stutzer, 2015). Moreover, in courtrooms, attorneys and judges use their legal training to make rulings and determine how convicted defendants are sentenced (Chew & Kelley, 2009; Johnson, 2006). Thus, diversifying law schools is a critical and timely policy issue in terms of preparing leaders throughout government who can shape notions of justice and fair play to address gender and racial inequity in the United States.

Law schools help prepare social leaders who may advocate for greater gender and racial equity and justice in our society in ways that are unique from undergraduate programs, master’s programs, medical schools, and even research doctoral programs. However, U.S. law schools and the American legal profession are hampered by a lack of diversity (American Bar Association, 2008). While women surpassed men in first-year law school enrollments in 2016 (Ward, 2016), women are underrepresented throughout the legal profession beginning in the ranks of early-career lawyers (Nance & Madsen, 2014). This gender disparity is more acute at

partnership levels (e.g., equity or managing partners) within law firms (American Bar Association Commission on Women in the Profession, 2017). Women are also underrepresented in state and federal judiciaries (Collins & Moyer, 2008; George & Yoon, 2017; Stubbs, 2011). Approximately 34% of judges in state trial courts are women, and only about one in three state appellate court judges are women. Also, fewer than one in four federal judges are women (Stubbs, 2011). In fact, the underrepresentation of women throughout the legal profession stands in stark contrast to other professions, such as medicine where women are slightly more represented (Nance & Madsen, 2014).

In addition to being stratified by gender, the U.S. legal professional does not reflect the ethnic or racial diversity of the republic. Women of color are even more acutely underrepresented in the legal profession than women as a whole. It is difficult to get national estimates of women of color who are practicing attorneys (the American Bar Association provides statistics that disaggregate by gender or race/ethnicity). However, women of color are 20% of the U.S. population but only 8% of state trial court judges and 8% of state appellate court judges (George & Yoon, 2017). In a large and diverse state like Texas, among female attorneys who were active with the state bar, only 9% were Black and only 11% were Hispanic, even though 52.1% of the state population was Black or Hispanic (Texas State Bar of Texas Department of Research and Analysis, 2019; U.S. Census Bureau, 2018). Estimates suggest that by 2030, the legal profession would need approximately 100,000 new Black lawyers and more than one-quarter of one million Hispanic attorneys to represent the national population (Redfield, 2009, p. 10).

Beyond numeric disparities, it matters whether lawyers and judges share similar backgrounds or lived experiences of the people who depend on the criminal justice system for

fair hearings and sentencing. For instance, it has been empirically shown that male judges who have daughters are more empathetic toward women's rights and consistently rule in ways that can be described as feminist (Glynn & Sen, 2015). Beginning in 2013 with The Black Lives Matter movement, activists have challenged people to confront the ways that actors in the criminal justice system inequitably incarcerate and sentence people of color, while state lawmakers and courts exonerate White vigilantes. Since 2017, the #metoo movement has inspired public dialogue about the ways that sexual harassment allegations are gendered (and often racialized) and the criminal justice system denies justice to women of all ethnic or racial backgrounds. More specifically, Nelson (2018) illustrates high-profile cases to explain that Black women who allege sexual assault are often ignored or silenced; by comparison, men who assault White women are brought to justice. We argue that gender and racial diversity in law schools and the legal profession matters in a broader pursuit of an equitable justice system and society.

Although scholars have long sought to address the underrepresentation of women or racial minorities in law schools and the legal profession, they tend to examine gender and race separately (Johnson, 2013; Olivas, 2005; Nussbaumer, 2006; Randall, 2006; Strickland, 2001). Few studies on legal education focus on access for women of color. Mateo (2006) summarized statistics on the experiences of women of color who were practicing attorneys and lamented: "Virtually no other statistics exist focusing specifically on women of color in the legal field, a sharp reminder of the pressing need for more awareness of these women's experiences and realities" (p. 10).

This study focuses on law school admissions and enrollment among women of color, particularly Black and Hispanic women. First, it is important to improve access for

underrepresented women of color to law schools as an equity issue within legal education and for the preparation of civic leaders. Second, this study is important for considering whether law schools achieve the educational benefits of diversity (e.g., Nance & Madsen, 2014; Reynoso & Amron, 2002). Classroom diversity has been found to improve the quality of legal education by informing classroom discussions (e.g., Dark, 1996). White, male professors often avoid bringing up issues related to diversity, even if those issues are relevant to the legal material at hand, and instead rely on women or racially and ethnically diverse students to initiate such conversations (Deo, Woodruff, & Vue, 2010). As such, the composition of student bodies is integral to the legal training of all law students, even those from majority backgrounds.

This study is conceptually grounded by Crenshaw's (1989) work on the intersectionality between race and gender. Crenshaw (1989) argued that it is important to have women of color (and their unique perspectives) represented in legal discussions, particularly around topics such as rape, domestic violence, and equal employment opportunities. Anti-racism and feminism scholars posited that policy makers and researchers should use an intersectionality lens to acknowledge that "the complexities of oppression" and the "systemic structure of inequality" that women of color have faced (Harris & Patton, 2019, p. 350, Crenshaw, 1989; Collins, 1990; Collins & Bilge, 2016). Drawing on work by the intersectional scholars, we seek to capture both intersections of identity between gender and race/ethnicity, with particular interest on Black and Hispanic women, to examine their admissions and enrollment in public law schools. Second, we aim to examine the ways that law schools contexts (law school rankings and LSAT scores) differently influence law school admission and enrollment among applicants of different gender and race/ethnicity groups.

Intersectional scholars who seek to employ the framework into quantitative research (Bauer, 2014; Bowleg, 2008; Cole, 2009; Else-Quest & Hyde, 2016; Hancock, 2007; McCall, 2005; Schudde, 2018) guide us to develop research questions and an analytical method. We use hierarchical generalized linear models (HGLM) to analyze data from 47,058 applications to 25 public law schools. In the next section we inform our study by reviewing prior literature on law school admissions and enrollment. Then we further describe our conceptual framework and how we use it to design our analyses. In the final two sections we describe our findings and the implications of those findings. Taken together, our findings about admissions and enrollment provide a nuanced understanding of the ways that law schools may increase race and gender diversity by focusing on admissions and matriculation practices.

