AMERICAN
JOURNAL OF QUALITATIVE
RESEARCH

"Tellin' the Truth in Their Own Words": A Critical Race Qualitative Analysis of Ethnic Minority Law School Students' Experiences

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ABSTRACT

The purpose of this study was to explore the law school experiences of underrepresented racial minorities (URMs) enrolled at predominantly white institutions (PWIs), paying close attention to the nature of their racialized academic and social lives on campus. Drawing upon one-on-one and group interviews with 29 ethnic minority law school students at three PWIs, I identify the myriad factors that law school students of color consider when choosing, enrolling, and/or persisting through law school. In consonance with the beliefs and standards of phenomenological research, I use information from these extensive interviews to describe the essence of their law school experiences, paying close attention to any racialized challenges, supports, or opportunities using critical race theory (CRT) as a lens. Verbatim quotes from participants are presented to illustrate the depth, meaning, and context of the findings in their own words. Results from the present study hold promise for informing the future decisions, programs, and practices of law school administrators, legal educators, diversity officers, policymakers and enrollment management staff more generally.

KEYWORDS: critical race theory; qualitative; case study; interviews; legal education.

Increasing diversity in higher education is a major goal of recent federal policies and contentious court decisions. For example, the Institute for Effective Governance acknowledged in a policy brief titled "Diversity in College Admissions: Issues for Trustees" that efforts to achieve racial and ethnic diversity are still desperately needed given the large number of URMs who graduate from high school compared to those who enroll in postsecondary education in the United States (U.S.). Another example is the U.S. Supreme Court's decision in *Gratz v. Bollinger* (2003) and *Grutter v. Bollinger* (2003) which supported the *narrowly tailored* use of race as one among many criteria in competitive college admissions, although there have been several attempts to challenge such criteria legally (Rhode, 2015). To be sure, the weight of scholarly opinions converges on the fact that, still today, diversity is a compelling state interest that requires affirmative action, despite recent political differences (Chilton et al., 2022).

Research on the educational advantages of diversity in collegiate settings at the undergraduate level informs many discussions about the role of race in selective college admissions. Greater diversity has been linked to improved student engagement, positive perceptions of others,

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democratic participation, and even advanced degree aspirations, according to research (e.g., Chang, 1999; Denson et al., 2021; Orfield, 2001). For instance, Gurin (1999) studied how diversity affected student learning outcomes. She discovered that structural diversity increases the likelihood that students may interact with peers from backgrounds other than their own. Extending Gurin's question to URMs, Strayhorn (2008a, 2008b) has analyzed several national surveys of Black and Latino college students and found that college students' satisfaction and sense of belonging are positively impacted by frequent and meaningful encounters with diverse peers.

Other significant findings exist from earlier research on diversity in higher education. Chang (1999) analyzed longitudinal survey data from 11,688 students attending 371 four-year institutions. He concluded that having a richly diverse student body makes diversity-focused activities like racial debates more common, which has a favorable impact on important student outcomes including self-concept, satisfaction, and problem-solving abilities. More structural diversity[2] can enhance intergroup relations and mutual understanding, according to studies (e.g., Hurtado et al., 1999; Schellhaas & Dovidio, 2016). Findings suggest that structural diversity does, in fact, have a major impact on undergraduate college students' learning and growth, however results are less conclusive in terms of changing pre-existing attitudes and behaviors.

Research on the educational benefits of diversity at the graduate and professional student level-is more limited, with few contemporary studies addressing the topic. The body of work that exists largely supports the rationale for diversity in professional fields like nursing, veterinary science, and medicine, to name a few (Gates, 2018; Strayhorn, 2009; Whitla et al., 2003). For example, Gates conducted a qualitative descriptive study examining faculty perceptions of factors influencing the recruitment and retention of diverse nursing students at three different universities. She identified college location, course availability, financial aid, and visibility of diverse faculty as key factors. Furthermore, we know far less from recent scholarship about the experiences of URMs in law school with few exceptions (e.g., Allen & Solorzano, 2000; Lain, 2018). For example, Lain conducted a systematic review of the literature addressing issues such as psychological safety and microaggressions related to racialized interactions in law school classrooms. He explained that "a lack of psychological safety can harm all students, but students of color can be adversely affected on a more significant level," resulting in lower grades or academic dismissal from law school (p. 787).

