# Exploring the Impact of Test-Flexible Admissions on Law School Diversity and Selectivity

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**Abstract**

Reducing barriers to graduate and professional education offers one strategy to reduce racial inequalities in high-status professions. One-quarter of law schools have implemented test-flexible policies, allowing applicants to submit GRE scores in place of LSAT scores, reflecting an effort across educational domains to offer flexible score submission options. We use a generalized difference-in-differences design to investigate the impact of test-flexible policies on diversity and selectivity in legal education. We do not find evidence of changes in racial diversity but find increases in applications and decreases in acceptance rates. Findings indicate test-flexible policies alone may not expand access to high-status fields.

*Keywords:* admissions, legal education, graduate and professional education, college entrance exams

In credential-based societies, educational access shapes professional opportunities (Collins, 2019). To the extent that access to training manifests patterns of exclusion and inequality, those patterns will carry forward into the labor market (Khan, 2012). And indeed, racial inequalities persist in high-status occupations like law, finance, medicine, and politics despite demographic changes and advances that Black, Indigenous, and other minoritized groups have made in the labor market (Roscigno et al., 2007; Wilson et al., 1999). Improving access to graduate and professional education in high-status professions is a necessary strategy for disrupting longstanding lines of stratification.

There has been growing interest in admissions policies that can expand access to legal education for minoritized students[1] (American Bar Association (ABA), 2011; Cunningham & Steele, 2015). Affirmative action has been one such policy. Supreme Court rulings have upheld the limited use of race-conscious admissions in professional and undergraduate education (Fisher v. University of Texas, 2016; Grutter v. Bollinger, 2003; University of California v. Bakke, 1978), yet the consideration of race in admissions is regularly challenged in court and public opinion. It has also been banned by state-level policy in several states, sometimes in response to growing competition for white students to enroll in selective colleges (Baker, 2019). Research shows these bans reduce enrollment among students of color in undergraduate, particularly selective undergraduate, and graduate education (Backes, 2015; Garces, 2012a, 2012b, 2013; Garces & Mickey-Pabello, 2015; Hinrichs, 2012; Liu, 2020; Long, 2007; Long & Bateman, 2020; Long & Tienda, 2008; Rothstein & Yoon, 2008; Wightman, 1997; Yagan, 2012).

Complementing affirmative action is a rapidly growing movement to reduce racialized barriers to admissions, especially those posed by standardized admissions tests (Jung, 2016; Posselt & Miller, 2018). Reforms that eliminate test score requirements or provide flexible test

score submission options are typically predicated upon: (1) a desire to increase the diversity of applicants, admitted students, and enrollees by reducing reliance on test scores, and (2) research showing that common uses of scores may disproportionately disadvantage minoritized students (Blau et al., 2004; Dalessandro et al., 2015; Miller & Stassun, 2014; Posselt et al., 2012) while doing little to predict success beyond grades (Allensworth & Clark, 2020; Kuncel & Hezlett, 2007). However, the effectiveness of admissions test policy reforms in increasing racial diversity in graduate and professional education is only beginning to be empirically analyzed.

This paper evaluates the impact of law schools' decisions to make the Law School Admissions Test (LSAT) optional for applicants, allowing them to submit the Graduate Record Examination (GRE) instead of or in addition to the LSAT. In 2016, the University of Arizona became the first law school to adopt a test-flexible policy in a stated effort to admit students from more diverse backgrounds. Today, 57 law schools, including highly-ranked universities such as Harvard, Northwestern, Georgetown, Yale, Columbia, and the University of Virginia, allow applicants to submit GRE scores.

**Test-Flexible Admissions**

LSAT-flexible policies in legal education are part of a broader movement across educational domains to reduce reliance on standardized test scores and provide students with more flexible options regarding the metrics by which they will be evaluated. The test-optional movement in undergraduate education began in liberal arts colleges and has since expanded to include a wider range of institution types (Belasco et al., 2015; Bennett, 2021). A concurrent effort in graduate admissions, popularly termed #GREXIT, seeks to move away from using GRE scores to evaluate applicants (Jung, 2016; Posselt & Miller, 2018). With the COVID-19 pandemic disrupting standardized testing, hundreds of additional undergraduate, graduate, and

professional degree programs announced that they would eliminate requirements for applicants to submit test scores for upcoming admissions cycles and, in many cases, beyond (Hu, 2020; National Center for Fair & Open Testing, 2020a; Rosinger, 2020). The movement within legal education remains informal, with individual law schools adjusting test requirements. The ABA, which currently mandates that applicants submit a standardized test score, previously considered a proposal to remove the LSAT requirement but ultimately withdrew it (Sloan, 2018). To date, more than one-quarter of ABA-accredited law schools are LSAT-flexible and accept the GRE in place of the LSAT.[2]

There is reason to believe that test-flexible admissions policies may improve enrollment among minoritized students in legal education (Law School Survey of Student Engagement, 2016). The LSAT has played a historic role in shaping access to the legal profession as a gatekeeper to *juris doctorate* programs (Olivas, 2005), though there is limited evidence of scores' utility in predicting professional outcomes (Kidder, 2001). Black, Latinx, and Indigenous students receive lower average LSAT scores relative to their peers (Dalessandro et al., 2015). Therefore, policies that provide flexible test options could potentially expand enrollment among groups who remain underrepresented in the legal profession (ABA, 2011).

At the same time, there are good reasons to anticipate that test-flexible admissions would fall short of the goal of increasing enrollment of Black, Latinx, and other minoritized students. First, test-flexible law schools still require applicants to submit a test score, and the GRE alternative, on average, also privileges white applicants (Miller & Stassun, 2014). Additionally, test-flexible policies could result in increased competition for admission by encouraging students to apply who otherwise would not have applied. If a law school receives more applications, but there is no corresponding change in the size of incoming classes, competition for seats will

increase. Some research has found that shifting to a test-optional policy—a distinct, but related approach—at undergraduate liberal arts colleges did not expand racial or economic diversity. However, it did increase the number of applications and test scores of enrolled students, resulting in increased institutional selectivity (Belasco et al., 2015). A third reason to question the efficacy of test-flexible admissions concerns the systemic nature of enrollment management. A recent comparative case study of high-diversity PhD programs found that although each program had reformed its admissions process, sustained diversity came about only in those that made coordinated improvements to admissions, recruitment, and climate for minoritized students (Posselt, 2020). Although promising, test-flexible and other policies that eliminate standardized tests may be necessary but insufficient to the needs of systemic change.

In this study, we examine the impacts of test-flexible admissions, asking:

1. How do test-flexible policies impact student racial diversity (measured by the number of Black, Latinx, and American Indian or Alaska Native students)?
2. How do test-flexible policies impact institutional selectivity (measured by the number of applicants and acceptance rate)?

To answer these questions, we draw on a decade of law school application and enrollment data and use a generalized difference-in-differences (DD) design to investigate the impacts of test-flexible policies. This research provides insight into whether this effort could be scaled to improve access to legal education and reduce barriers to high-status occupations—or whether these policies may undermine diversity efforts by increasing law school selectivity. Our findings indicate test-flexible policies lead to increased law school selectivity but do not lead to corresponding changes in racial diversity. These findings largely align with prior literature on undergraduate admissions and indicate that test-flexible policies by themselves are unlikely to

dramatically change educational and occupational outcomes in legal education. This research contributes to broader discussions across educational domains regarding the role of standardized test scores in admissions processes.

## Related Literature

### Standardized Tests in Graduate and Professional School Admissions

While the exact considerations and weights placed on each vary across law schools, undergraduate GPA and standardized test scores form the foundation of admissions in legal education (Olivas, 2005). Unsurprisingly then, the LSAT has been a prominent focus of law school admissions research (e.g., Kidder, 2001), not unlike the GRE in graduate admissions research and the GMAT in the business admissions literature (e.g., Hancock, 1999; Oh et al., 2008). Motivations for carrying out this research typically stem from either concern about whether use of such tests biases the process against already marginalized populations (Hagedorn & Nora, 1996; Marston, 1971) and/or concern about the predictive validity of test scores for subsequent outcomes (Newman, 1968; Pennock-Roman, 1990). On the latter point, meta-analyses of the GRE's validity in predicting graduate student performance have come to differing conclusions (Kuncel et al., 2007; Kuncel et al., 2010; Morrison & Morrison, 1995), perhaps because few of the studies on which they are predicated have had generalizable samples or methodologically consistent designs. One meta-analysis found that the predictive power of standardized tests for graduate and professional programs varies by type of test, by student outcome, and across groups of students; among these, LSAT scores correlate strongly with first-year GPA but less with degree completion (Kuncel & Hezlett, 2007).

In practice, faculty often interpret and use test scores in the admissions process in ways that disproportionately impede access for marginalized students (Miller & Stassun, 2014;

Posselt, 2016). Distributional differences in the scores expected for admission to selective programs are particularly stark. Only 5.2% of those identifying as Black, Latinx, and Indigenous scored above the median Quantitative GRE score for admission to physical sciences programs, compared to 73% of men and 82% of white and Asian test-takers (Miller & Stassun, 2014). On the LSAT, those identifying as Black, Latinx, and Indigenous scored lower on average than those identifying as men and white or Asian (Dalessandro et al., 2015). One study found that mean LSAT scores of admitted Black law students were lower than those of admitted white students (Arcidiacono & Lovenheim, 2016), but other research finds that Black law school applicants were more likely to be rejected than similarly scoring white applicants (Taylor, 2018).

As discussed above, a movement to remove or reduce reliance on test scores has emerged in graduate and professional education, given the uneven distributions of admissions exam scores across racial/ethnic categories, the failure of admissions processes to contextualize scores for these known variations, and scores' modest associations with long-term measures of student success (Jung, 2016; Posselt & Miller, 2018). As part of a shift toward holistic admissions (Grbic et al., 2019; Posselt, 2020), a growing number of undergraduate, graduate, and professional degree programs have made test scores optional for applicants and others have stopped collecting scores altogether. A third shift, common in legal education, gives applicants a more flexible option of submitting scores from the GRE instead of the LSAT. Given the emergent nature of research on altering test requirements for graduate and professional education, we turn to research on test-optional undergraduate admissions, where the movement began.