Review of the Literature

Access to Law Schools

While higher education researchers study how gender and racial/ethnic group differences relate to graduate school enrollment, they aggregate various types of post-baccalaureate programs, which have different application processes and admissions standards (e.g., Ethington & Smart, 1986; Perna, 2004; Mullen, Goyette, & Soares, 2003). For example, Perna's (2004) work highlights the importance of considering race and gender when examining graduate school admissions and enrollment patterns, but her analyses aggregated enrollment in several distinct types of programs (master's in business administration, law school, and medical school). additional work is needed to understand application and admission processes in legal education.

The law school admission process is unique from other post-baccalaureate admissions processes. Law school admissions offices heavily rely on Law School Admissions Test (LSAT) scores and undergraduate GPAs (Olivas, 2005; Johnson, 2013; Nussbaumer, 2006). Law school

admissions are relatively predictable based on the two numeric factors (LSAT scores and undergraduate GPAs) compared to doctoral admissions, where faculty often make more individualized reviews and may have flexible definitions of academic merit beyond numeric scores (Posselt, 2015). The law school admissions process is also distinct from the matching process used by medical schools, where students complete multiple rounds of applications and are often interviewed prior to an admissions decision (Association of American Medical Colleges, 2018).

Legal education scholars have criticized law schools for relying too heavily on LSAT scores when making admissions decisions. Studies have shown that the LSAT is a weak predictor of law school performance, even in conjunction with undergraduate GPA (Johnson, 2013; Olivas, 1999). However, law schools continue to use LSAT scores in admissions decisions because it is relatively easy for understaffed admissions offices to make use numerical scores to make admissions decisions (Johnson, 2013; Olivas, 1999). Furthermore, law schools' overreliance on LSAT scores and undergraduate GPA have systematically prevented from access to law schools among students of color (Holmquist, Schultz, Zedeck, & Oppenheimer, 2014).

Kidder (2001) showed that there were relatively large gaps in LSAT scores across racial groups after controlling for test takers' undergraduate GPAs, graduation dates (because students may delay taking the LSAT until well after completing baccalaureate programs), alma maters, and academic majors. Black test takers with similar academic and achievement backgrounds tended to have LSAT scores that were approximately 9 points lower than White test takers (more than one standard deviation); the gap for Hispanics was 7 points. Shultz and Zedeck (2011) found that if a law school made admissions decisions based on LSAT scores, they would admit a relatively homogenous pool of mostly White students. However, law schools could admit more

diverse cohorts of students if they were to also consider an alternate test score, such as one presented by Shultz and Zedeck (2011) that predicts lawyer effectiveness.

Admissions officers have been cautious about reducing their reliance on LSAT scores in admission decisions because they worry that doing so may have a negative effect on the law school's *U.S. News and World Report* ranking (Olivas, 2005). A LSAC research report confirms that the *U.S. News and World Report* rankings "create incentives and generate pressure on schools to boost their standing" by relying on metrics like LSAT scores, which inadvertently disadvantages student of color (Sauder & Espeland, 2007, p. 2). Law schools seek to increase—or at least maintain—their selectivity because applicant and enrollment numbers (i.e., yield among admitted students) are sensitive to changes in a *U.S. News and World Report* rankings (Monks & Ehrenberg, 1999; Sauder & Espeland, 2007). In other words, law school leaders are concerned that they may receive fewer applications, and fewer admitted applicants may enroll as students, if they move down in the law school rankings.

Enrollment in Law Schools

Racial equity in legal education is not limited to admissions decisions but is also related to enrollment management (Taylor, 2015). Taylor (2015) noted that after the 2008 Great Recession, law school cohorts appeared to become more diverse, but that was largely due to declines in White students applying to and enrolling in law schools. Similarly, law schools received fewer Asian applicants and negative enrollment growth among Asian students in the years following the Great Recession (Leichter, 2013). In fact, declining trends in legal education overall led to law schools enrolling more underrepresented people of color when enrollment numbers were low as a "survival strategy." However, law schools were also careful to manage

enrollments by ensuring that they did not enroll so many students of color that law school administrators would need to open additional course sections (Taylor, 2015).

Another consideration that affects enrollment is the financial burden of legal education. Between 2011 and 2017, law school sticker prices increased by 17% for public law schools and 15% for private law schools (Whitford, 2018). Undergraduate students list tuition cost as one of the biggest barriers to applying to law school (Whitford, 2018). Field (2009) used data from NYU Law School's Innovative Financial Aid Study to examine debt aversion among law students. Students who were given low debt financial aid packages prior to enrollment were almost twice as likely to enroll than those that given a comparable aid package that was perceived as incurring higher debt (Field, 2009). When examining diverse student groups, students of color are especially sensitive to tuition increases in advanced degree programs (Howard-Hamilton, 2009).

Conceptual Framework and Research Questions

Intersectionality as a Conceptual Framework

A significant body of literature concludes that Blacks and Hispanics are underrepresented in law schools and in the legal profession, relative to their shares of the U.S. population (e.g., American Bar Association Commission on Women in the Profession, 2017; Nance & Madsen, 2014; Nussbaumer, 2006; Randall, 2006; Redfield, 2009). However, there is a dearth of research that addresses law school admission and enrollment decisions for racial and ethnic minority women because of its focus on race or gender as “single, distinct factors” (Hankivsky, 2014, p. 2). As policy makers and scholars approach gender and race/ethnicity separately, inequities among women of color become invisible (Crenshaw, 1989). In the law school context specifically, Nance and Madsen's (2014) study of diversity in the legal profession points out that

during the 1990s and early 2000s, progress for White women overshadowed the lack of access for women of color. Given that lack of research focuses on access for women of color in legal education and professions, it remains unknown whether women of color are more or less likely to be admitted or enroll compared to their peers, including White men, White women, or men of color.

Even before Crenshaw's work (1989), anti-racism and feminism scholars introduced "intersectionality" to describe how Black women experience discrimination in ways that are different than White women or Black men because of the combination of racism and sexism in society (Collins & Bilge, 2016; Harris & Patton, 2019). Intersectional scholars do not limit their foci to gender and race or ethnicity, but they have extended to other social identities or categories that can be sources of multiple social oppression. For example, Dhamoon and Hankivsky (2011) defines intersectionality as two components: the first aspect is social difference and identity as related to intersections of race or ethnicity, indigeneity, gender, class, sexuality, geography, age, disability/ability, migration status, religion; the second aspect is the forms of systemic oppressions (racism, classism, sexism, ableism, homophobia); and finally the complexity and interdependence between the two components at micro and macro level.