To be sure, increasing diversity in U.S. law schools and the legal profession is a major priority of several national organizations and political action groups. For example, the Committee on Racial and Ethnic Diversity in the Profession was created to address the American Bar Association's (ABA, 1992) goal of eliminating bias and enhancing diversity in the legal profession and justice system since "the legal profession is less racially diverse than most other professions and racial diversity has slowed considerably since 1995" (Williams, 2013, p. 1108). Specifically, the ABA seeks to (a) promote full and equal participation in the Association, the profession, and the broader justice system by all persons, especially in terms of race/ethnicity, and (b) eliminate bias in the legal profession and justice system.

As another example, over 500 major corporations and firms signed a document titled "Diversity in the Workplace: A Statement of Principle," which underscored their collective commitment to increasing diversity in the legal profession (Rhode & Ricca, 2015). Today, many more corporations, firms, and law schools demonstrate their commitment to diversifying ~~in~~ legal fields through circulation of public solidarity and anti-racism statements. For instance, according

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[2] Structural diversity refers to the demographic composition of the student body on a given campus (Gurin, 1999; Strayhorn, 2010).

to the ABA (2016), "racial and ethnic diversity in the legal profession is necessary to demonstrate that our laws are being made and administered for the benefit of all persons…a diverse bar and bench create greater trust in the rule of law."

Indeed, there is a clear and compelling need to increase diversity at American law schools and within the legal profession. For instance, in 2021 (year of most recent data), there were 117,283 students enrolled in Juris Doctor (JD) degree programs at the 200 ABA-approved law schools in the country. Over half (53%) identified as men, and a vast majority (62%) were white[3]/non-Hispanics. Of the 35,723 JD degrees awarded in 2021, less than 30% were earned by URMs, with just 12% to Latinx,[4] 7% to African Americans, 6% to Asians, and less than 1% to American Indians/Alaskan Natives. Perhaps surprisingly, whites represent 60% of the working population over the age of 16 and 60% of ABA admitted applicants, yet 63% of JD degrees, 87% of lawyers and 90% of judges in the United States (Law School Admission Council [LSAC], 2021).

To recap, the educational benefits of diversity are well documented in the higher education research literature (e.g., Gurin, 1999; Hurtado, 2005), primarily focusing on the undergraduate level (e.g., Chang, 1999), though national statistics suggest that we have a long way to go before realizing such diversity in the legal profession and American justice system. In fact, University of Virginia law professor Alex Johnson, Jr. rightly concluded that "although most all would agree with Justice O'Connor's opinion in *Grutter* that having a diverse law school and bar is beneficial for both the profession and our society, in the years since the opinion, significant progress in increasing diversity in law schools and the bar has not been achieved."

To achieve the level of diversity advocated by the ABA and other major corporations, law school educators, jurisprudence professionals, and policymaking groups must take affirmative actions toward diversifying the legal profession pipeline by increasing the number of URM law school students who successfully complete their degrees. However, much more information is needed to understand ethnic minority law students' experiences and perceptions if we are to identify "best practices" for improving or enhancing legal education in ways that help us achieve the diversity we desire. This is the gap addressed by the study upon which this article is based.

Purpose

The purpose of this study was to explore the law school experiences of URMs enrolled at PWIs, highlighting the nature of their racialized academic and social lives on campus. In this paper, I draw upon one-on-one and group interviews with 29 ethnic minority law school students to identify the myriad factors that they consider when choosing, enrolling, and/or persisting in law school and what else, if anything, was important to them when negotiating their way through. In consonance with the beliefs and standards of phenomenological research, I use information from these extensive interviews to describe the essence of their law school experiences, paying close attention to any racialized challenges, supports, and opportunities, using critical race theory (CRT) as a lens. Where possible, vivid verbatim quotes from participants are presented to illustrate the depth, meaning, and context of the study's findings. Results from the present study hold promise for informing the future decisions, programs, and practices of law school administrators, legal

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[3] Throughout this manuscript, "white" is lowercase with intentionality to avoid the risk of subtly conveying legitimacy for supremacist beliefs about racial superiority, power, and privilege. This practice also represents a scripted act of resistance, demanding dignity, racial equity, and social justice in keeping with CRT.
[4] Pronounced "la-TEEN-ex," this is a gender-neutral way to refer to people of Latin American heritage first appearing in 2004 and most frequently adopted by young Latin American descendants living in the U.S. (Brammer, 2019).

educators, policymakers, and admissions staff more generally. Before describing the study, I review the extant literature in greater detail and demonstrate the gaps that exist in our collective understanding of diversity in law schools and the legal profession.