**Test-Optional Policies in Undergraduate Admissions**

More than 360 colleges ranked in the top of their *U.S. News & World Report* categories had taken steps before 2020 to eliminate or de-emphasize test scores—often in an effort to enroll

more diverse student bodies (National Center for Fair & Open Testing, 2020b). In the midst of the COVID-19 pandemic that prevented many students from taking the SAT and ACT, hundreds more colleges suspended test score requirements. Many of these policies are temporary, but some colleges, including state systems like the University of California and public universities in Oregon, have permanently eliminated SAT and ACT requirements in undergraduate admissions (Rosinger, 2020).

Admissions and other enrollment management administrators often indicate that test-optional admissions reflects an effort to improve educational opportunities for historically marginalized student populations (Cortes, 2013; Epstein, 2009; Espenshade & Chung, 2011). Similar to the uneven distribution of graduate admissions exam scores by income, race, and gender, the high scores often privileged in undergraduate admissions are positively correlated with high-income, male, and white racial status (Blau et al., 2004; Camara & Schmidt, 1999; Fischer et al., 1996). Colleges with test-optional policies also frequently cite research that finds test scores are not strong predictors of college success, once grades and other high school factors are taken into account (Allensworth & Clark, 2020; J. Rothstein, 2004).

Evaluations of test-optional admissions to date come to mixed results. Syverson et al. (2018) used detailed data on applications, admissions, and enrollment and found that across 28 institutions, adoption of test-optional admissions resulted in an increase in applications and enrollment among underrepresented minority and low-income students. Other studies have shown that eliminating test scores from admissions consideration has in some cases expanded the number of applications from students who might not have applied had test scores been required (Epstein, 2009). A quasi-experimental analysis of liberal arts colleges found that going test-

optional increased the number of applications and test scores of enrolled students, but not racial or economic diversity, at adopting colleges (Belasco et al., 2015).

Subsequent quasi-experimental analyses using more recent data, detailed data on students' economic backgrounds, or among other institutional types have similarly found little evidence of changes in student body composition after the implementation of test-optional admissions. For instance, Rosinger and Ford (2020) used the same sample of liberal arts colleges as Belasco et al. (2015) to investigate the impact of test-optional policies on enrollment among students by income quintile, finding no evidence of changes in enrollment patterns. An analysis of test-optional admissions at public and private four-year colleges found no evidence of changes in economic, racial, or gender diversity (Saboe & Terrizzi, 2019). The researchers also found that the increase in applications colleges received after implementing test-optional policies was short-lived (Saboe & Terrizzi, 2019). An examination of test-optional admissions at a public research university did not find evidence of changes in racial and economic diversity (Rubin & Canché, 2019). However, a recent study examining a wider range of private institution types and among newer adopters found statistically significant increases in racial and economic diversity after the implementation of test-optional admissions (Bennett, 2021).

While these studies differ somewhat in their conclusions, overall they indicate that test-optional policies have done little to dramatically alter enrollment patterns at the undergraduate level. These studies offer some indication of what might occur when graduate or professional programs adopt a more flexible approach to testing. To date, we are not aware of another study that investigates the impact of test-flexible policies on law school diversity and selectivity, specifically, or graduate and professional education, more broadly.

## Conceptual Framework

We frame the potential (or lack thereof) of altering admission testing policy to change who ultimately enrolls by conceptualizing structural and cultural dimensions of the policy context. Structurally, we know that policies have manifest and latent functions which must be acknowledged and critically scrutinized. In the absence of attention to the full scope of motivations for test-flexible admissions, self-serving benefits around selectivity that undermine racial diversity goals may be obscured. Culturally, institutions' failure to reckon with the racialized meanings associated with admissions tests of any sort may undermine test-flexible policy as a strategy to reduce barriers to enrollment.

**A Critical Perspective on Manifest and Latent Policy Functions**

A classic structural-functionalist framework for social analysis views policies as having manifest, or stated, functions that they are intended to serve, as well as latent functions, or complementary, unstated consequences that enhance social standing (Merton, 1957, 1936). Merton (2016) introduced this distinction to highlight that motivations for social behavior do not always align with objective consequences of that behavior. Over decades, scholars have pointed out that when organizations and governments fail to acknowledge the latent functions of policies and institutionalized practices that operate alongside their official or stated intentions, the full scope of what actually drives organizations goes unspoken and unchecked (Bonilla-Silva, 2017; Foucault, 1990; Tierney, 1993).

Obscuring the latent benefits of new organizational policy on race, in particular, tends to uphold interests that protect the racial status quo; when organizations draw attention to apparently altruistic, noble intentions, it detracts attention from how limited and self-serving new policy usually is (Bonilla-Silva, 2017). Indeed, racial diversity is widely espoused in universities (Ahmed, 2012; Dowd & Bensimon, 2015; Posselt, 2016), but its image is carefully manipulated

to limit change as much as encourage it (Ford & Patterson, 2019; Holland & Ford, 2020). Although increasingly a facet of institutional legitimacy in higher education, diversity is not a driving force behind institutional structures, planning, or investment practices (Dowd & Bensimon, 2015). Without this systematic engagement and a reframing toward equity—which compel a reconfiguration of power relations inherent in organizational structures, cultures, and policies—diversity-framed policies can operate as mere window dressing.

In the case of law school admissions, theory and research alike present good reason to expect that latent functions of status and revenue seeking may accompany the manifest functions of diversity-seeking associated with test-flexible admissions, and that they could, perhaps, undermine the policy's intended outcomes. Across higher education, admissions is just one element of enrollment management, a high-stakes enterprise affecting the viability of institutions (Jaquette et al., 2016). Enrollment management strategies simultaneously pursue multiple, sometimes competing, goals with revenue, academic profile, and access cited by Cheslock and Kroc (2012) as an "iron triangle" of interests within which institutions calculate and make trade-offs by implementing specific enrollment management policies and practices.

How does the iron triangle affect law schools, and how might it shape the impact of test-flexible policies? Law schools are tuition dependent and must maintain enrollments to ensure financial sustainability; thus, they are motivated to adopt policies that increase enrollments and tuition revenue. This may be particularly true when law schools see application declines.[3]

Framed as a strategy for diversity, test-flexible changes may also implicitly be aimed at and/or lead to increased selectivity for law schools. Test-flexible law schools may expect to receive more applications by eliminating requirements that other respected law schools have. In receiving more applications, they may admit a smaller percentage of applicants. Because

selectivity is one factor in the calculation of rankings (Sauder & Espeland, 2009), these policies may serve as a strategy through which law schools can improve or protect institutional standing or selectivity. In becoming more selective, however, law schools may be less likely to admit students from historically marginalized backgrounds if they do not also attend to other ways their admissions, recruitment, and financial aid policies hold disparate impacts.

It may therefore be an incomplete portrait of test-flexible policies to argue their function is simply to increase diversity. Latent functions—of protecting revenue and rankings by maintaining applications in a time when law school application numbers have declined—may create countervailing influences that inhibit the effectiveness of the policy in achieving diversity goals. If the shift to a text-flexible requirement increases the number of applications submitted, but there is neither a corresponding increase in the number of offers a law school makes nor change in the terms of the competition for those seats, then it is unlikely at best that this single lever will result in significant changes to the composition of who enrolls.

**Admissions Reform as Cultural Boundary Work**

The policy context for test-flexible policies also has a cultural dimension. Specifically, the preceding structural analysis is situated within legal and other professional education programs' cultural assumptions about (1) what quality in the profession entails and (2) how admissions criteria signal that quality (Garces, 2014). Criteria on which individuals are evaluated for educational opportunities are laced with meanings that constitute the profession's symbolic professional boundaries (Lamont, 2009; Posselt, 2016; Rivera, 2016). Many of these meanings are racialized, and this certainly is the case with meanings of scores from admissions exams—all of which have their roots in racialized intelligence tests (Au, 2016; Garces, 2014; Guinier, 2015). From this perspective, test requirements of any sort may uphold racialized gatekeeping as long as

decision makers associate higher scores with higher intelligence, using tools that privilege white applicants (Posselt, 2020). In the case of legal education, for the profession to become more diverse, it must acknowledge the varied manifestations of racism in how admissions criteria are distributed and interpreted as part of a broader grappling with racialization in what they value in rising professionals and why.

As a result, there is a reasonable basis to consider test-flexible policies as a tactic to broaden access to legal education. However, on its own, any policy reform has limited potential in shifting opportunity for marginalized groups (Labaree, 2012) if its full scope of structural functions and underlying cultural assumptions are not also addressed. We hypothesize that adoption of test-flexible admissions will not result in increased racial diversity but will increase law school selectivity. As Posselt (2020) notes, “More than a century of reform efforts in various sectors of American education make clear that reforms focused on closing gaps through policy and programs alone rarely succeed— and when they appear to do so, rarely stick” (p. 148). Instead, the best chances for substantive change in who applies, is admitted to, enrolls in, and completes a professional or graduate degree come about when community members account for both manifest and latent functions, recognize engrained racialization in the profession’s cultural boundaries, and update selection, recruitment, and educational practices accordingly.

## Methods

### Data and Sample

To understand how the adoption of test-flexible policies impacts law school selectivity and diversity, we used data from the ABA (available through AccessLex Center for Legal Education Excellence), which collects annual information on law school admissions, enrollment,

and financial aid practices. Our sample included 201 ABA-approved law schools, and our dataset contained a decade of data from the 2011-2012 to the 2020-2021 academic years.

