

# Diversity, Equity, and Inclusion in the Pipeline to the Legal Profession

By CECIL J. THOMAS AND KAREN DEMEOLA

**I**n our last column, we encouraged you to consider the “whys” and “why nots” of your organizational and individual Diversity, Equity, and Inclusion (DEI) efforts. Evaluating the legal profession as a whole, there are many factors that contribute to our progress and challenges in advancing a more diverse, equitable, and inclusive profession. As discussed previously, recruitment and retention are critical elements to any diversity plan. Recruitment traditionally began at the admissions or interview process, but legal organizations and law schools now know that connecting with diverse students begins much earlier. As we consider the many potential “whys” and “why nots” of the legal profession’s DEI efforts, we must consider the pipeline to our profession.

To ensure a diverse legal profession, we must have diverse representation in the pipeline. The pipeline is the pathway to the profession from K-12 to higher education, law school, and finally the practice. At each juncture in the pipeline, there are opportunities for individuals to move forward or flow out. Entry into the profession is controlled by parents and community members, teachers and guidance counselors, professors and pre-law advisers, test administrators and admissions officers, and law faculty and bar examiners. These individuals serve as formal and informal gatekeepers to the profession, and are critical in maintaining the pipeline and ensuring those in the pipeline continue to flourish.

The CBA has created several opportunities to encourage students, from fourth



grade through college. *Lawyers in the Classroom* exposes students in elementary school to civics education and the practice of law. *LAW Camp* is a high school summer camp that exposes students to critical and analytical thinking, mock trial, and oral advocacy. *The Future of the Legal Profession Scholars Program* provides college students access to the profession through scholarships for the LSAT preparation course, mentorship, and networking with attorneys. Other programs run by Hartford Promise, the Connecticut Commission on Human Rights and Opportunities (CHRO), Lawyers Collaborative Diversity (LCD), and others provide additional opportunities for students underrepresented in the profession to learn about the law. Without sustained and intentional focus on the pipeline at all levels, we risk losing students along the way.

To highlight the challenge with the pipeline, we can examine relevant data points from US population through attorneys. In 2019, Whites made up 60 percent of the US population, attained 63.2 percent of Bachelor’s degrees, were 52.4 percent of the law school applicant pool, 58.8 percent of people admitted to law school, 59.8 percent of law school classes, 62.1 percent of JD degrees awarded, and 86.5 percent of lawyers. Compare this to Latinx individuals, at 18.4 percent (US population), 14.2 percent (Bachelor’s degrees), 10.3 percent (JD applicant pool), 8.5 percent (admitted to law school), 8.4 percent (enrolled in law school), 12.4 percent (JD degrees awarded), 5.8 percent (lawyers). Compare this also to Black Americans at 12.4 percent (US population), 10.4 percent (Bachelor’s degrees), 11.7 percent (JD applicant pool), 7.6 percent (admitted to law school), 7.7 percent (enrolled in law school), 8 percent

## “The impact of explicit and implicit bias; structural racism and inequality; and a lack of mentorship, guidance, and advocacy play a role throughout the process, impeding our efforts to achieve a more diverse, equitable, and inclusive legal profession.”

(JD degrees awarded), 6.8 percent (lawyers).<sup>1</sup> What happens as non-white students enter the pipeline is worth exploring. The impact of explicit and implicit bias; structural racism and inequality; and a lack of mentorship, guidance, and advocacy play a role throughout the process, impeding our efforts to achieve a more diverse, equitable, and inclusive legal profession.

The Law School Admission Council (LSAC), which organizes and administers the LSAT and manages the law school admissions process for JD programs across the United States, Canada, and other countries. As of June 18, 2021, LSAC reports that application volume has increased by 16.1 percent. Each racial and ethnic minoritized group, except for Indigenous Canadians, realized double digit increases.<sup>2</sup> It is too early to report on the number of admitted and enrolled student data, but given the increase in the applicant pool, the class entering in the fall of 2021 may be more diverse than we have ever seen before.

This increasingly diverse group of law students enters law school at a time when we are wrestling with the short- and long-term impacts of COVID-19, as well as issues of structural and systemic racism. Law applicants and law students are not immune to the effects of these pandemics. The Law School Survey of Student Engagement (LSSSE) 2020 Diversity & Exclusion report highlights some of the challenges students of color face in law school. Minoritized students reflect on their identity more often compared to those with racial, gender, economic, and class privilege. Microaggressions, a lack of belonging, and experiences with discrimination and bias impact not only the experiences

of minoritized students in law school,<sup>3</sup> but also academic performance. These experiences are rarely, if ever, accounted for when reviewing transcripts during the recruitment process.

Recently, the Standards Committee of the American Bar Association (ABA) proposed changes to Standard 206: Diversity, Equity, & Inclusion. In addition to adding “Equity” to the title, the proposed updates include language requiring law schools to create an inclusive and equitable environment for students. The proposal includes most of the recommendations we have provided throughout this series, including assessments, trainings, outreach, and mentorship. Meeting the standard, assuming it is approved, will require top-down commitment and intentionality while assessing whether the initiatives are working by asking those who are directly impacted, and being vulnerable and flexible.

The path to the profession for too long been inaccessible to minoritized students whether through structural inequities or bias. The data shows that the pipeline is hemorrhaging minoritized students. We have an opportunity to right the wrongs of structural inequality in our profession. As aptly said by Ida B. Wells, “The way to right wrongs is to turn the light of truth upon them.” Imagine what it would take to provide an equitable and inclusive legal education or to have a diverse and inclusive profession. We must question our system, our pedagogy, and our policies. We must hold up the mirror and hold ourselves accountable. Sometimes a change in regulation is necessary to attain the accountability. If we are successful, we have the potential to change the experience of minoritized students in our classrooms.

Changes that occur within the law school environment will then influence the expectations of law students as they enter the profession. We must be prepared for these changes, to ensure that our profession is ready to welcome its newest members to the fullest, and to ensure a strong and vibrant legal profession of the future. ■

### NOTES

1. See, Law School Admission Council (LSAC), *Diversity in the US Population & the Pipeline to Legal Careers* <https://report.lsac.org/View.aspx?Report=DiversityPopulationandPipeline>
2. See, LSAC, *Current Volume Summary by US Ethnicity, School Type, and Gender Identity*, <https://report.lsac.org/VolumeSummary-OriginalFormat.aspx>.
3. See, LSSSE, *2020 Diversity & Exclusion Report*, <https://lssse.indiana.edu/wp-content/uploads/2020/09/Diversity-and-Exclusion-Final-9.29.20.pdf>
4. See May 7, 2021 Memo, [www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/may21/21-may-standards-committee-memo-proposed-changes-with-appendix.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/may21/21-may-standards-committee-memo-proposed-changes-with-appendix.pdf)



**Cecil J. Thomas** is president-elect of the CBA and an attorney at Greater Hartford Legal Aid.



**Karen DeMeola** is a past president of the CBA and the assistant dean for finance, administration, and enrollment for the UConn School of Law.

Attorney Thomas is the co-chair of the CBA's Diversity and Inclusion Committee, having previously served as co-chair of the Committee from 2015 through 2018, including with Attorney DeMeola in 2017. Attorneys Thomas and DeMeola have been instrumental in the development of many of the CBA's diversity and inclusion initiatives, and regularly speak and teach on diversity, equity, and inclusion in the legal profession.