Literature Review

The role of diversity in law school admissions has been a controversial topic in American higher education and jurisprudence for a long time. This is perhaps best evinced by a history of case law that spans the better part of a century. Early law school admissions cases (see *Pearson v. Murray*, 1936; *Sipuel v. Board of Regents of the University of Oklahoma,* 1948; *Sweatt v. Painter*, 1950) largely addressed the inequitable treatment of African Americans that often denied them admission to predominantly white law schools, even when no viable alternative existed; typically "viable alternative" referred to a "separate but equal" law school at one of the nation's historically Black colleges and universities (HBCUs).[5]

While earlier cases focused on *who* was eligible for admission to law school based on immutable traits such as race/ethnicity, more recent law school admissions cases deal with affirmative action (see *Grutter v. Bollinger*, 2003) or *how* law school educators can achieve racial diversity in law schools. The *Grutter v. Bollinger* (2003) decision is particularly important because those arguing on behalf of the University of Michigan were able to convince the Supreme Court that diversity was a compelling interest, justifying the use of race-conscious admissions policies. The Court upheld the University's practice of using race as one of several factors in law school admission decisions so long as such use was "narrowly tailored" and part of a larger holistic evaluation of applicants.

Despite the *Grutter v. Bollinger* (2003) decision, it is perhaps no surprise that law school racial diversity remains an issue of great national concern almost two decades later (LSAC, 2021). Put plainly, the legal authority to consider race in law school admissions is necessary but not sufficient for removing racial inequities after law school enrollment. Yet, increasing diversity is particularly important for American law schools since they educate and train most future leaders in this country. For instance, all judges, half of all Senators and governors, and one-third of all representatives and legislators graduated from law school (Rhode, 2015; Wassterstrom, 1984). Both President Joe Biden (Syracuse Law) and Vice President Kamala Harris (University of California Hastings) earned JD degrees and, increasingly, JDs are tapped as university presidents, chief executive officers (CEOs), managing partners, and corporate general counsel (Rhode & Ricca, 2015). Law schools are essential pathways for the preparation, training, and production of future business-, political-, and justice leaders in this country, and that leadership must reflect broadly all segments of our democratic society.

Substantive critiques of law school admissions policies tend to focus on several points. First, current criteria continue to limit URM applicants' chances of admission due to overreliance on Law School Admission Test (LSAT) scores, which have been shown to suffer from racial bias varying significantly by race, with affluent white students consistently outperforming less-affluent

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[5] It is important to note that systematic denial of Black students' admission to predominantly and historically White universities was not limited to law schools only. In fact, for more, see Wallenstein (2008) on higher education and civil rights movement or Strayhorn's (2006) "Story of Alice Jackson" at the University of Virginia. Jackson, an African American woman, was denied admission to "Mr. Jefferson's University" in 1935 for "good and sufficient reasons," simply implying that neither the State nor university officials were compelled to explain their race-based decision to Jackson, her parents, or the National Association for the Advancement of Colored People (NAACP), according to artifacts in special collections.

URM peers (Mendoza-Denton, 2014). Second, there is consistent evidence that traditional admissions criteria fail to predict future performance in the legal profession (Kidder, 2003; Redfield, 2010; Shultz & Zedeck, 2011; Wilder, 2003). For instance, typically, law school admission is based on an index derived from applicants' LSAT scores and their grade point average (GPA) in college. However, we have known for some time that LSAT scores and undergraduate GPA only partially explain the variance in students' law school performance and are almost entirely unrelated to estimates of lawyer effectiveness (e.g., Kidder, 2003; Shultz & Zedeck, 2011). There are clear limits to using such indices, but, to date, there are few alternatives for equity-minded practitioners to use when making high-stakes law school admissions decisions. In the absence of new ideas or best practices, law school staff keep doing what they have always done in hopes of recruiting more diverse students who go on to be effective lawyers. To date, these efforts have yielded few notable gains (Shultz & Zedeck, 2011). More information is needed to enhance future equity-minded, race-conscious recruitment and retention initiatives at U.S. law schools, which the present study aims to provide.

Using LSAT scores, grades, or even psychological assessments to make law school admissions decisions is just part of the process of recruiting and enrolling diverse students in law school. Students, too, have a choice in the matter. And previous higher education research suggests that students consider several important factors when making college decisions. Factors range from location, proximity to home, availability of degree programs or specializations, finances/cost, and institutional reputation (e.g., Hossler et al., 1999), to name a few. Similar factors may play a role when students make decisions about law school (e.g., Ryan, 2020), although we know very little about the contemporary considerations and experiences of URM students in ABA-accredited law schools at PWIs.