Our independent variable was an indicator for whether a law school had a test-flexible admissions policy in a given year. Law schools met our criteria for test-flexible admissions if they allowed applicants to submit the GRE in place of or in addition to the LSAT. We coded law schools that accepted the GRE for *some* applicants (e.g., undergraduates at the same institution, dual-degree students) as test-requiring since they required most applicants to submit the LSAT.[4] We used a list of GRE-accepting law schools maintained by ETS, which administers the GRE, to identify test-flexible law schools. We cross-checked this list with our own search of law school admissions websites to determine which law schools were test-flexible. We gathered information on implementation years from press releases, news reports, and law school websites. If the year students could first enroll under a test-flexible policy was unclear, we reached out to law school admissions deans for clarification. Table 1 lists the 57 law schools that began accepting the GRE during our study period and the year students were first able to enroll under the policy: 1 law school enacted test-flexible admissions for students entering in 2016, 1 for students in 2017, 16 for students in 2018, 20 for students in 2019, and 19 for students in 2020.

[Table 1 Here]

To understand whether test-flexible policies have expanded diversity (RQ1), our outcome variables were the number of Black, Latinx, and American Indian or Alaska Native first-year students. We logged this outcome to account for a non-normal distribution across law schools in our sample. To examine the impact of test-flexible policies on law school selectivity (RQ2), our outcomes were the number of applicants (logged) and acceptance rate.

Limitations in how the ABA (and law schools) collect and report data on students' racial identity constrain our analysis of how test-flexible policies shape diversity. For example, the ABA collects race and ethnicity data using a two-question format, and the resulting data fall into nine categories. Each category aggregates, and therefore erases, heterogeneity of culture and experience that would be better understood with disaggregated data (Terenishi et al., 2020). In addition, inconsistencies in race data collection and reporting produce variability in rates of race unknown enrollments, which makes it difficult to interpret whether enrollment for the other groups are over- or under-estimated (Ford et al, 2020).

Numerous factors beyond test-flexible admissions could influence law school diversity and selectivity, and therefore could confound our results, so we controlled for a number of time-varying institutional characteristics. Covariates included tuition (the average of resident and non-resident tuition, logged), median grant aid for full-time students (logged), and the percent of full-time students receiving a grant covering at least half of tuition.[5] These variables account for differences in pricing and aid across law schools. We also controlled for full-time enrollment (logged) to account for the influence institutional size has on the number of applicants and enrollees and the percent of students with "race unknown" reported for racial identity to account for differences in race reporting across institution types (Ford et al., 2020). Finally, we included a binary variable indicating whether a public law school was in a state with an affirmative action ban using documentation from Baker (2019), given research showing the impact of such bans on minoritized student enrollment in various contexts (Backes, 2015; Garces, 2012a, 2012b, 2013; Garces & Mickey-Pabello, 2015; Hinrichs, 2012; Liu, 2020; Long, 2007; Long & Bateman, 2020; Long & Tienda, 2008; Rothstein & Yoon, 2008; Wightman, 1997; Yagan, 2012).

**Analytic Strategy**

To estimate how test-flexible policies have shaped diversity and selectivity in legal education, we used a difference-in-differences (DD) design, which compares differences in outcomes at adopting law schools before and after test-flexible implementation to changes in outcomes over the same period at non-adopting law schools. Since law schools implemented test-flexible policies in different years, we used a two-way fixed effects, or generalized DD, approach, which allows for a flexible parametrization of the treatment variable that accounts for variation in when law schools adopted test-flexible policies. The model can be expressed:

$$y_{it} = \beta_0 + \beta_1 TestFlexible_{it} + \boldsymbol{\Upsilon X}_{it} + \lambda_i + \delta_t + \varepsilon_{it} \qquad (1)$$

where $y_{it}$ was the outcome for law school *i* in time *t*; *TestFlexible* indicated whether a law school accepted the GRE in place of the LSAT in a given year (e.g., coded as 1 for the University of Arizona beginning in 2016-2017 when students were first eligible to enroll under the policy) and $\beta_1$ was the DD estimate; $\boldsymbol{X}$ were time-variant law school characteristics; $\lambda_i$ and $\delta_t$ were law school and year fixed effects; and $\varepsilon_{it}$ was the error term. Law school fixed effects held constant features of schools that did not change over time. Year fixed effects accounted for variation in outcomes over time that were common across law schools. We estimated robust standard errors clustered at the law school level (Bertrand et al., 2004).

In addition to our binary treatment variable (whether a law school accepted the GRE in a given year), we also estimated a model where we defined treatment as the count of applicants without an LSAT score. This treatment variable can be thought of as a policy's "dosage," or the strength of a particular policy at a given law school. In other words, law schools with test-flexible policies where more students applied without an LSAT can be considered higher "dosage" law schools than those with test-flexible policies where fewer students applied without LSAT scores. As a result, we might expect stronger effects at law schools with higher dosage

test-flexible policies (i.e., law schools with more applicants without LSAT scores). In this model, we replaced the binary *TestFlexible* variable with the logged number of applicants without LSAT scores. See Kelchen et al. (2019) for a discussion of continuous variables in DD evaluations of educational policies. Results from this analysis were similar to those presented.

**Threats to Validity**

In a DD design, outcome trends for the comparison group in post-policy years acts as the counterfactual, or what would have happened to outcomes at test-flexible law schools if they had not adopted the policy. To identify causal effects, the DD design rests on the assumption that trends in outcomes for treated (test-flexible) law schools would have followed a similar path as comparison (test-requiring) law schools in post-policy years (Angrist & Pischke, 2008). While there is no formal statistical test for common trends, we used several well-established checks to rule out alternative explanations (Angrist & Pischke, 2008; Furquim et al., 2020).

We first visually examined whether outcomes at adopting and non-adopting law schools followed similar paths in pre-treatment years. If so, it is plausible they would have continued to follow similar trends in the absence of the policy. Figure 1 shows means in outcomes at law schools that enacted test-flexible policies during the period we examined and law schools that did not. Outcomes generally followed similar paths at adopting and non-adopting law schools prior to 2016, when the University of Arizona enacted the first policy. We do, however, see a slight decrease in enrollment among minoritized students prior to 2016 at LSAT-requiring law schools while enrollment levels were relatively flat at LSAT-flexible law schools.

[Figure 1 Here]

Since there may be systematic differences between the groups that could lead to different trends in outcomes over time, we next used inverse propensity score weights to create a weighted

comparison group of test-requiring law schools in which the distribution of covariates was similar to test-flexible law schools. This approach is rooted in the idea that conditioning on the probability (i.e., propensity) of treatment, if correctly modelled, can eliminate selection bias to make treatment as good as random (i.e., not related to systematic differences between adopters and non-adopters) (Rosenbaum & Rubin, 1983). We first obtained propensity scores by estimating a logit model predicting a law school's probability that it would eventually adopt test-flexible admissions, conditional on a range of baseline characteristics measured in 2011, prior to any test-flexible policy.[6] We then weighted observations for each institution, giving all test-flexible institutions a weight of 1 and test-requiring institutions a weight of their propensity score/1-propensity score. Compared to the unweighted sample, means of covariates for non-adopting law schools more closely resembled those of adopting institutions after weighting (see descriptive statistics in Table 2 below). We then estimated Equation 1 with the inclusion of inverse propensity score weights.

Third, we estimated Equation 1 with inclusion of law school-specific linear time trends by interacting each law school fixed effect with a continuous time variable. This allowed each law school to have its own intercept and follow its own outcome trend, accounting for potential differences in outcomes across adopting and non-adopting schools (Furquim et al., 2020). This approach captures some of the variation in outcomes we were trying to measure (Wolfers, 2006), so we do not rely on it as our main approach, but rather note where findings from this analysis support or differ from the ones presented. Results are presented in Appendix Table A1.

Finally, we conducted an event study analysis for each outcome by estimating an equation in which we replaced the single test-flexible policy indicator in Equation 1

(*TestFlexible*$_{it}$) with a series of binary variables with leads and lags relative to treatment timing for each adopting law school (Furquim et al., 2020). The equation can be written:

$$y_{it} = \beta_0 + \sum_{j=-m}^{q} \beta_j TestFlexible_{it}(t = k + j) + \boldsymbol{\Upsilon} \boldsymbol{X}_{it} + \lambda_i + \delta_t + \varepsilon_{it} \quad (2)$$

In this equation, treatment occurs at time *k* and we include *m* leads, one for each year leading up to policy adoption, and *q* lags, one for each year following adoption. $\beta_j$ is the coefficient for each *j*th lead or lag of treatment (Furquim et al., 2020). In this analysis, treatment implementation is centered at 0, the year when each law school first implemented test-flexible admissions, and the year prior to implementation (*t-1*) is our referent category. For the University of Arizona, for instance, which adopted test-flexible admissions for students applying to enter in the 2016-2017 academic year, treatment implementation is centered at 0 in 2016-2017 (the first year we would expect to see impacts of the policy) and 2015-2016, the year before the policy was in place, serves as the referent year. We estimate lags to treatment timing up to four years post-policy implementation because we only observed outcomes more than four years after policy implementation at one law school.

By providing estimates of the effect of test-flexible policies for each year leading up to and following the actual implementation of test-flexible policies, the event study analysis allowed us to do two things. First, binary variables with leads of treatment timing are a well-established strategy to check for support of common trends, enabling us to examine whether there were significant changes in outcomes at test-flexible law schools in years leading up to policy implementation. If significant changes occurred before test-flexible policies were in place, other factors besides this admissions change could be driving results. Second, the event study analysis also allowed us to examine whether there was a lagged effect of test-flexible policies on diversity and selectivity. Through lagged treatment indicators, we examined whether the impact

of test-flexible policies changed over time to understand whether these policies represent a shorter-term strategy versus a slower but more sustained effort for improving diversity.