We focus on the intersection between gender and race/ethnicity at the micro (individual) level, to examine law school admissions and enrollment among women of color, particularly Black and Hispanic women. Furthermore, we approach the lack of racial minority women in law schools as the production of inequality in educational outcomes through law school contexts as ranking system and the standardized entrance test (i.e., LSAT scores) as the macro (policy) level. While literature shows that both rankings and LSAT scores systematically prevent students of color from accessing to law schools and legal professions (e.g., Holmquist et al., 2014), more

empirical studies are needed to demonstrate how the ranking and testing systems may differently affect the law school access by students' race/ethnicity, gender, and the intersection between race/ethnicity and gender.

Quantitative Intersectional Approach

The intersectionality conceptual framework informs the quantitative methods of our study (discussed in more detail in the Methods section). Historically, studies that approach intersectionality often use qualitative methods (e.g., Delgado, 1999; Parker & Lynn, 2002; Yosso, 2006) to study gender and race or ethnicity as identities that mutually construct one another and to capture social identities and power structures as necessarily intertwined (Collins & Bilge, 2016). While intersectionality has been primarily used in the form of qualitative studies, intersectionality scholars acknowledge the potential use for quantitative research (Bauer, 2014; Hancock, 2007; McCall, 2005; Schudde, 2018). Through the intersectionality lens both qualitative and quantitative researchers seek to disclose inequalities at varying intersectional positions and aim to study both micro (individual)- and macro (social)-level factors that are mutually intertwined and reinforce inequalities (Bauer, 2013).

While researchers in health, psychology, and education call for strengthening quantitative methodological approaches, except a few studies (Bauer, 2014; Schudde, 2018), there is a general lack of scholarship that guides researchers on “how” to incorporate intersectionality as a conceptual framework into quantitative studies. When Crenshaw (1989) refers to “the interaction of race and gender,” it sounds like mathematical language, but she intended to use the term in a more conceptual manner (Bauer, 2014). The concept of “intersectionality” is different from an interaction term in regression methods that many of intersectional quantitative scholars

have used; merely adding an interaction term in statistical analyses does not necessarily result in a study of intersectionality (Bauer, 2014; Bowleg, 2008).

Intersectional quantitative researchers criticize additive or unitary approaches and multiple approaches to understand gender and racial inequalities. In a unitary (or additive) approach in quantitative studies, only a main effect of social identity is of primary research interest (Hancock, 2007). For example, researchers can focus on gender differences after controlling for effects of race or ethnicity and social class characteristics. From a multiple approach, researchers assume that “multiple marginalisations” are layered and researchers analyze an interaction effect of the variables of interests (Hancock, 2007). Researchers may use a two-way interaction term by multiplying two variables, gender and race or ethnicity or three-way interaction term by gender, race or ethnicity, and social class. Studying the interaction effects between gender and race or ethnicity, however, does not fully capture the multiplicatively marginalized experiences and oppressions among women of color (Bowleg, 2008).

Intersectional quantitative researchers suggest that researchers should avoid simply summing the parts of multiple social categories (Bauer, 2014). Rather, quantitative researchers should incorporate “an intersectional framework to *processes or policies*” (Bauer, 2014, p. 12) into their research. Conducting a summative content analysis of 97 higher education studies that used the term, intersectionality, Harris and Patton (2019) found that only a few of these studies “undermine the capacity of the concept to critique structures of power and domination, produce transformative knowledge, inform praxis, and work toward social justice” (p. 354).

The intersectionality conceptual framework and quantitative methodologies using interactions between both individual-level social identities and academic characteristics (LSAT

scores) and an institutional-level factor (law school ranking) are well-suited to address our research questions. We address five research questions:

1. Do admission and enrollment rates vary across law school?
2. Do admission and enrollment rates vary across law school ranking and tuition level?
3. After controlling for law school covariates (rankings and tuition level) and individual covariates (LSAT, undergraduate GPA, and state residency), are underrepresented women of color (i.e., Black women, Hispanic women) more or less likely than White men to be admitted to public law schools?
4. After controlling for law school covariates and individual covariates (LSAT, undergraduate GPA, and state residency), conditional on admission, are underrepresented women of color more or less likely than White men to *enroll* at public law schools?
5. Do law school ranking and tuition level moderate the odds of admission and enrollment for different racial groups of women?

Methods

Data

We used a dataset of multi-institutional data that was collected by the Scale of Effects of Admissions Preferences in Higher Education (SEAPHE) project. Project SEAPHE investigators created the dataset by submitting Freedom of Information Act (FOIA) requests to public law schools that were subject to state-level public records requirements. The Project received admissions data from 25 public law schools with varying levels of prestige and selectivity as measured by law school rankings. The data were cleaned (LSAT scores are comparable and outlying values removed) and de-identified and are publicly available. Project SEAPHE has traditionally focused on empirically challenging race-conscious admissions processes in U.S.

higher education (e.g., Sander & Taylor, 2012). However, we used these data from Project SEAPHE to take a quantitative intersectional approach to examining admission of women of color in U.S. law schools. We merged the individual-level data with institutional-level data from the 2006 *U.S. News and World Report* law school rankings and 2006 law school tuition rates from the American Bar Association.

Sample

The dataset records information on a large number of unique applications (N = 58,826) for admission to law school in the 2006 admissions cycle (complete cases = 47,058). Black women submitted 2,857 applications in the dataset, and Hispanic women submitted 1,725 applications in the dataset. Black and Hispanic men submitted 1,854 and 1,934 applications, respectively. The dataset also included applications for 2,979 Asian women and 2,859 Asian men. White women completed 15,503 law school applications and White men completed 22,044 applications. The dataset included admissions information from the law schools at the universities of Akron, Arizona, Arizona State, Baltimore, Buffalo, Cincinnati, Cleveland State, George Mason, Hawaii, Houston, Idaho, Louisiana State, Michigan, Minnesota, Missouri at Columbia, Missouri at Kansas City, Nevada at Las Vegas, North Carolina, Northern Illinois, Ohio State, Virginia, Washington, West Virginia, William and Mary, and Wyoming.

Variables

The dependent variables were *Admissions Decision* (1 = admitted; 0 = not admitted) and *Enrollment Decision* (1 = Enrolled, conditional on admission; 0 = Declined to enroll); both were included in the SEAPHE dataset. The key independent variables, including *Female* (1 = woman, 0 = man), dichotomous race variables, *Asian*, *Black*, *Hispanic*, or *White* (1 = self-identified as Asian or Black or Hispanic or White), and interaction terms for the intersection between *Female*

and the race variables (West, Aiken, & Krull, 1996). Based on our conceptual framework, we used interaction terms to conduct quantitative intersectional analysis at the student-level (level 1) models.