A small but growing line of scholarship examines the role of race and racism in the socialization of postbaccalaureate (post-BA) students of color (e.g., Blockett et al., 2016; Johnson & Strayhorn, 2022; Williams et al., 2018). Research on doctoral students of color suggests several major conclusions. First, hostile and racist department cultures cause doctoral students of color to question their academic abilities and worth (Gildersleeve et al., 2011). Second, some URM doctoral students have difficulty establishing strong mentoring relationships with faculty, receive inadequate funding, and lack opportunities for professional advancement (Shealey, 2009). Lastly, some experience subtle and overt forms of race-related discrimination and racism, which catalyzes anger, depression, and self-doubt (e.g., Truong & Museus, 2012). While useful, virtually none of these studies focus on the experiences of URM first-professional students generally and law school students specifically. This is the knowledge gap addressed by the present study. Before highlighting major findings derived from the study, I briefly describe CRT as the project's framework and the methods and sample from the study in the following sections.

Critical Race Theory

Given the importance of race to URM students' experiences in law school and the ways in which race influences graduate student experiences (e.g., Johnson & Strayhorn, 2022), particularly factors such as one's LSAT score, access to prelaw internships, and early contact with the criminal justice system (Kidder, 2003), it was necessary to draw upon a theoretical framework that provided constructs for talking about issues of race and racism in American jurisprudence, education, and the larger society. Given that it was developed by legal scholars like Derrick Bell, Alan Freeman, and Richard Delgado in the mid-1970s as a "response to the failure of critical legal studies to adequately address the effects of race and racism in U.S. jurisprudence,", CRT made an obvious

choice (DeCuir & Dixson, 2004, p. 26). CRT asserts that racism is prevalent in all aspects of society, with law schools being no exception.

The basic tenets and assumptions of CRT are formed by at least five defining elements (Delgado & Stefancic, 2017). First, CRT is based upon the premise that race and racism are permanent, central fixtures in America. Second, CRT challenges dominant ideologies such as liberalism, and its critiques of liberalism tend to focus on three general notions: the idea of colorblindness, the neutrality of the law, and incremental change. Third, CRT has a fundamental commitment to activism that seeks to reduce, if not eliminate, all forms of racial oppression and subordination (Matsuda, 1991), "the end goal of which is to bring change that will implement social justice" (DeCuir & Dixson, 2004, p. 27). CRT also recognizes the experiential knowledge of people of color as legitimate and critical for understanding racial oppression, discrimination, and marginalization; this is the fourth key element of critical race analysis. Last but not least, CRT encourages inter-/multidisciplinary analyses of race and racism that are situated in both historical and contemporary contexts (Delgado & Stefancic, 2017).

Taken together, "defining elements of CRT…form a framework that has application to real-life problems in higher education and in the broader society" (Villalpando, 2003, p. 624). Despite critiques (e.g., Farber & Sherry, 1997), CRT has been offered as a useful heuristic that challenges the dominant discourse about race and racism as they relate to and play out in educational contexts, thereby revealing the ways in which educational policies and practices subvert and subordinate certain ethnic groups in the U.S. I have discussed CRT's core tenets in greater detail elsewhere (e.g., Johnson & Strayhorn, 2022; Strayhorn, 2013).

In addition to the major tenets of CRT described above, I augmented my analytic toolkit for the present study by including Bell's (1980) notion of *interest convergence* and Matsuda's (1991) *counterstorytelling*. Interest convergence emphasizes that the advancement of racial equality and equity for people of color will only occur when these factors converge with the individual or group interests, needs, ideologies, or expectations of whites or other members of the dominant group. Counterstorytelling is a method that "aims to cast doubt on the validity of accepted premises or myths, especially ones held by the majority" (Delgado & Stefancic, 2017, p. 171). With these understandings in mind, I describe the study in the next section and then apply CRT to analyze URM law school students' experiences at a PWI.

Methods

Participants

Since I was interested in learning about the experiences of URM students in ABA-accredited predominantly White law schools, I sought participants who met these criteria, who had something to say about their law school experience, and the capacity to talk about it. These criteria yielded a sample of 29 full-time law school students of color seeking JDs at a PWI, the majority of whom are Black and/or Latinx. Students were enrolled at one of three participating ABA-accredited U.S. law schools. Over half of my participants were in their first- (1Ls) or second-year (2Ls) of law school at the time of the study; third-year law students (3Ls) aspired to practice in criminal-, family-, tax-, and education law. No Native American students were included in the sample, likely reflecting their very low representation in the legal profession nationally (LSAC, 2021).