**Additional Sensitivity Checks**

A generalized DD design allows treatment timing to vary across law schools. The estimated treatment effect from this approach is a weighted average of all possible treatment/control comparisons, including comparing treated law schools to comparison law schools and comparing treated law schools to other treated law schools that implemented test-flexible policies in earlier or later years. This can lead to results that are strongly influenced by law schools treated in the middle of the period. If treatment effects vary over time, comparisons between later-treated and earlier-treated law schools can lead to bias (Goodman-Bacon, 2019). We conducted a decomposition analysis to assess the extent to which our results were driven by comparisons among test-flexible law schools with different treatment timing using the Goodman-Bacon decomposition Stata module (Goodman-Bacon et al., 2019).

We conducted two additional sensitivity checks relating to how we defined treatment and comparison groups. Beginning in the 2014-2015 academic year, the ABA allowed law schools to admit up to 10% of their incoming classes without requiring the LSAT for undergraduates at the same institution and/or students pursuing a joint graduate degree (ABA, 2014). Students admitted through this policy must have met conditions pertaining to performance on standardized tests (SAT, GRE, GMAT), class rank and GPA, and could comprise no more than 10% of the entering class. Since this rule change effectively allowed law schools to have a test-flexible policy for some applicants, we conducted two sensitivity checks. First, we estimated models excluding law schools that used the 10% rule (identified as institutions with at least one applicant who did not submit an LSAT score). Results were similar and are available upon request.

Second, we estimated models in which we defined the treatment group of law schools more broadly to include any law school that had any applicants without an LSAT score in a given year. This included any law schools that used the 10% rule to admit students in addition to law schools that had official policies in place to accept the GRE in place of or in addition to LSAT scores for all applicants. Results are presented in Appendix Table A2, and we discuss where results differ from our main models in the findings section.

Finally, our data includes enrollment during the 2020-2021 academic year, a year during which the COVID-19 pandemic and its associated economic downturn had a dramatic impact on students' educational decisions. We estimated unweighted and weighted models in which we dropped the most recent year of data to determine whether our results were driven by the events of 2020 rather than a specific admissions policy. Results are shown in Appendix Table A3.

## Findings

### Descriptive Results

Table 2 presents descriptive statistics for variables included in our analyses. In 2011, law schools that would eventually adopt test-flexible policies enrolled more full-time students on average than test-requiring law schools (763 versus 575) but a smaller number of minoritized first-year students (38 versus 48). Nearly a decade later, overall enrollments would drop at both groups of law schools (666 at test-flexible and 451 at test-requiring law schools). Enrollment among minoritized students was similar in 2020 at test-flexible and test-requiring law schools, with a mean of 43 students at both.

[Table 2 Here]

In 2011, law schools that would eventually implement test-flexible policies were more selective on average than test-requiring law schools. These law schools received more

applications on average than test-requiring law schools (3,765 versus 2,308) in 2011. By 2020, both groups had experienced a decline in the number of applicants, dropping to an average of 3,095 at test-flexible and 1,431 at test-requiring law schools. Test-flexible law schools had a lower acceptance rate than test-requiring law schools (32.5% versus 42.2%). Acceptance rates rose over time to 34.9% at test-flexible and 47.9% at test-requiring law schools.

These trends could be shaped by other systematic differences between adopting and non-adopting law schools. As descriptive statistics for 2011 show, test-flexible law schools were more expensive, charging an average of around $40,000 in tuition, relative to test-requiring law schools, which charged around $32,700 in tuition, and they offered slightly more grant aid (an average of around $18,000 versus $10,800). Both offered around 12-13% of full-time students a scholarship covering at least half of tuition expenses. Around 20% of test-flexible and test-requiring law schools were located in a state with an affirmative action ban.

Table 2 also reports descriptive statistics for test-requiring law schools after applying inverse propensity score weights. The weighted comparison group more closely resembled test-flexible law schools in observable ways than the unweighted group, so we present results from analyses that included inverse propensity score weights alongside unweighted estimates.

**Analytic Results**

Table 3 presents findings from DD analyses. For each outcome, the first two columns show unweighted model results; the second two columns show weighted model results. The first columns for unweighted and weighted models included only the test-flexible treatment variable and law school and year fixed effects; the second columns for unweighted and weighted models present estimates conditional on covariates and law school and year fixed effects.

[Table 3 Here]

Across models, we did not find a statistically significant relationship between the introduction of test-flexible admissions and the number of minoritized students enrolled. These findings were robust to the inclusion of inverse propensity score weights and law school-specific linear time trends (see Appendix Table A1 for results with law school-specific linear trends).

While we did not find evidence of changes in racial diversity, our analyses indicated that test-flexible policies likely increased law school selectivity in several ways. We found that test-flexible policies were associated with a statistically significant increase in the number of applications received by adopting law schools and a decrease in the share of applicants offered admission. Specifically, adjusting for covariates and law school and year fixed effects, we found that test-flexible policies led to a 9.5% increase in the number of applications received in our unweighted model and a 6.6% increase in our weighted model. We found that test-flexible policies led to a 2.4 percentage point decrease in acceptance rate in the unweighted model and a 2.9 percentage point decrease in the weighted model. These findings were smaller when conditioned on law school-specific linear time trends and only statistically significant in weighted models (Appendix Table A1). Results from analyses that excluded 2020 data were similar but the increase in applications was only significant in unweighted models.

Table 4 presents results from the decomposition analyses, which indicate little evidence to suggest that our main DD estimates are biased due to variation in treatment timing. Approximately 89% of the DD estimates in unweighted models and 79% in weighted models were driven by comparing treatment units to control units, and comparisons among treatment units with different timing account for 10% in the unweighted and 21% in weighted models. Results from the decomposition analysis were similar in magnitude to our main results.

[Table 4 Here]

Figure 2 plots coefficients and 95% confidence intervals from our event study analysis for each outcome (estimated using weighted models), which can provide evidence for whether the common trends assumption is violated and tests for lagged impacts of the policy. This analysis reveals few significant differences in outcomes between test-flexible and test-requiring law schools in years leading up to policy implementation. We selected the year prior to when students were first eligible to enroll under a test-flexible policy as our reference year because it is the last year before we would expect to see any changes in outcomes. We found no evidence of statistically significant changes in enrollment among minoritized students in years prior to policy implementation. Coefficients in years following adoption are negative for minoritized student enrollment and statistically significant two years after adoption, indicating these policies may actually decrease racial diversity, at least after being in place for a couple of years.

[Figure 2 Here]

When it comes to law school selectivity, we found few statistically significant changes in applicants and acceptance rate in years leading up to policy adoption. In years following test-flexible policies, we find an immediate increase in the number of applications law schools receive in the first two years following adoption. We find a decrease in acceptance rate each of the four years following adoption. These results provide some evidence indicating the effects on institutional selectivity are more sustained rather than short-term, immediate effects.

To summarize, across model specifications, we found similar results: no evidence of statistically significant changes in the number of minoritized students enrolled following adoption of test-flexible admissions policy and increases in selectivity through increased applications and decreased acceptance rates. One sensitivity check yielded some evidence of an increase in the number of minoritized students enrolled: when we defined treatment as a binary

variable indicating whether a law school had *any* applicants without LSAT scores in a given year, we found small increases in racial diversity in unweighted models (findings in Appendix Table A2). These findings were not statistically significant in weighted models. However, they offer some evidence that when law schools admit some students—for example, dual degree students or undergraduates at the same institution—without LSAT scores, they may see gains in racial diversity. But given that these findings did not appear in other sensitivity checks, we hesitate to place much emphasis on them.

## Discussion

Our study adds to a growing body of research that examines the efficacy of altering admissions test score requirements to reduce inequities in selective sectors of higher education. Reliance on a variety of exams whose scores vary by race, gender, and economic status, but which do not reliably predict outcomes beyond first year grades, has contributed to the institutionalization of inequalities—both in higher education and in sectors of the labor market where specific educational credentials are required for professional opportunities. The test-flexible movement within legal education is a sector-specific change within a national reassessment of exams' role within professional, graduate, and undergraduate admissions.

The manifest function of admissions test score reforms across postsecondary educational sectors has centered on expanding access for historically marginalized students. However, we theorized that given the multiple functions that enrollment management must fulfill, it is possible that test-flexible admissions is more than a strategy for building diversity. Further, because both the LSAT and GRE reveal significant differences in scores by race, the GRE's efficacy as a tool for increasing racial diversity is doubtful—particularly in the absence of other organizational efforts toward diversity. We sought to answer two questions: Do test-score requirements for

admissions to law school measurably shift the racial composition of who enrolls? And, do these policies serve latent functions of boosting institutional selectivity, by increasing the number of students who apply and decreasing the percent who are admitted?

Our study found that allowing applicants to submit GRE scores instead of LSAT scores does little as a single policy lever to expand enrollment of racially minoritized students at adopting law schools. Additionally, we find evidence that these policies boost law school selectivity by increasing the number of applicants and decreasing acceptance rates. These findings warrant careful consideration. One explanation for results is that the increase in diversity may come later, either (1) as students who may have less access to information and guidance in navigating the law school admissions process become aware of these options and/or (2) after admissions offices have time to calibrate and better incorporate this new policy into their broader strategy for evaluating applicants and selecting whom to admit. Both possibilities are consistent with theory and research that policy implementation can mediate both the outcomes of new policies and the timing of its effects. At the same time, increases in law school selectivity appear immediately after the policy change and are fairly sustained.

Although evidence for the impact of various admissions test policies across institutional contexts is still developing, our results are consistent with prior studies that have not found evidence of gains in diversity after the implementation of test-optional policies for undergraduate admissions at selective liberal arts institutions (Belasco et al., 2015; Rosinger & Ford, 2019), four-year colleges (Saboe & Terrizzi, 2019), and a public research university (Rubin & Canché, 2019). Where the impact of undergraduate test-optional policies has been positive (Bennett, 2021), they offer a promising next step, but the changes tend to be fairly small when analyzed as a single policy reform. Together with the emerging body of literature on test-optional policies in

undergraduate admissions, this study points to limitations of test-flexible policies to, by themselves, dramatically interrupt longstanding inequalities in enrollment.