At the institution-level (level 2), we included a law school ranking measure. We recoded the continuous *Law School Ranking* scores into quintiles (4 = First quartile or top 25 law schools; 3 = Second quartile or law schools ranked 26-50; 2 = Third quartile or law schools ranked 51-75; 1 = Fourth quartile or law schools ranked > 76; 0 = unranked). We also obtained institutional in-state tuition levels from the *ABA-LSAC Official Guide to ABA-Approved Law Schools*. In-state and out-of-state tuition rates were highly correlated, both among all observations in the dataset ($r = 0.92$) and among the 25 public law schools ($r = 0.89$). Therefore, we used published in-state tuition rates (coded in \$1000, adjusted for inflation to 2014 U.S. dollars) for the *Law School Tuition* variable and controlled for applicants' residency.

We included several control variables at the individual level. We included standardized variables measuring student performance in baccalaureate programs (*Undergraduate GPA*, mean-centered after originally coded on a 4-point scale) and on LSAT test (*LSAT Score*, mean-centered after originally coded from 120-180), which are established in the literature as the most important factors in law school admissions. We also included a dichotomous variable to indicate whether the student was a resident of the state in which the law school is located (*In-State Resident*). See Table 1 for descriptive statistics for the variables included in the analysis.

[Insert Table 1 Here]

Analytical Methods

We estimated hierarchical generalized linear models (HGLM) using data from twenty-five public law schools with the Stata statistical package (Hamilton, 2012). HGLM is

appropriate for analyses where the outcome measure is binary and the data are clustered at different schools (Raudenbush & Bryk, 2002). Furthermore, we are interested in not only individual-level differences (i.e., women of color vs. their peers in admissions and enrollment) but also institutional-level analyses (i.e., differential effects of law school contexts for women of color, compared to their peers), the multi-level statistical approach is necessary, which is suggested by Bauer (2018) as one of the analytical strategies using intersectionality as a framework. Several preliminary steps were developed to build the multilevel models based on the work of Raudenbush and Bryk (2002). To address the first research question (*Do admission and enrollment rates vary across law schools?*), we examined unconditional models and used the resulting parameter estimates to compute the intraclass correlation coefficient (ICC) for the model. Results from this procedure demonstrate whether any proportion of the variance in the outcome significantly varies across law schools.

We included Level-2 predictors to address the second question: *Do law school rankings explain the variance in admission and enrollment rates? Do admission and enrollment rates vary by law school rankings?* For this model, law-school level variables were included to explain the overall grand mean on the admission and enrollment rate. The two variables (*Law School Tuition* and *Law School Ranking*) were not mean centered.

Third, we constructed Level-1 models for each outcome (*Admissions Decision* and *Enrollment Decision*) to address the third and fourth research questions about odds of admission and enrollment for underrepresented women of color, compared to their peers. Finally, we plotted predictive margins to address the fifth research question: *Do law school ranking and LSAT scores moderate the odds of admission and enrollment for different racial groups of women?* For example, research on undergraduate admissions suggests that similarly qualified

women are less likely to be admitted to more selective schools (Bielby, Posselt, Jaquette, & Bastedo, 2014). Therefore, we plotted predictive margins to examine whether the slope odds of admission among women of color vary across levels of law school rankings.

Limitations

We acknowledge limitations to the dataset. First, the data did not include variables for other aspects of the admissions process, such as letters of recommendation. However, this study includes the most important quantitative measures in the admissions process, LSAT scores and undergraduate GPA (Holmquist et al., 2014). Second, despite the strength of our multi-institutional analysis of 25 law schools, the analyses cannot account for the fact that applicants in the dataset may have applied to or enrolled at institutions that are not included in the dataset. Finally, the data are older in this study are more than one dozen years old and do not capture the latest trends in the law school applicant pool. However, prior literature suggests that it may be necessary to analyze data from before the Great Recession, when the number of White students entering law school decreased due to challenges in the labor market for lawyers and debt aversion (Taylor, 2015).

Findings

We arrange the findings by the five research questions. We run the null model (RQ1), a Level-2 model (Q2), a Level-1 model controlling for Level-2 variables (RQ 3, RQ 4), and a plot of predictive margins (RQ5) for the two outcomes separately: *Admission Decision* and *Enrollment Decision* (with enrollment being conditional on admission) to the 25 public law schools.

Unconditional Model: Do Admission and Enrollment Rates Vary Across Law Schools?

Results from the unconditional model indicated that a statistically significant proportion of the variance in admission was explained by the differences between law schools. Although STATA does not output the p-values of the random component estimates, if zero is not contained in the confidence interval, the random component estimates are statistically significant (Division of Statistics and Scientific Computation, University of Texas at Austin, 2012). Additionally, a statistically significant proportion of the variance in odds of enrollment, conditional on admission, was also explained by differences across law schools (the confidence interval was between 0.76 and 1.47).

We computed the intraclass correlation coefficient (ICC) that indicates how much of the total variation in probability of admission is accounted for by law schools. HGLM assumes no error at level 1, thus slight modification is needed to calculate the ICC (Ene, Leighton, Blue, & Bell, 2015). When the logistic model is applied, the level-one residuals are assumed to follow the standard distribution, which has a mean of 0 and a variance of $\pi^2/3=3.29$. This variance represents the within-group variance for ICC calculations for dichotomous data (Snijders & Boster, 1999 as cited in O'Connell, 2010). For Model 1, the null model, the intraclass correlation is: $ICC = \pi_{00}/\pi_{00}+3.29= 0.20/(0.20+3.29)=0.06$, which suggests that 6% of the variance in odds of admission lies between law schools. Alternately, 25% of the variance in the odds of enrollment exists between law schools ($ICC = \pi_{00}/\pi_{00}+3.29= 1.11/(1.11+3.29)=0.25$).

Level-2 Predictors: Do Admission and Enrollment Rates Vary by Law School Rankings and Tuition Level? (Level-2 Model Only)

Not surprisingly, net of law school tuition level, the admission rate at higher ranked law schools is lower than the odds of admission at lower ranked law schools ($OR = 0.78, p < 0.001$). We calculated inverse odds ratios (IOR) to make it easier to interpret the odds ratios that were

less than 1 (DesJardins, 2001). Otherwise stated, the admission rates is 30% higher in a higher quintile ranked law schools based on *U.S. News and World Report* rankings ($IOR = 1.28$). The odds of student enrollment, conditional on admission, are not statistically associated with law school rankings. Law school tuition level is not statistically related to both admission and enrollment rates. Because we have only 25 cases for Level-2 variables, we did not test for random slopes with the Level-2 variables.