Data Collection

Data were collected in the Spring semester, following a period of Fall recruitment where the principal investigator (PI) circulated electronic flyers about the study to law school faculty, student leaders (e.g., Black law student association [BLSA]), and full-time staff using a professional listserv. Based on those responses, the PI worked with administrators at three ABA-accredited, predominantly white law schools to conduct either one-on-one or group semi-structured interviews with URM JD students enrolled at their respective law schools. The purpose of interviewing is to "find out what is in and on someone else's mind" (Patton, 1990, p. 278). To this end, interviews and focus groups ranged from 90 to 120 minutes, allowing participants time to introduce themselves, share their initial expectations and anxieties about law school, and, at times, work through strong emotions (e.g., anger, crying) that were evoked by my questions. For example, in one instance, a participant recalled failing legal writing their first semester and broke into tears as they remembered "how embarrassed [they] felt when [they] had to leave legal writing [part] 2 mid-semester to go back to writing 1 and start over" (referring to a common practice in many law schools). All interviews were recorded digitally and transcribed by members of the author's research team with assistance from fee-based artificial intelligence (Ai) technology. In all cases, actual names were replaced with participant-selected or author-assigned pseudonyms in consonance with confidentiality guidelines and human subjects research requirements.

Data Analysis

Data were analyzed in three stages using the constant comparison method, as described by Strauss and Corbin (1998), aided by *Dedoose*, a web-based qualitative analysis software, in keeping with precedence set in my other studies (e.g., Strayhorn, 2017). The first step was to read and reread each transcript to create initial categories of data or codes that gave a broad description of preliminary patterns. This process is called *open coding*. Codes were then collapsed by grouping categories that appeared to have a connection with one another while leaving intact those that stood alone from all other categories. Preliminary themes, or *supercodes*, were created using this smaller list of categories. Finally, preliminary themes were contrasted and compared to see how much they were alike. Preliminary themes that were closely related were collapsed or combined, whilst those that stood independent from others were preserved in their original form.

Another phase of data analysis involved using aspects of discourse analysis and deductive coding, taking into consideration the core tenets and assumptions of CRT. Use of discourse analysis tools led the researcher to identify language patterns (e.g., words, phrases, syntax), storylines, and key questions that revealed historical, social, and legal contexts: Who's speaking? What's being said (and not said)? If relevant, who's the protagonist and antagonist? And, where does this incident occur? Deductive coding was conducted by applying CRT tenets (e.g., permanence of racism, critique of dominant ideologies) to hundreds of pages of transcripts with the goal of identifying meaningful units or "chunks" of text that exemplify the concept. These CRT-explicit excerpts are highlighted *within* the study's major findings.

Analysis of interview data was shaped by my own positionality, in known and *unknown* ways, which is true for all studies (Clandinin & Connelly, 2000). In no uncertain terms, race and racism have powerfully influenced my experiences as a Black cisgender man in American society, in higher education as a faculty member, and in my lived experiences as both a graduate student and a former law school student at two different PWIs pursuing an advanced degree in law (not the JD). For instance, my background likely influenced assumptions and interview questions, informed

other research decisions (e.g., when/where to collect data), and predisposed initial interpretations, all of which underscore the vital role that peer-debriefing, reflexive journaling, and member-checking played in ensuring the accuracy of study data and subsequent findings (Candela, 2019; Creswell & Miller, 2000; Merriam, 2009).

Highlighting aspects of my positionality acknowledges the subjectivity (or story) that all researchers bring with them when interpreting someone else's story, which is crucial to admit in critical studies of this kind (Duran et al., 2020). It also affirms the importance of experiential knowledge as credible information, in consonance with the study's CRT framing (Delgado & Stefancic, 2017). Finalized themes are presented in the next section.