These findings are not surprising in light of prior research. Inequality is a systemic challenge that demands a systemic response, and although eliminating the of consideration of standardized test scores has been a lightning rod in national dialogue, inequities are institutionalized in admissions through other channels as well (Rosinger et al., 2021), such as failure to contextualize student achievements in light of their opportunities (Bastedo et al., 2018). Inequalities are also institutionalized via feedbacks among typical admissions, recruitment, and mentoring practices; individually and interactively, these practices and the mindsets underlying them affect the opportunity structure and culture of selective institutions (Posselt, 2020).

Our findings are also consistent with a critical structural-functionalist framework in which policies ostensibly aimed at equity and diversity have latent functions that operate alongside the official, stated aims that serve to reproduce and enhance social status more than equity (Merton, 1936, 1957, 2016). In this case, latent functions of status and revenue seeking accompany the manifest function of improving access to legal education for historically marginalized students. As law schools seek to balance an “iron triangle” of interests (Cheslock & Kroc, 2012; Jaquette et al., 2016), test-flexible policies that increase applications and decrease acceptance rates appear to do more for institutional selectivity than they do for diversity.

Incorporating the cultural context for admissions policy reforms offers a second basis for interpreting findings with respect to diversity outcomes. Test-flexible policies still require students to submit scores on tests that have advantages for already privileged groups. Without additional changes to the admissions process, test-flexible admissions policies therefore cannot be expected to meaningfully shift the racialized basis of access to admissions and professional

opportunities. If professional schools, graduate programs, and higher education institutions are serious about expanding access, they must take steps that account for known sources of inequalities in the admissions process, including applicants' disparate access to selective undergraduate institutions and internships, and reviewers' own biases. With these perspectives in mind, we discuss the implications of this research for policy, practice, and research.

## Implications for Policy

Our findings offer implications for institutional policy, the movement to reconsider the role of standardized admissions tests, as well as for public policy that seeks to broaden access to professional education in high-status fields. We discuss these in turn before considering the relevance of our findings in the midst of a pandemic that will likely affect the financial environment of public institutions in the years ahead (Laderman & Heckert, 2021).

**Implications for institutional policy and standardized admissions tests.** Test-flexible admissions is growing in popularity throughout legal education as highly ranked law schools such as Harvard, Northwestern, Georgetown, Yale, and others shift admissions policies. Within that field, it has been a primarily local strategy but it could potentially be scaled to more law schools, particularly given recent efforts by the ABA (Sloan, 2018). The ABA is not the only professional association to make public statements about the use of standardized test scores in relation to available evidence about how their misuse perpetuates inequalities in graduate and professional education. The board of the American Astronomical Society (AAS), for example, issued a resolution in 2016 recommending that PhD programs reduce reliance on or make optional GRE scores in admissions processes (AAS, 2016). And the American Physical Society is part of multiple projects that are seeking to transform the system of graduate admissions, including the ways faculty members collect and consider GRE scores.

However, our findings raise the question of why efforts to de-emphasize or alter admissions testing requirements across educational domains have not been more consistently effective at reducing enrollment disparities. First, race, class, and gender disparities are reflected in admissions criteria beyond solely standardized test scores (Rosinger et al., 2021); absent larger changes in how applicants are evaluated and decisions are made (see Barcelo et al. (2021) on medical school admissions and Posselt et al. on PhD admissions), tweaking test score requirements alone may therefore always be somewhat limited in increasing diversity. Second, while efforts to improve access for marginalized students require admissions changes, these alone are unlikely to overcome racialized barriers to enrollment, which also include institutions' recruitment and financial aid policies. The systemic nature of enrollment management necessitates changes above and beyond admissions practices if the goal is sustainable diversity or, more transformationally, equity (Posselt, 2020). Without altering other recruiting, admissions, and financial aid policies and campus climate that similarly privilege advantaged populations, admissions reforms of any sort may be insufficient to remediate inequities over the long term. Rather than expand test score requirements to include additional tests, law schools and other higher education institutions should consider eliminating this source of racial inequity in their admissions process as part of a larger process of assessing barriers to admission and enrollment.

In this assessment, an honest discussion will no doubt be needed regarding motivations for change and pressures surrounding enrollment management in a time of declining enrollment. Although access, equity, and diversity goals predominate the national discussion around standardized testing requirements in admissions, it is unclear racial diversity is the primary motivation behind test-flexible policies. In reviewing law schools' announcements of test-flexible policies as we conducted our study, few explicitly stated racial diversity as a goal.

Rather, most used the term “diversity of backgrounds" or specified “academic backgrounds.” In addition to students who had majored in a typical pre-law field such as political science, law schools were hoping to broaden who might apply by attracting students who had majored in STEM, business, or other fields. In the absence of clear motivations to expand racial diversity, our findings largely align with the policy’s latent function of increasing institutional selectivity.

**Implications for policy aimed at broadening access to professional education.** Racial inequalities in high-status fields have led to an increased focus on public policy that aims to broaden access to graduate and professional education (ABA, 2010, 2011; Cunningham & Steele, 2015). Affirmative action was implemented to equalize educational and economic opportunities for people who have faced prior and current discrimination. But affirmative action has faced repeated challenges in legal settings and public discourse, leading to efforts to identify alternative, race-neutral strategies that do not depend on the survival of affirmative action but that can produce the same outcomes. While test-optional admissions is not explicitly listed as one of these efforts, modifying admissions criteria to reduce barriers for minoritized students is frequently one aspect. However, our study indicates that, as with other race-neutral efforts, test-flexible policies alone are insufficient to improve enrollment among minoritized students.

Race-neutral policies will likely never remedy an unequal society. After all, race-conscious policies created the current unequal system. Slavery, segregated schooling (Orfield, 1978), redlining (Zenou & Boccard, 2000), segregated public housing (R. Rothstein, 2017), and the GI bill that resulted in Black veterans being directed toward vocational options (Humes, 2006) all affirmatively supported white families to gain wealth and social privilege. As a society, we have arrived at systemic inequality not by race-neutral happenstance, but through policies whose manifest and/or latent functions were to affirmatively advance white and high-income

families, often at the expense of low-income and minoritized families. However, there is a tightening legal precedent for race-conscious admissions as well as a growing number of voter and legislative bans on affirmative action and declining public commitments to race-conscious practices outside of the most selective institutions (Hirschman & Berrey, 2017).

**Implications in light of COVID-19.** The pandemic has made clear that access to education, healthcare, housing and job security are also not race-neutral processes in the US. Students and their families have been severely affected, many by both the virus itself and the economic hardship it has created. These effects are disproportionately felt by the very students who have been excluded from advanced education and elite professions. Data on the effects of COVID-19 by race indicate that hospitalization and death rates are higher among minoritized groups, highlighting differences in economic and social conditions these groups face (National Center for Immunization and Respiratory Diseases, 2020). In addition, Black and Latinx families are expected to experience the largest increases in poverty rates (Parolin & Wimer, 2020).

Our study examines enrollment just one year into the pandemic; however, we believe findings will be relevant in the coming years. Law schools are largely tuition dependent and rely on enrollments for revenue. Thus, even in the best of times, they are motivated to enact business-minded enrollment management strategies. As budgetary pressures increase, so too will pressures to boost enrollments and revenues. In a constrained environment, enrollment managers not be satisfied with simply altering test score requirements. Rather, leaders should engage in systemic, equity-minded assessments of institutional needs and how their means of meeting them may reduce or reinforce barriers to the legal profession for minoritized students.

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Table 1. Law schools with LSAT-flexible admissions and year students were first eligible to enroll under LSAT-flexible policy

| Law School | Year |
|---|---|
| University of Arizona James E. Rogers College of Law | 2016 |
| Florida State University College of Law | 2017 |
| Brigham Young University J. Reuben Clark Law School | 2018 |
| Brooklyn Law School | 2018 |
| George Mason University Antonin Scalia Law School | 2018 |
| Georgetown University Law Center | 2018 |
| George Washington University Law School | 2018 |
| Harvard Law School | 2018 |
| Illinois Institute of Technology Chicago-Kent College of Law | 2018 |
| Northwestern University Pritzker School of Law | 2018 |
| Pace University Elisabeth Haub School of Law | 2018 |
| St. John's University School of Law | 2018 |
| Texas A&M University School of Law | 2018 |
| University of Hawai‘i William S. Richardson School of Law | 2018 |
| University of Illinois – Chicago John Marshall Law School | 2018 |
| Wake Forest University School of Law | 2018 |
| Washington University in St. Louis School of Law | 2018 |
| Yeshiva University Cardozo School of Law | 2018 |
| American University Washington College of Law | 2019 |
| Boston University School of Law | 2019 |
| California Western School of Law | 2019 |
| Columbia Law School | 2019 |
| Cornell Law School | 2019 |
| Florida International University College of Law | 2019 |
| New York University School of Law | 2019 |
| Pepperdine University Caruso School of Law | 2019 |
| Suffolk University Law School | 2019 |
| SUNY Buffalo School of Law | 2019 |
| Syracuse University School of Law | 2019 |
| UC Davis School of Law | 2019 |
| UCLA School of Law | 2019 |
| University of Chicago Law School | 2019 |
| University of Dayton School of Law | 2019 |
| University of Notre Dame Law School | 2019 |
| University of Pennsylvania Law School | 2019 |
| University of Southern California Gould School of Law | 2019 |
| University of Texas (Austin) Law School | 2019 |
| University of Virginia School of Law | 2019 |
| Albany Law School | 2020 |

| | |
|---|---|
| Arizona State University Sandra Day O'Connor College of Law | 2020 |
| Mercer University School of Law | 2020 |
| Penn State Dickinson Law | 2020 |
| Penn State Law | 2020 |
| Seattle University Law School | 2020 |
| Seton Hall University School of Law | 2020 |
| Southern Methodist University Dedman School of Law | 2020 |
| UC Hastings School of Law | 2020 |
| UC Irvine School of Law | 2020 |
| University of Akron School of Law | 2020 |
| University of Alabama School of Law | 2020 |
| University of Baltimore School of Law | 2020 |
| University of Indiana Maurer School of Law | 2020 |
| University of Montana Alexander Blewett III School of Law | 2020 |
| University of New Hampshire Franklin Pierce School of Law | 2020 |
| University of South Carolina School of Law | 2020 |
| Willamette University College of Law | 2020 |
| Yale Law School | 2020 |

Notes. Concordia University School of Law announced it would accept the GRE for students applying to enter in fall 2020, but the school closed at the end of summer 2020, so we excluded it from our analysis. University of La Verne College of Law announced it would accept the GRE for students entering in fall 2020, but it did not report data to ABA for 2020, so we similarly excluded it from our analysis.