Models with Level-1 Predictors: Are Underrepresented Women of Color (i.e., Black women, Hispanic women) Less or More Likely than their peers to be Admitted to Public Law Schools?

Fixed effect results indicate that White women applicants were more likely to be admitted compared to White men who applied to the law schools ($OR = 1.40, p < 0.001$). However, women of color were less likely to be admitted compared to White men. The odds ratio for Black women was 0.51 ($p < 0.001$) and the odds ratio for Hispanic women was 0.80 ($p < 0.1$). The inverse odds ratios indicate that White men were 1.96 times as likely to be admitted than Black women, and White men were 1.25 times more likely to be admitted than Hispanic women. There was not a statistically significant difference in odds of being admitted between Asian women and White men.

Contrary to Black and Hispanic women, men of color (Asian, Black, and Hispanic applicants) were more likely to be admitted compared to White men. The odds ratios for Asian men ($OR = 1.42$, Black men ($OR = 57.34$) and Hispanic men ($OR = 6.63$) were all statistically significant ($p < 0.001$). The differences between the findings for men and women of color demonstrate that it is important to examine the intersection of race and gender to highlight the

lack of access to legal education among underrepresented women of color. See Appendix A for parameter estimates from the mixed-effects regression model.

Consistent with our theoretical framework, we visually display additional results in Figure 1 below without using White men as a reference group. Figure 1 shows predicted probabilities based on the mixed-effects estimates; more specifically, it is a plot of estimates for odds of admission if all parameters in the model were constant but all observations were hypothetically assigned to each racial or ethnic group. Figure 1 shows that if the distribution of LSAT scores, undergraduate GPAs, and all other covariates remained the same in the population, but all applicants were Black, then women would be less likely to be admitted than men (see that the dot for Black women is lower than Black men). Conversely, the dot for White women is higher than for White men, which is consistent with the regression results in Appendix A, which show that White women have higher odds of admission, relative to White men.

[Insert Figure 1 Here]

Conditional on Admission, Were Underrepresented Women of Color Less or More Likely than their peers to Enroll at Public Law Schools after Considering Individual (LSAT Scores, Undergraduate GPAs, Residency) and Institutional Characteristics (e.g., Law School Ranking; Tuition)?

When we examined odds of enrollment conditional on admission, we found a different pattern of results than when we examined law school admissions. Unlike the admissions model, we did not find any statistically significant differences in odds of enrollment between White men and White women. Similarly, there were not any statistically significant relationships between odds of enrollment and the interaction terms for women of color and White men. The findings for men of color were the reverse of what we found for odds of admission. Compared to White

men, Asian, Black, and Hispanic men were slightly less likely to enroll at the 25 public law school; respectively, the odds ratios were 0.49, 0.06, and 0.14 at $p < 0.001$. Using inverse odds ratios, we found that *ceteris paribus* Asian men were 2.04 times less likely to enroll than White men; Black men were 16.66 times less likely to enroll than admitted White men; Hispanic men were 7.14 times less likely to enroll than admitted White men. See Appendix B.

As before, we also visually present findings. Figure 2 shows that if all else were held equal, but all admitted applicants were Black, men would have lower odds of enrollment than women. Similarly, if all admits were Hispanic, men would have lower odds of enrollment than women. Compared to White and Asian applicants who were admitted to law school, the quantitative intersectionality analysis shows that there are bigger gaps in odds of enrollment between underrepresented men and women of color.

[Insert Figure 2 Here]

Do Law School Ranking and Tuition Level Moderate the Odds of Admission and Enrollment for Different Racial Groups of Women?

While tuition was not statistically related to admission or enrollment (see Appendix A and Appendix B), law school ranking was statistically significant and negatively related to odds of admission. We plotted predictive margins effects to show how the odds of admission were related to law school ranking for the different groups of women of color (Figure 3). Figure 3 shows that applicants' odds of admission are negatively related to higher law school rankings, but the relationship varies across racial or ethnic groups. There is slight curvilinearity in the plotted lines for all groups in the figure. However, inflection points are slightly different. If all applicants were Black, and men had higher odds of admission than women, law schools that were ranked in the third quartile (i.e., 75 – 50) would have the lowest odds of admitting similarly

qualified applicants. However, the highest ranked law schools would have slightly higher odds of admitting Black applicants of either gender. Yet, if all applicants were White, their odds of admission would be lowest at the second quartile law schools (i.e., 50 – 25). Even in the lines for White men and women, there is a slight uptick in odds of admission from the second quartile law schools to the first quartile law schools.

[Insert Figure 3 Here]

Law school ranking was statistically significant and positively related to odds of enrollment. The plot of predictive margins shows the ways that odds of enrollment were related to law school ranking for the different groups of women of color (Figure 4). For odds of enrollment, the lines for Black women and men are always low and relatively flat—though there is a slight downward slope between third-quartile law schools and second-quartile law schools, which slightly increases at the first-quartile law schools. The Hispanic lines are higher, and the differences at the third, second, and first quartiles are more pronounced. The lines for White enrollment are higher at each category of law school ranking. While the drop between third-quartile law schools and second-quartile law schools is more pronounced, so is the increase between the second-quartile and highest ranked law schools. See Figure 4.

[Insert Figure 4 Here]

Discussion

The purpose of this study was to apply an intersectionality framework to better understand women of color students' law school admissions and enrollment. Although legal education scholars have written about the importance of diversity in law schools and have examined changing demographics by gender *or* race, they had not examined the intersection of race and gender and how law school contexts, such as ranking or tuition level, differently

influence women of color. Law schools not only serve as points of entry to practice before the bar and serve as judges, but they also train many leaders who make state and federal policy. Therefore, it was important to study access to legal education in terms of preparing future leaders who create laws and policies that address inequities in our society. It was also important to consider the intersection between gender and race/ethnicity to improve diversity in law schools because the literature in legal education has consistently found that diversity in the classroom informs conversations and leads to conversations about inequities that many professors are reluctant to broach (Dark, 1996; Deo et al., 2010; Nance & Madsen, 2014; Reynoso & Amron, 2002).