Findings

Three major findings were identified in this study of URM law school students. First, students shared the various factors (e.g., family, finances, environment) that shaped their law school choice and success, especially the influential role of same-race faculty, staff, and peers. Second, establishing meaningful interpersonal relationships with law school faculty and staff members was essential for URM students as they worked to narrow their law school options, adjust to the school's academic environment, and negotiate in-school experiences. However, the likelihood of finding same-race mentors and the law school's climate toward URMs greatly influenced participants' interpersonal relationships with other-race (mostly white) law school faculty, staff, and peers. Lastly, URM law school students reported several negative experiences or challenges that impacted their performance in school. I explain each of these in greater detail using comments and examples from the individual- and group interviews where possible. As one participant explained, this study gave students a chance to "tell the truth in their own words," which inspired the paper's title.

Factors Influencing Law School Decisions

URM law school students consider several factors when choosing a law school. For instance, I spoke with several students who talked about the important role that family, faculty, and finances played in their law school decisions. Even when students applied to a small handful of schools, often it was the combination of family (e.g., proximity to home) and financial factors that eliminated some options while prioritizing others. Financial factors included both cost of attendance less any financial aid awarded. Some students, like Antwoine, explained in detail that they "simply couldn't afford to go to law school as a [Black] kid from the inner city" without financial aid support (e.g., scholarships). He and several other participants disclosed that they decided to attend the predominantly White law school at which they were enrolled because it offered "maximum aid…with no need for loans," not necessarily based solely on its institutional ranking and prestige, thereby challenging dominant ideologies like meritocracy that places a premium on such factors, in keeping with the study's theoretical frame.

Other students alluded to the fact that financial aid offered by their law school allowed them to attend without placing an undue burden on their families who, in some cases, were "already struggling to make ends meet" (Cassandra) or "working-class people who didn't have much to spare" (Billy). Financial aid awarded by the law school also allowed some study participants to attend without having to work long hours off-campus, which could drain much-needed time and energy away from their legal studies. It was clear from participants' stories that financial considerations were shaped simultaneously by their race/ethnicity and social class, as well as

racialized patterns of income disparity in this country, discussed in prior studies (Shapiro, 2004). Consider the following powerful observation shared by Darius that reflects the sentiments of others:

> *I just know it's harder for students like me, you know…we don't have money to pay for law school, textbooks, blue books, LexisNexis [a legal database], and all that stuff without having to work, and I would venture to say that's true for most my Black classmates. So, it's not so much that this was the perfect law school for me and my career goals (laughing)…nah, but it is the one [emphasis added] that offered me scholarships, relocation assistance, and paid work in a clinic, so that sealed the deal, so to speak. I'm just tellin' [sic] the truth….*

Lastly, most participants studied closely their law school's curriculum, bar-exam pass rates, famous minority alumni, and other institutional metrics for equity and diversity. Common sources for these data included the ABA's website, LSAC reports, and institutional websites located through *Google* searches. Specifically, participants spoke in detail about a desire to take courses from URM faculty, especially same-race law faculty who could serve as mentors and role models. However, very few faculty of color were employed at the law schools they attended. Additionally, several expressed frustrations that their law school failed to celebrate, highlight, or feature prominent alumni of color on websites, *Google*, or *Wikipedia*, to quote a few. Praising diversity in mere words (i.e., "lip service," as one put it) without meaningfully celebrating the presence, contributions, and work of alumni of color registered as inauthentic to participants, many whom yearned for law schools to move from *tokenism* to true belonging.

Importance of Meaningful Interpersonal Relationships

Participants also shared the importance of connecting meaningfully with law school faculty, staff, and peers alike and the role such connections played in their law school experiences. For many participants, accessibility of and encouragement from senior-level law school administrators (e.g., deans, directors) and faculty helped them to narrow their list of law school options, to identify early on the advantages and challenges they might face at the law school they attended, and even ways to successfully negotiate law school experiences and the broader legal profession more generally. For instance, some URM students were encouraged to apply to a particular school by faculty of color, who assured them that their professional goals could be achieved through their JD degree program. "They were like you should definitely come here…you'd have support and can be incredibly successful" (Candace). Others shared comments about law school faculty/staff who "kept it real with them"—admitting that they had experienced a chilly climate—but also offered a network of care and support, which catalyzed initial feelings of a sense of belonging for participants.

Others recalled how some ethnic minority faculty/staff members shared personal stories about how they overcame financial-, academic-, and/or personal obstacles during law school. Stories (or *testimonios*) of this kind empowered URM students to accept admissions offers, persist in law school, and/or led others to believe that they mattered, that someone (at their law school) cared about them, and that they were "more than just another applicant or admittee [sic]" (Morris), all of which relate to sense of belonging theory (Strayhorn, 2019). Personal stories of this kind mostly came from URM law school personnel who were all-too-often few in number, according to study participants. Consider that 22 of the 29 participants reported rarely, if ever, "meeting/seeing

an ethnic minority law school professor" at their institution.[6] Still, for those who talked with URM law students' choice of entry into and timely academic progress through predominantly white law schools.