Table 2. Descriptive statistics for LSAT-flexible and LSAT-requiring law schools, 2011 and 2020

| | 2011 | | | 2020 | | |
|---|---|---|---|---|---|---|
| | LSAT-flexible | LSAT-required (unweighted) | LSAT-required (weighted) | LSAT-flexible | LSAT-required (unweighted) | LSAT-required (weighted) |
| | (1) | (2) | (3) | (4) | (5) | (6) |
| Minoritized students | 37.59 | 48.31 | 37.32 | 43.35 | 43.46 | 43.57 |
| | (23.97) | (61.53) | (26.18) | (24.28) | (41.83) | (27.12) |
| Applications | 3764.73 | 2307.72 | 3659.72 | 3095.02 | 1431.31 | 2714.54 |
| | (2307.52) | (1518.24) | (2027.24) | (2261.61) | (1141.21) | (1751.50) |
| Acceptance rate | 32.53% | 42.15% | 31.86% | 34.88% | 47.90% | 37.79% |
| | (13.95) | (14.35) | (14.27) | (15.14) | (13.04) | (16.10) |
| Full-time enrollment | 762.68 | 575.32 | 699.82 | 665.63 | 451.16 | 612.00 |
| | (350.56) | (236.57) | (255.05) | (342.07) | (200.74) | (246.72) |
| Percent race unknown enrollment | 6.93% | 5.17% | 6.36% | 3.49% | 3.12% | 3.35% |
| | (5.51) | (5.24) | (5.26) | (2.04) | (2.21) | (2.06) |
| Tuition | $40197.54 | $32727.66 | $39327.52 | $44376.84 | $35599.40 | $43821.05 |
| | (9262.98) | (8647.07) | (8498.64) | (12189.98) | (10311.63) | (11030.28) |
| Median grant aid | $18155.80 | $10766.62 | $14760.07 | $22068.01 | $16885.87 | $21422.99 |
| | (29965.91) | (6591.28) | (6936.82) | (9543.43) | (8552.94) | (7616.65) |
| Percent receiving grant aid | 13.40% | 11.95% | 12.96% | 29.58% | 47.27% | 36.96% |
| | (9.45) | (9.13) | (10.11) | (14.35) | (223.73) | (146.88) |
| Affirmative action ban | 0.21 | 0.22 | 0.30 | 0.23 | 0.23 | 0.31 |
| | (0.41) | (0.42) | (0.46) | (0.42) | (0.42) | (0.47) |
| Observations | 56 | 145 | 139 | 57 | 140 | 130 |

Notes. Standard deviations in parentheses. Minoritized students are the number of first-year students who identified as Black, Latinx, or American Indian or Alaska Native. Financial figures are in 2011 dollars. To create weights for LSAT-requiring law schools, we first estimated a logit model using characteristics of law schools measured at baseline to predict whether a law school would eventually adopt LSAT-flexible admissions. We then calculated the inverse propensity score as propensity score/1-propensity score for LSAT-requiring law schools and 1 for LSAT-flexible law schools and estimated models with these weights included.

Table 3. Difference-in-differences estimates.

| | Minoritized students (logged) | | | | Applications (logged) | | | | Acceptance rate | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Unweighted | | Weighted | | Unweighted | | Weighted | | Unweighted | | Weighted | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |
| LSAT-flexible | 0.052 | -0.001 | -0.043 | -0.049 | 0.149** | 0.095** | 0.073** | 0.066** | -2.176* | -2.397** | -3.079** | -2.917** |
| | (0.057) | (0.041) | (0.042) | (0.041) | (0.036) | (0.027) | (0.027) | (0.025) | (0.893) | (0.860) | (0.928) | (0.892) |
| Full-time enrollment (ln) | | 0.750** | | 0.239* | | 0.569** | | 0.592** | | 6.323** | | 4.476 |
| | | (0.204) | | (0.102) | | (0.047) | | (0.081) | | (1.941) | | (2.997) |
| Percent race unknown | | -0.005 | | 0.003 | | -0.000 | | 0.000 | | 0.030 | | 0.047 |
| | | (0.004) | | (0.003) | | (0.002) | | (0.002) | | (0.059) | | (0.058) |
| Tuition | | -0.129 | | -0.336 | | -0.003 | | 0.236 | | 11.548** | | 5.610 |
| | | (0.156) | | (0.232) | | (0.125) | | (0.196) | | (4.341) | | (4.781) |
| Median grant aid (ln) | | -0.002 | | 0.022 | | 0.013+ | | 0.031** | | -0.641** | | -1.132** |
| | | (0.014) | | (0.016) | | (0.007) | | (0.008) | | (0.197) | | (0.419) |
| Percent receiving grant aid | | 0.001** | | 0.000 | | 0.001** | | 0.001** | | 0.009** | | 0.006 |
| | | (0.000) | | (0.000) | | (0.000) | | (0.000) | | (0.003) | | (0.004) |
| Affirmative action ban | | -0.147 | | -0.516* | | -0.109 | | -0.196** | | 2.724* | | 1.679 |
| | | (0.193) | | (0.225) | | (0.104) | | (0.066) | | (1.120) | | (1.485) |
| Constant | 3.332** | 0.143 | 3.415** | 5.388* | 7.257** | 3.684** | 7.721** | 1.183 | 47.541** | -107.358* | 39.290** | -38.720 |
| | (0.003) | (2.262) | (0.004) | (2.527) | (0.002) | (1.292) | (0.003) | (2.094) | (0.051) | (46.255) | (0.098) | (54.306) |
| Observations | 2,015 | 1,997 | 1,925 | 1,917 | 2,008 | 1,997 | 1,923 | 1,917 | 2,006 | 1,997 | 1,921 | 1,917 |
| Within R-squared | 0.00 | 0.08 | 0.00 | 0.02 | 0.00 | 0.21 | 0.00 | 0.21 | 0.00 | 0.04 | 0.02 | 0.04 |

Notes. Minoritized students are the number of first-year students who identified as Black, Latinx, or American Indian or Alaska Native. All models conditional on law school and year fixed effects. To create weights for LSAT-requiring law schools, we first estimated a logit model using characteristics of law schools measured at baseline to predict whether a law school would eventually adopt LSAT-flexible admissions. We then calculated the inverse propensity score as propensity score/1-propensity score for LSAT-requiring law schools and 1 for LSAT-flexible law schools and estimated models with these weights included. Standard errors, clustered at the law school level, are reported in parentheses.

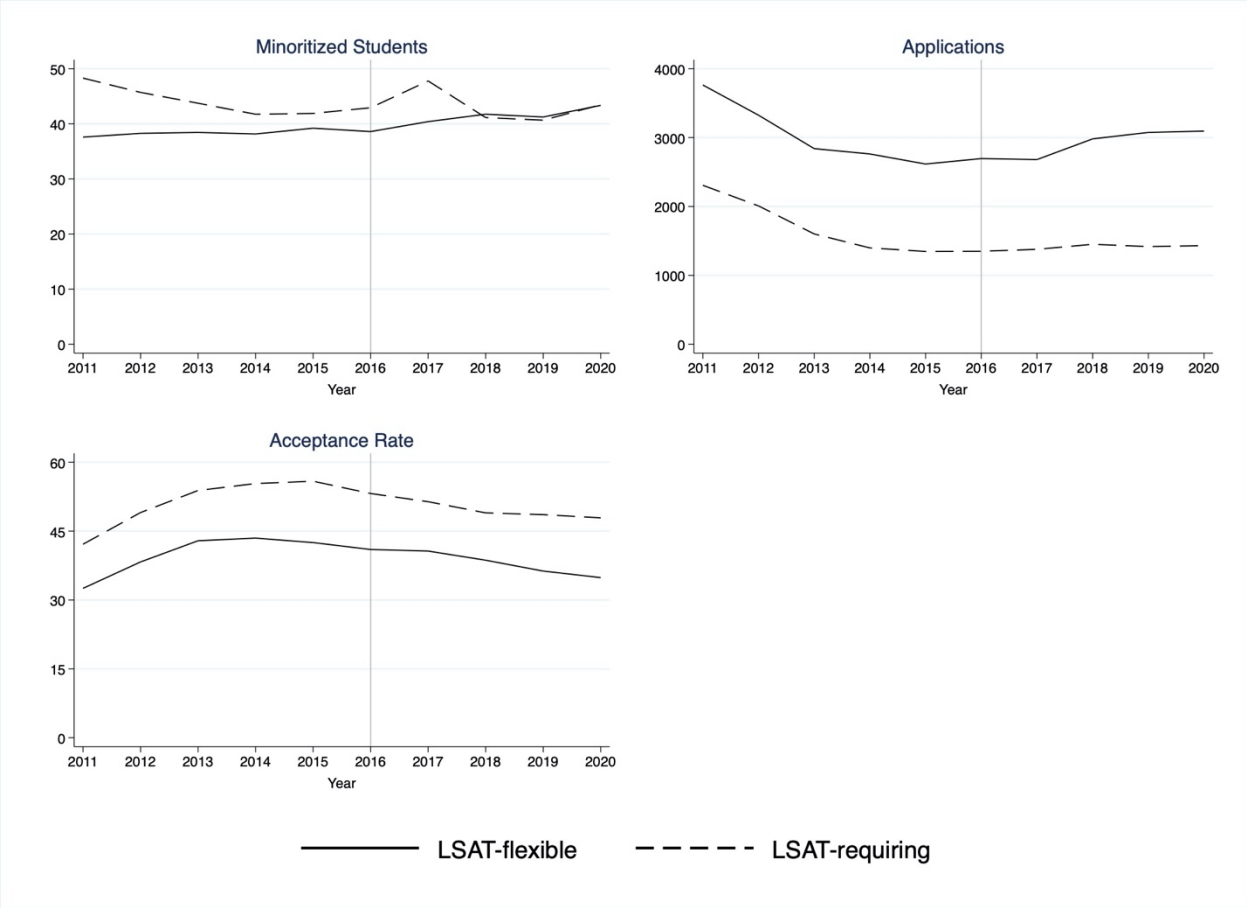
** p<0.01, * p<0.05, + p<0.1

Table 4. Goodman-Bacon decomposition analysis.

