



MICHIGAN CIVIL RIGHTS INITIATIVE

NEWS

FOR IMMEDIATE RELEASE
November 11, 2004

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STUDY: LAW SCHOOLS HURT MINORITY STUDENTS THROUGH PREFERENCES

Law Schools harm minority students admitted through preferences in a variety of ways, according to a study to be published next month in the *Stanford Law Review*. The report states: law school students receiving preference are achieving lower grades; are far less likely to graduate, are failing bar exams at a significantly higher rate. The report concludes the negative effect “cascades” throughout the whole the legal education system - even in schools where no preferences are given.

A Nov. 5 *Wall Street Journal* article outlining UCLA Professor of Law Richard H. Sander’s report, states that because of preferential admittance, “The study found a stark achievement gap between blacks and whites throughout the nation's law schools. Close to half of the black law students ended up in the bottom tenth of their class. African-Americans were more than twice as likely as whites to drop out -- and more than six times as likely to fail state bar exams after multiple tries.”

Dr. Sander’s research gives a good glimpse into how racial preference programs harm minorities rather than help. According to Sander, this achievement gap is caused by a “mismatch” between the qualifications of prospective students and the schools they attend. The mismatch causes students to achieve lower grades, and thereby decreases their likelihood of passing the bar exam. Sander points out that students at more selective law schools who are at the bottom of their classes tend to be more confused by more challenging material that is taught at higher speeds designed for higher achieving students. What’s more, according to Sander, the preferences given at “elite” institutions cause a shift in admissions outcomes at every law school - even those that don’t give preference - and African-American students perform at a lower level in all schools as a result.

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According to the *Wall Street Journal*, “Prof. Sander, who describes himself as a lifelong Democrat sympathetic to the goals of affirmative action, claims that abolishing preferences - wouldn't reduce the number of black lawyers. In fact, he estimates it would likely increase the cohort of black attorneys emerging from the Class of 2004 by 8% and the number of those passing the bar the first time by 22%.”

Sander concludes that if race preferences were abolished, 86% of African Americans now attending law schools would still gain admission, although many would go to less competitive schools where they would compile stronger records and be better prepared to pass the bar exam. According to Sander, the other 14%, roughly 600 individuals, would probably have dropped out of law school or not passed the bar anyway. Even as there would be a slight decrease in law school admissions though, Sander concludes that the more properly matched students would graduate and pass bar exams at a far higher rate, resulting in more African American lawyers.

Sander relied on data from the Law School Admission Council (LSAC), which administers the LSAT test, among other things. The data included LSAT scores, college grades, and bar exam results from 27,000 students entering 160 law schools in 1991. A preliminary draft of the 100 page report is available on the internet.

The Michigan Civil Rights Initiative Committee (MCRI), a Michigan-based Ballot Question Committee, is dedicated to giving the people of Michigan the opportunity to end preferential treatment based on race, gender, ethnicity, or national origin by State or local governments. MCRI will make Michigan a place of equal opportunity for all, not a State that uses discrimination as a tool to create “diversity.” Achieving “diversity” and “affirmative action” should never be an excuse to discriminate!

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