While some URM students in the study spoke eloquently about the ways in which law school faculty and staff members assisted in their decision-making and academic success, many others also noted how their experiences in law school made it difficult to persist, at times. For example, law school students of color reported that some admissions officers assumed that they were "the least qualified for admission" (Brandon) or "hoping to be an affirmative action admit" granted admission on the basis of race, not their achievement, as Angelica put it. Racial microaggressions[7] of this kind—whether experienced in the classroom or hallway—seemed to have a deleterious effect on participants' intellectual confidence, psychological safety, sense of belonging, and overall performance, in keeping with prior research (Ingram, 2013).

While some law school admissions staff coordinated one-on-one campus visits for URM students, specifically tailored to their unique needs and concerns (e.g., including a visit to pro bono[8] clinics), and made sure that there were "institutional reps" (e.g., current students, faculty members) available during their on-campus visit to answer any questions, other staff made clear (but wrong) assumptions about minority law school applicants. For instance, one Latino male shared: "I scored very high on the LSAT and, not bragging, but could really go to [any] school of my choice. When I went to [said school], the counselor was like 'Well, we're very selective here and require top scores and strong undergraduate training; you might [start off] at a regionally ranked school.' Thing is, she ain't [sic] even seen my file yet" (Enrique). Examples like these reveal the ways in which race and racism, as well as racial stereotypes about Black/Latinx academic under-preparedness, negatively impacted some URM law school students' experiences pre- or post-matriculation.

In some cases, admissions staff went "above the call of duty" (Murray) to help URM students feel a sense of belonging during law school visits and subsequent matriculation. For example, some staff made travel arrangements for URM students to visit their law school, coordinated meetings with real estate agents and housing professionals so that students could visit possible living options in the campus or nearby area, and worked with others on campus to make sure that students had access to childcare, food options based on one's dietary restrictions, and employment opportunities, if necessary. While helpful to a majority of participants (e.g., Nene, Kalen, Lupita), there were incidents where ethnic minority law school students encountered real estate agents, bankers, campus staff, or moving professionals, to name a few examples, who mistreated them on the basis of their race, assuming they preferred to live "on a certain side of town" (Shaun), couldn't afford rent above a certain range (Taylor), or were not "real law school students…[likely pursuing] a post-BA certificate or masters rather than a doctorate [JD]" (Justin).

Establishing meaningful personal connections with ethnic minority law school faculty and staff members, communicating frequently and effectively with such staff, and feeling cared about from pre-entry campus visits to post-matriculation interactions powerfully influenced URM law school students' experiences. Issues of racial microaggressions, race-related stress, and lack of a critical mass caused some URM law school students to doubt themselves academically and feel

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[6] This study statistic refers to law school professors, including full- and part-time instructional faculty only, not individuals whose primary activity is administration, clerical, or student services.

[7] Racial microaggressions are defined as "brief, everyday exchanges that send denigrating messages to people of color because they belong to a racial minority group" (Sue et al., 2007, p. 273), which can have devastating impacts on one's mental health, well-being, and daily functioning (Williams, 2021).

[8] Pro bono, a Latin term that translates as "for the public good," referring to legal services provided to clients at little to no cost.

socially isolated, which threatened to compromise their sense of belonging. Other race-related experiences pre- and post-entry forced URM law school students to confront white people's beliefs of racial inferiority on- and off-campus. When faced with challenges like those described in this section, URM law school students often turned to same-race faculty, staff, and peers for advice, encouragement, and support.

Experiences Affecting Performance in Law School

Like any others, URM law school students aspire to attend well-regarded institutions that maintain positive reputations among those in the legal profession and justice system, according to my participants. They also want to attend schools that foster positive racial climates towards diversity—places where all members (students, faculty, and staff) feel respected, welcomed, and have a sense of belonging, which is critical for academic success (Strayhorn, 2019). Despite these desires, a significant number of participants described in rich detail negative experiences that impacted their performance in law school.