| | Weight | Minoritized students (logged) | Applications (logged) | Acceptance rate |
|---|---|---|---|---|
| *Unweighted models* | | | | |
| Timing Groups | 0.095 | -0.071 | -0.000 | -2.419 |
| Never vs. Timing | 0.893 | 0.044 | 0.138 | -2.320 |
| Within | 0.011 | -2.544 | -1.942 | -25.908 |
| | | | | |
| LSAT-flexible | | 0.004 | 0.101** | -2.598** |
| | | (0.040) | (0.028) | (0.877) |
| *Weighted models* | | | | |
| Timing Groups | 0.208 | -0.074 | -0.001 | -2.367 |
| Never vs. Timing | 0.785 | -0.052 | 0.084 | -3.449 |
| Within | 0.006 | -0.289 | 0.387 | 158.240 |
| | | | | |
| LSAT-flexible | | -0.058 | 0.069** | -3.084** |
| | | (0.041) | (0.025) | (0.869) |

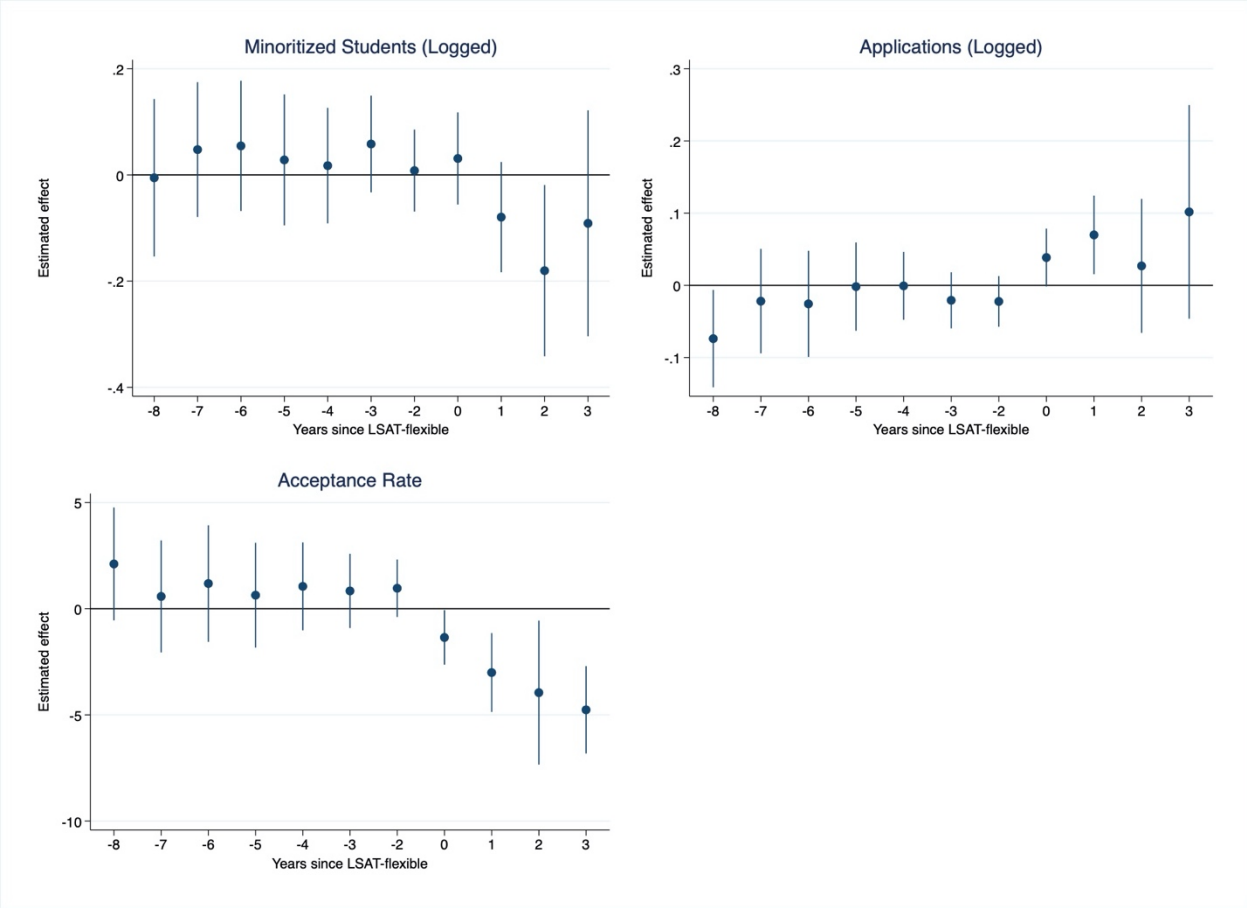
Note: Minoritized students are the number of first-year students who identified as Black, Latinx, or American Indian or Alaska Native. All models conditional on full-time enrollment (logged), percent race unknown enrollment, median grant aid (logged), tuition (logged), the percent of students receiving a grant covering half to full tuition, a binary variable indicating whether a public law school was in a state with an affirmative action ban, and law school and year fixed effects. To create weights for LSAT-requiring law schools, we first estimated a logit model using characteristics of law schools measured at baseline to predict whether a law school would eventually adopt LSAT-flexible admissions. We then calculated the inverse propensity score as propensity score/1-propensity score for LSAT-requiring law schools and 1 for LSAT-flexible law schools and estimated models with these weights included. Standard errors, clustered at the law school level, are reported in parentheses.
**p<0.01, * p<0.05, + p<0.1

Figure 1. Trends in outcomes at LSAT-flexible and LSAT-requiring law schools, 2011-2020.




Notes. Minoritized students are the number of first-year students who identified as Black, Latinx, or American Indian or Alaska Native.

Figure 2. Event study analysis results.




Notes. Vertical lines represent 95% confidence intervals. Minoritized students are the number of first-year students who identified as Black, Latinx, or American Indian or Alaska Native (logged). Number of applicants is logged. Event study results are weighting using inverse propensity score weights and are conditional on full-time enrollment (logged), percent race unknown enrollment, median grant aid (logged), tuition (logged), the percent of students receiving a grant covering half to full tuition, a binary variable indicating whether a public law school was in a state with an affirmative action ban, and law school and year fixed effects.

## Appendix

Table A1. Difference-in-differences estimates conditional on law school-specific time trends.

| | Minoritized students (logged) | | Applications (logged) | | Acceptance rate | |
|---|---|---|---|---|---|---|
| | Unweighted | Weighted | Unweighted | Weighted | Unweighted | Weighted |
| | (1) | (2) | (3) | (4) | (5) | (6) |
| LSAT-flexible | 0.049 | -0.000 | 0.012 | 0.058+ | -0.590 | -2.274* |
| | (0.055) | (0.056) | (0.029) | (0.031) | (1.068) | (1.058) |
| Full-time enrollment (ln) | -0.019 | -0.043 | 0.241** | 0.410** | 0.263 | -1.715 |
| | (0.145) | (0.126) | (0.078) | (0.086) | (2.345) | (2.870) |
| Percent race enrollment | -0.009+ | 0.001 | 0.000 | 0.001 | 0.018 | -0.049 |
| | (0.005) | (0.003) | (0.001) | (0.001) | (0.052) | (0.038) |
| Tuition | 0.095 | 0.037 | -0.204* | -0.130 | 12.221* | 16.338* |
| | (0.239) | (0.294) | (0.098) | (0.185) | (5.406) | (6.968) |
| Median grant aid (ln) | 0.012 | 0.020 | 0.014+ | 0.024** | -0.790* | -0.738** |
| | (0.018) | (0.021) | (0.008) | (0.007) | (0.392) | (0.233) |
| Percent receiving grant aid | -0.000 | -0.000 | 0.000** | 0.001** | -0.000 | -0.001 |
| | (0.000) | (0.000) | (0.000) | (0.000) | (0.004) | (0.005) |
| Affirmative action ban | -0.506 | -1.136* | -0.036 | -0.191+ | -7.560 | -9.676* |
| | (0.406) | (0.538) | (0.139) | (0.113) | (6.786) | (4.416) |
| Constant | 2.545 | 3.424 | 7.795** | 6.293** | -73.039 | -113.282 |
| | (2.603) | (3.230) | (1.067) | (2.106) | (56.609) | (77.758) |
| Observations | 1,997 | 1,917 | 1,997 | 1,917 | 1,997 | 1,917 |
| Within R-squared | 0.01 | 0.03 | 0.04 | 0.10 | 0.02 | 0.04 |

Notes. Minoritized students are the number of first-year students who identified as Black, Latinx, or American Indian or Alaska Native. All models conditional on law school and year fixed effects. To create weights for LSAT-requiring law schools, we first estimated a logit model using characteristics of law schools measured at baseline to predict whether a law school would eventually adopt LSAT-flexible admissions. We then calculated the inverse propensity score as propensity score/1-propensity score for LSAT-requiring law schools and 1 for LSAT-flexible law schools and estimated models with these weights included. Standard errors, clustered at the law school level, are reported in parentheses.