Legal education scholars have also often focused on the LSAT and its use, along with undergraduate GPA, in the admissions process as the primary stratifying factor in law school admissions (Olivas, 2005; Nussbaumer, 2006). This paper completes a more nuanced examination of access to legal education by examining both admission and enrollment. Based on our findings, women of color are likely, at least in part, underrepresented because they are less likely than White men to be admitted to the 25 public law schools—not less likely to enroll after being admitted. Although prior scholarship has focused on the LSAT as one of the main causes for inequity in law school enrollments, our analyses indicate that Black and Hispanic women were less likely to be admitted to law school even after controlling for LSAT scores.

Undergraduate admissions literature demonstrates that women are less likely to be admitted to more selective institutions (Bielby et al., 2014). In general, we found that odds of admission for underrepresented women of color are lower at more-highly ranked law schools. However, the plot of predictive margins (Figure 4) shows that the gaps in mean odds of enrollment among different groups of applicants are larger among the less highly ranked law

schools than at the second-quartile and first-quartile law schools. In other words, after controlling for LSAT scores and undergraduate GPA, less-highly ranked law schools may not be better at improving diversity in the legal profession than the most highly ranked law schools.

Unlike underrepresented women of color, Black and Hispanic men were more likely than White men to be admitted to public law schools. However, Black and Hispanic men were less likely to enroll, conditional on admission, than White men. This finding could be related to a limitation of the dataset. Men of color who were admitted to one or more of the 25 public law schools in our dataset may have also been admitted at other public or private law schools that were not included in the dataset, and they may have chosen to enroll at law schools that were not included in our analysis. Prior research shows that private law schools tend to award higher amounts of financial aid and award financial aid to larger percentages of the students they enroll (Li, 2018). Future research may examine whether underrepresented men who are admitted but decline to enroll at public law schools may be recruited by private law schools through financial aid offers. Our finding about the lack of statistically significant relationships between tuition and odds of admission builds upon prior research, which found the number of applications a law school receives is not statistically related to its published tuition (Li, 2018).

We suggested several directions for future research. The contrasting patterns of findings between underrepresented women and men of color demonstrate the importance of using an intersectionality lens in higher education research. Based on limitations with the data, we were not able to examine odds of admission or enrollment for other groups, such as American Indian and Alaska Natives, but we encourage researchers to continue to examine intersectionality in legal education among other groups.

LSAC formally gives law schools the option to use an alternate admissions test, however the LSAT continues to be the standard test for determining law school admissions. A small number of law schools have recently participated in testing the validity of using the Graduate Record Exam (GRE) in place of the LSAT (Klieger, Bridgeman, Tannenbaum, Cline, Olivera-Aguilar, 2018). Future research should use an intersectionality framework and newer data to examine whether controlling for GRE scores, instead of LSAT scores, yields a different pattern of results than what is presented in this paper.

It is also timely to consider intersectionality between gender and race in law school admissions in light of landmark challenges to law school and university admissions. Some law schools use race-conscious admissions to increase diversity in admissions and enrollments, but affirmative action programs have been and continue to be challenged in the courts (Flanagan, 2017) and are being scrutinized by the U.S. Department of Justice (Benner, 2018; Savage, 2017). Recent Supreme Court cases have revolved around Barbara Grutter (*Grutter v. Bollinger*, 2003), and Abigail Fisher (*Fisher v. University of Texas*, 2013; *Fisher v. University of Texas*, 2016)—both of whom were White women who argued that they were wronged by race-conscious admissions. These examples show the need to empirically consider the intersectionality between gender and race and not assume that white women and underrepresented women of color have similar outcomes when applying to law schools. Future research may use an intersectionality framework and critical quantitative analysis to examine access and enrollment to other selective and competitive programs in U.S. higher education.

Conclusion

Without intersectionality as a conceptual lens, women of color tend to be aggregated with men of color or White women (Crenshaw, 1989). This study demonstrates how it is important to

apply an intersectionality to quantitative research that examines patterns in admissions decisions (by law schools) and enrollment decisions (by students). The patterns of odds of admission and enrollment were different for underrepresented women and men of color. The patterns of results lead to different implications for further diversifying legal education. On one hand, efforts to increase law school diversity among underrepresented women of color should focus on the admissions process. Public law school administrators and admissions professionals should question why—after controlling for LSAT scores and undergraduate GPAs—Black and Hispanic women are less likely to be admitted, but Black and Hispanic men are more likely to be admitted (both relative to White men). On the other hand, public law school leaders should commit to bringing Black and Hispanic men into the legal profession by focusing on increasing enrollment; for example, they could focus on increased outreach or targeted financial aid.

Although we focus on legal education, we also acknowledge that increasing diversity of the judiciary is a political process. In his first two years in office, President Donald J. Trump did not nominate a single Black or Hispanic judge to the federal judiciary. Even among White nominees, only nine were women (Johnson & Klahr, 2018). Although the recent pattern of nominations is disheartening, law schools should continue to train underrepresented men and women of color who will be qualified for such nominations in future presidential administrations.

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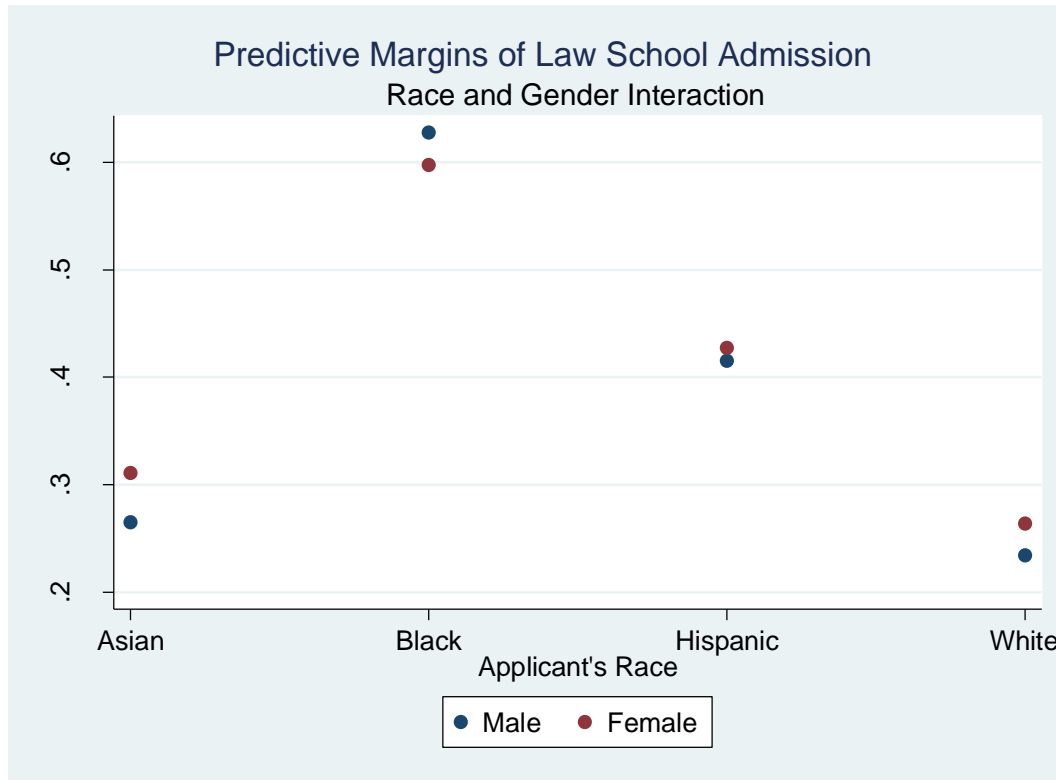
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Table 1

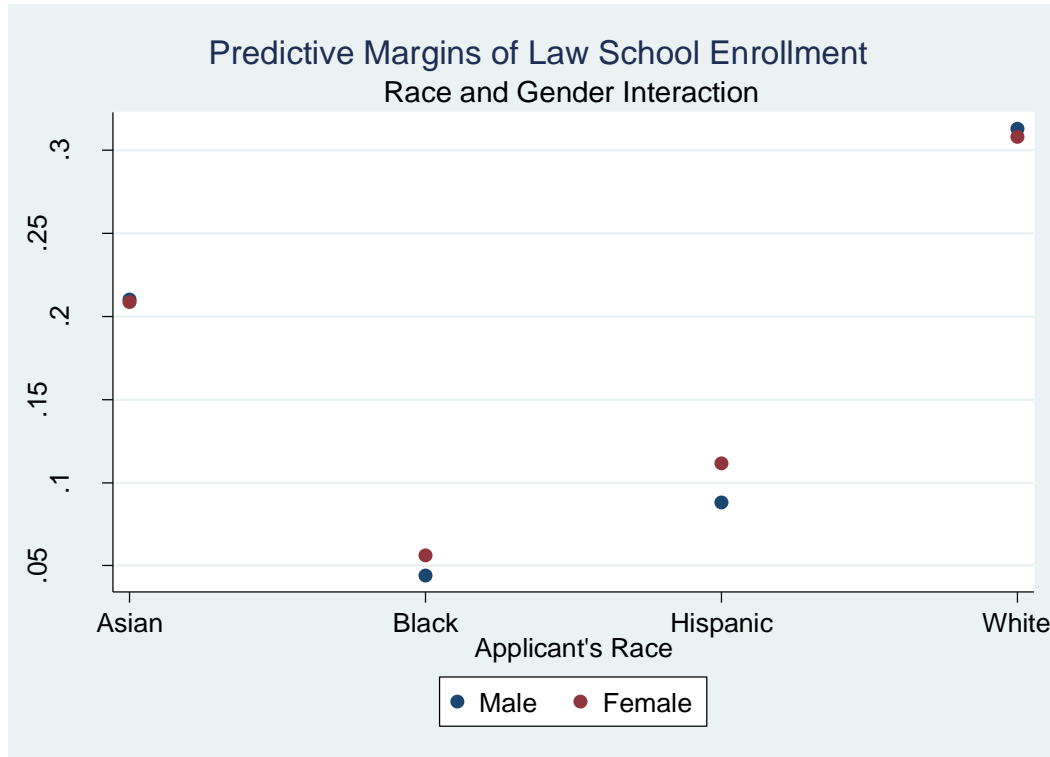
Descriptive Statistics of 2006 Admissions and Enrollment Data for 25 Public Law Schools

<u>Variable</u>	<u>N</u>	<u>Mean</u>	<u>Std. Dev.</u>	<u>Min</u>	<u>Max</u>
Admissions Decision	58826	0.26	0.44	0	1
Enrollment Decision	15407	0.30	0.46	0	1
Female	60548	0.44	0.50	0	1
Asian	52011	0.11	0.32	0	1
Black	52011	0.09	0.29	0	1
Hispanic	52011	0.07	0.26	0	1
White	52011	0.72	0.45	0	1
Law School Ranking					
First Quartile	60916	0.23	0.42	0	1
Second Quartile	60916	0.34	0.47	0	1
Third Quartile	60916	0.14	0.34	0	1
Fourth Quartile	60916	0.12	0.33	0	1
Unranked	60916	0.18	0.39	0	1
Law School Tuition (\$1,000)	60916	21.68	8.83	8.97	41.69
Undergraduate GPA (mean-centered)	59795	0.00	0.42	-2.01	0.94
LSAT Score (mean-centered)	60398	0.00	8.65	-36.17	23.83
In-State Resident	58254	0.29	0.45	0	1



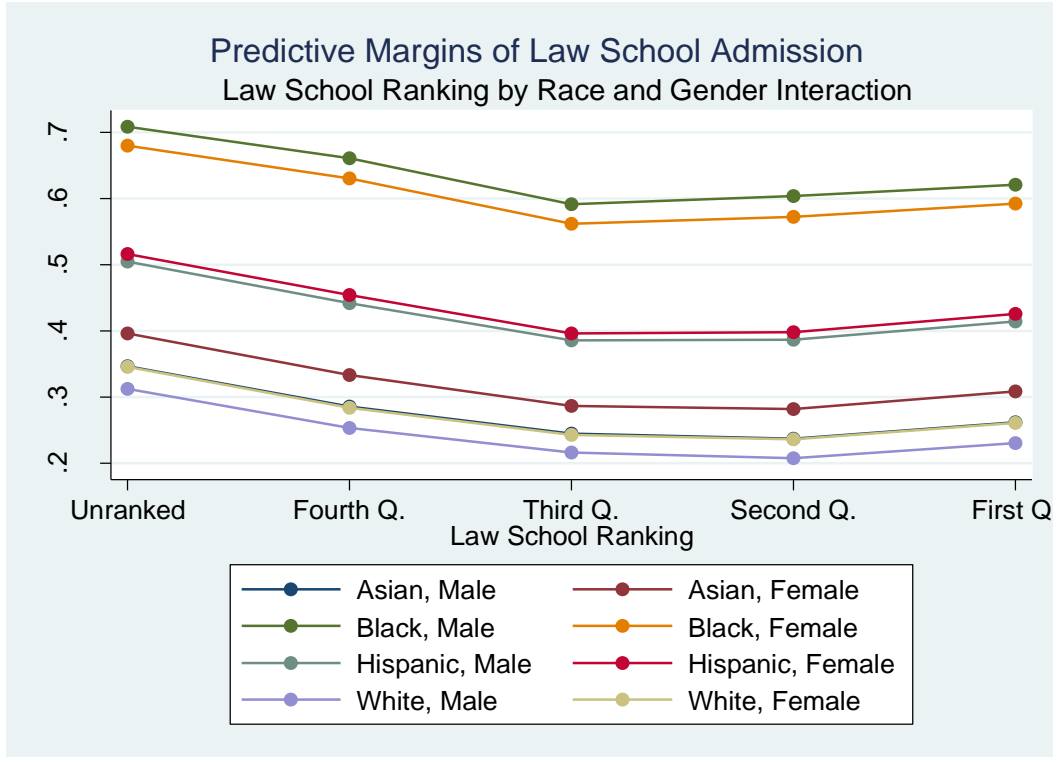
Note: Confidence intervals not shown for legibility. Figures with confidence intervals available from the authors upon request.