** p<0.01, * p<0.05, + p<0.1

Table A2. Difference-in-differences estimates with treatment defined as whether law school had any applicants without LSAT scores in a given year.

| | Minoritized students (logged) | | | | Applications (logged) | | | | Acceptance rate | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Unweighted | | Weighted | | Unweighted | | Weighted | | Unweighted | | Weighted | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |
| Any applicants without LSAT | 0.146* (0.058) | 0.054+ (0.029) | 0.044 (0.035) | 0.048 (0.035) | 0.059* (0.025) | 0.034** (0.012) | 0.042** (0.016) | 0.031* (0.014) | 0.235 (0.584) | 0.158 (0.568) | -0.335 (0.594) | -0.245 (0.584) |
| Full-time enrollment (ln) | | 0.960** (0.293) | | 0.317** (0.112) | | 0.400** (0.069) | | 0.298** (0.092) | | 5.232** (1.807) | | -0.027 (3.110) |
| Percent race unknown | | -0.006 (0.006) | | 0.002 (0.002) | | 0.001 (0.001) | | 0.002* (0.001) | | -0.030 (0.051) | | -0.022 (0.054) |
| Tuition | | 0.270 (0.213) | | 0.037 (0.267) | | 0.106 (0.114) | | 0.332* (0.146) | | 10.236+ (5.986) | | 3.243 (6.588) |
| Median grant aid (ln) | | -0.029 (0.021) | | -0.135 (0.097) | | -0.004 (0.006) | | -0.033 (0.044) | | -1.071** (0.231) | | -3.521* (1.357) |
| Percent receiving grant aid | | 0.001** (0.000) | | 0.000* (0.000) | | 0.001** (0.000) | | 0.000** (0.000) | | 0.008** (0.003) | | 0.001 (0.005) |
| Affirmative action ban | | - | | - | | - | | - | | - | | - |
| Constant | 3.296** (0.014) | -5.055+ (3.048) | 3.417** (0.012) | 2.347 (3.138) | 7.146** (0.006) | 3.643** (1.151) | 7.648** (0.005) | 2.549+ (1.534) | 48.218** (0.144) | -80.958 (59.583) | 39.722** (0.203) | 39.822 (74.580) |
| Observations | 1,408 | 1,392 | 1,337 | 1,329 | 1,402 | 1,392 | 1,335 | 1,329 | 1,400 | 1,392 | 1,333 | 1,329 |
| Within R-squared | 0.00 | 0.10 | 0.00 | 0.02 | 0.00 | 0.13 | 0.00 | 0.07 | 0.00 | 0.03 | 0.00 | 0.02 |

Notes. Minoritized students are the number of first-year students who identified as Black, Latinx, or American Indian or Alaska Native. Any applicants without LSAT is a binary variable equal to 1 in years where a law school had any applicants without an LSAT score, 0 otherwise. Analyses exclude years prior to 2014 since data on the number of applicants without an LSAT score was not available until 2014. All models conditional on law school and year fixed effects. To create weights for LSAT-requiring law schools, we first estimated a logit model using characteristics of law schools measured at baseline to predict whether a law school would eventually adopt LSAT-flexible admissions. We then calculated the inverse propensity score as propensity score/1-propensity score for LSAT-requiring law schools and 1 for LSAT-flexible law schools and estimated models with these weights included. Standard errors, clustered at the law school level, are reported in parentheses.

** p<0.01, * p<0.05, + p<0.1

Table A3. Difference-in-differences estimates, 2011-2019.

| | Minoritized students (logged) | | | | Applications (logged) | | | | Acceptance rate | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Unweighted | | Weighted | | Unweighted | | Weighted | | Unweighted | | Weighted | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) |
| LSAT-flexible | 0.019 | -0.018 | -0.090 | -0.056 | 0.164** | 0.090** | 0.045 | 0.042 | -2.234* | -2.189* | -2.603* | -2.386* |
| | (0.067) | (0.047) | (0.059) | (0.048) | (0.050) | (0.032) | (0.036) | (0.030) | (0.975) | (0.891) | (1.001) | (0.956) |
| Full-time | | 0.733** | | 0.169 | | 0.586** | | 0.546** | | 5.762** | | 3.997 |
| enrollment (ln) | | (0.235) | | (0.112) | | (0.051) | | (0.073) | | (2.140) | | (2.968) |
| Percent race | | -0.005 | | 0.002 | | -0.001 | | -0.000 | | 0.030 | | 0.037 |
| unknown | | (0.004) | | (0.003) | | (0.002) | | (0.001) | | (0.060) | | (0.056) |
| Tuition | | -0.234 | | -0.363 | | -0.069 | | 0.088 | | 10.447* | | 7.388 |
| | | (0.200) | | (0.268) | | (0.136) | | (0.218) | | (4.585) | | (5.221) |
| Median grant aid | | 0.006 | | 0.030* | | 0.015* | | 0.034** | | -0.551** | | -0.988** |
| (ln) | | (0.013) | | (0.014) | | (0.008) | | (0.007) | | (0.197) | | (0.346) |
| Percent receiving | | 0.004 | | 0.001 | | -0.000 | | -0.003** | | -0.038 | | 0.013 |
| grant aid | | (0.003) | | (0.002) | | (0.001) | | (0.001) | | (0.032) | | (0.042) |
| Affirmative action | | -0.187 | | -0.605* | | -0.100 | | -0.218** | | 1.334 | | 0.683 |
| ban | | (0.206) | | (0.283) | | (0.104) | | (0.061) | | (1.453) | | (1.561) |
| | | | | | | | | | | | 39.418* | |
| Constant | 3.317** | 1.223 | 3.395** | 6.049* | 7.264** | 4.273** | 7.728** | 3.108 | 47.846** | -91.661+ | * | -55.608 |
| | (0.002) | (3.003) | (0.003) | (2.912) | (0.002) | (1.434) | (0.002) | (2.364) | (0.031) | (49.484) | (0.059) | (58.438) |
| Observations | 1,818 | 1,801 | 1,738 | 1,730 | 1,811 | 1,801 | 1,736 | 1,730 | 1,809 | 1,801 | 1,734 | 1,730 |
| Within R-squared | 0.00 | 0.07 | 0.00 | 0.02 | 0.00 | 0.21 | 0.00 | 0.25 | 0.00 | 0.04 | 0.01 | 0.03 |

Notes. Minoritized students are the number of first-year students who identified as Black, Latinx, or American Indian or Alaska Native. All models conditional on law school and year fixed effects. To create weights for LSAT-requiring law schools, we first estimated a logit model using characteristics of law schools measured at baseline to predict whether a law school would eventually adopt LSAT-flexible admissions. We then calculated the inverse propensity score as propensity score/1-propensity score for LSAT-requiring law schools and 1 for LSAT-flexible law schools and estimated models with these weights included. Standard errors, clustered at the law school level, are reported in parentheses.

** p<0.01, * p<0.05, + p<0.1

[1] We use the term "minoritized students" to describe students who in earlier studies may have been described as "underrepresented minorities"—that is Black, Latinx and Indigenous students. The term "racially minoritized students" reflects our understanding that there is an ongoing process through which organizations, institutions, and policies marginalize students of color. "Minoritized" highlights the action of student minoritization, rather than using a noun that implies deficits reside within students. See Stewart (2013) and Benitez (2010) for further discussion. We also note here that we have excluded Asian American students from our analysis, despite this group also experiencing discrimination and being de-centered from a white experience. Unfortunately, due to data limitations, we are not able to disaggregate within Asian Americans, and the average test scores and enrollments for the group are high on average (Dalessandro et al., 2015; Miller & Stassun, 2014) and are not typically considered "underrepresented" in higher education contexts (despite underrepresentation within the group).

[2] We use the term test-flexible to refer to an admissions policy in which applicants are required to submit a test score but have flexibility in which test's score they submit. Although our focus is law school admissions, this terminology is consistent with that used in undergraduate admissions when institutions require a standardized test score but give applicants options in what scores they submit, such as SAT Subject test scores in lieu of SAT or ACT scores.

[3] Applications to law school have increased in recent decades, but in the years following the Great Recession, the number of applicants (and subsequently, the number of enrollees) began to decline (Taylor, 2015). Law school applications for the 2013 cohort saw a 36% decline from 2010 levels, and enrollments saw a 23% decline over the same period (Taylor, 2015). While applications to law schools have risen the last couple of years (Law School Admissions Council, n.d.), the substantial decline from their highs in the early 2000s are likely to leave many law schools seeking strategies for increasing applications and enrollments.

[4] In 2014, the ABA adjusted its policy to allow law schools to admit up to 10% of their entering class without requiring the LSAT for undergraduates at the same institution and/or students pursuing a joint graduate degree (ABA, 2014).

[5] Data on the percent of students receiving grant aid was reported for the prior academic year.

[6] Characteristics used for estimating propensity scores included outcomes and covariates in Equation 1, along with additional measures for institutional selectivity, resources, and capacity as well as student composition. These include *U.S. News & World Report's* law school ranking, sector (public or private), geographic region, first-year student course section size, number of course offerings after first year, number of upper-division courses under 25 students, number of faculty and staff, number of full-time students in law journals, first-time bar passage rate, cost of living, women enrollment (logged), and median LSAT score of applicants (logged).