Figure 1. Post-estimation plot based on mixed-effects regression model of odds of admission.



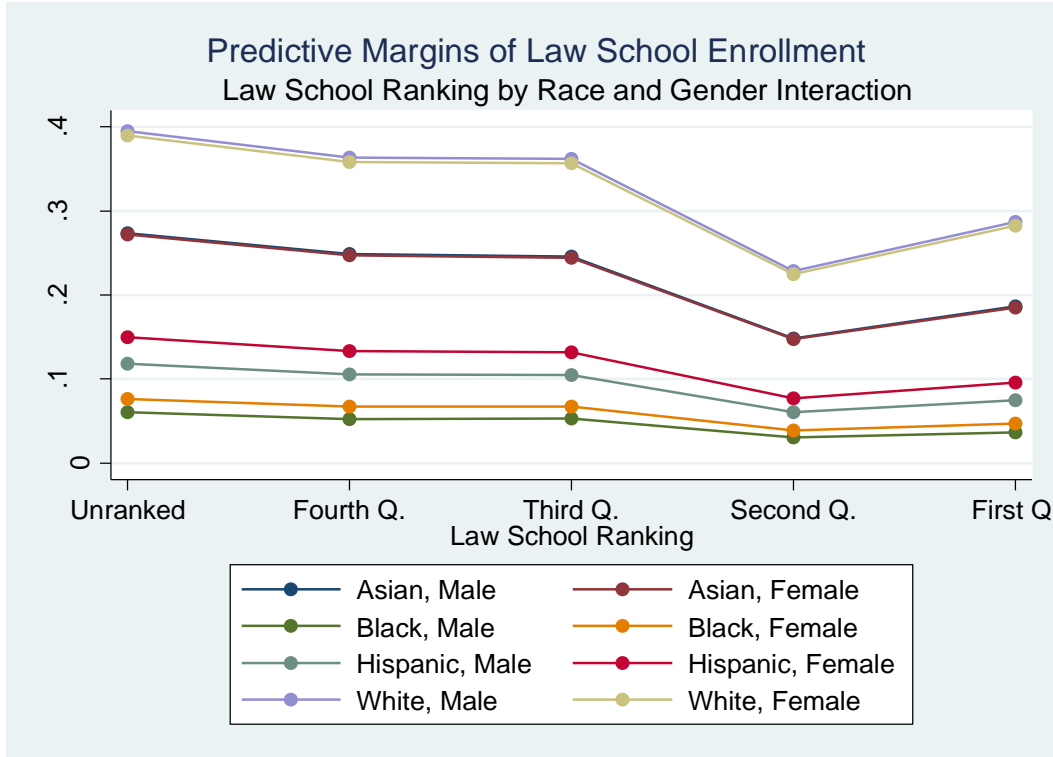
Note: Confidence intervals not shown for legibility. Figures with confidence intervals available from the authors upon request.

Figure 2. Post-estimation plot based on mixed-effects regression model of odds of enrollment.



Note: Confidence intervals not shown for legibility. Figures with confidence intervals available from the authors upon request.

Figure 3. Predictive margins of odds of admission to law schools of different ranks, by gender and race or ethnicity.



Note: Confidence intervals not shown for legibility. Figures with confidence intervals available from the authors upon request.

Figure 4. Predictive margins of odds of enrollment at law schools of different ranks, by gender and race or ethnicity.

Appendix A

*Results from Mixed-Effects Logistic Regression
Estimating Odds of Admission (N = 47,058)*

Fixed-Effect Parameters

<u>Variable</u>	<u>Odds Ratio</u>		<u>Std. Err.</u>
Asian	1.42	***	0.11
Black	57.34	***	5.96
Hispanic	6.63	***	0.62
Female	1.40	***	0.05
Asian#Female	1.17		0.12
Black#Female	0.51	*	0.06
Hispanic#Female	0.80	†	0.11
LSAT Score	1.55	***	0.01
Undergraduate GPA	23.73	***	1.26
In-State Resident	2.73	***	0.10
Law School Ranking	0.16	***	0.03
Law School Tuition	0.98		0.04
Constant	3.61	*	2.07

Random-Effects Parameters

Law School Level	0.99		0.14
LR Test (χ^2 Test)	2668.15	***	

Note: Wald $\chi^2 = 9115.56$ *** Minimum observations per law school = 482; average observations per law school = 1960.8; maximum observations per law school = 5233

Appendix B

*Results from Mixed-Effects Logistic Regression
Estimating Odds of Enrollment (N = 12,189)*

Fixed-Effect Parameters

<u>Variable</u>	<u>Odds Ratio</u>	<u>Std. Err.</u>
Asian	0.49 ***	0.06
Black	0.06 ***	0.01
Hispanic	0.14 ***	0.02
Female	0.97	0.05
Asian#Female	1.02	0.18
Black#Female	1.37	0.32
Hispanic#Female	1.41	0.34
LSAT Score	0.83 ***	0.01
Undergraduate GPA	0.31 ***	0.02
In-State Resident	5.57 ***	0.30
Law School Ranking	1.54 †	0.38
Law School Tuition	1.07	0.05
Constant	0.06	0.04

Random-Effects Parameters

Law School Level	1.18	0.22
LR Test (χ^2 Test)	609.45 ***	

Note: Wald $\chi^2 = 1836.18$ *** Minimum observations per law school = 97; average observations per law school = 507.9; maximum observations per law school = 929