Negative experiences varied in frequency and type. For instance, participants in the study identified uncomfortable or offensive classroom conversations that compromised their academic performance by reducing, if not inhibiting, learning engagement. Others described offensive language (e.g., the N-word) or hostile environments that negatively influenced their social relationships with law school faculty, staff, and peers. One participant offered a perspective shared by many others:

> *For me, it was my Con Law [i.e., constitutional law] class where the professor kept talking about the law as if it was race-neutral and color-blind, therefore, the best way to resolve social problems. But, I'm thinking, it's that same law that kept people like me enslaved, not able to vote, hell, outta [sic] this school…for so f*cking long and he didn't even mention it…like ever.*

The student goes on to explain how her anger and frustrations avalanched over the semester, causing her to leave class several times before dismissal or quietly resign from "ugly, uncomfortable race-laced discussions" by checking her email or logging on to social media (e.g., Facebook). Her powerful words demonstrate the role that race and racism play in shaping ethnic minority students' experiences in law school classrooms generally, their (dis)engagement from race-related and racist conversations in specific courses (e.g., "Con Law"), as well as the problems associated with race-neutral and colorblind perspectives in legal education, in keeping with others (Truong & Museus, 2012). That they are so deeply embedded within legal curricula—especially materials related to the U.S. Constitution—is an example of the permanence of race and racism, thereby revealing "some law school courses that seem benign when it comes to race still have racial undercurrents within the laws of the cases themselves and in…[how they are] applied" (Lain, 2018, p. 782).

Participants offered vivid experiences of frequent encounters with racial stereotypes and racism in law school. Some incidents were more overt than others, varying from offensive words and politically-charged opinions to racial microaggressions (e.g., "All Asians look alike") or being "frequently mistaken or referred to [by name] as the other Black guy in law school," as Lucas explained. Beyond encounters with racism, study participants also recalled instances of race-based discrimination such as feeling "passed over" or ignored for competitive scholarships, prestigious

clerkships, selective legal clinics, or even highly-coveted student leadership roles (e.g., editor of the law review), perceivably because of their race. For example, one student shared a tearful story about being called 'the N-word' by a classmate when they competed for an internship overseas: "He was like…yeah, [expletive], I told you [that] you wasn't gonna [sic] get their support for it, implying that [law school] faculty preferred him 'cuz [sic] he's white over me…and, real talk, he [sic] probably right for real." Comments like these not only reveal the insidious and all-too-often subtle ways that racism operates in academic spaces but also allude to law school cultures that empower and enable some students to make such offensive racial claims without fear of accountability.

Other students shared how their peers' perceptions of ethnic minorities and cross-racial encounters negatively influenced their performance in law school at times. Some white law school students aired racist perspectives about minority law school students in- and outside of class or openly declared that "some opportunities were unfair simply because they strongly encouraged minorities to apply," as Wendell explained in a focus group. When study participants heard these comments or challenged white peers' racially-biased perceptions, they reported feeling alienated, offended, singled out, prejudged, or unwelcome, which, in turn, hijacked their attention from course content, Socratic-method lectures, case readings, or other academic activities (e.g., "learning the CREAC[9] method" [Linwood]) that are vital for success in law school. In extreme cases, some law school students of color avoided working with other (mostly white) students, failed to show up to work on "legal teams assigned by the professor" (Hector), or outright argued with the fellow student or professor in the moment, which "always runs the risk of ending very badly…where you fail or get labeled as the mad, angry Black *itch or whatever they come up with next" (Vanessa). Similar to other findings (e.g., Truong & Museus, 2012), this theme reveals the ways in which race, racism, and identity intersections (e.g., gendered racism) can negatively affect ethnic minority law school students' academic and social experiences. With these major findings in mind, I turn to a larger discussion and future implications.

Discussion

Recall the purpose of this study was to identify myriad factors that influence URM students' decisions about and experiences in law school using CRT as a framework. Based on data from 29 URM law school students at three PWIs, I was able to glean three major findings from the analysis of one-on-one and group interviews that relate to the study's emancipatory objectives.[10]

Results from the present study affirm several conclusions. First, it is notable that the current project is based on nearly 30 URM law school students who willingly participated in the study despite a modest financial incentive. Readers are encouraged to acknowledge that *there are* URMs in law school and, thus, the legal profession pipeline, which directly challenges the widespread and erroneous dehumanizing[11] myth that there are insufficient qualified URMs aspiring to study and/or

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[9] A common approach to legal writing, organizing analysis of a specific legal issue into *Conclusion, Rule, Explanation, Analysis, and Conclusion.*

[10] By emancipatory objectives, I refer to the broader goals of this project to (1) eliminate any form of exploitation, especially racism and identity-based oppression, for URM law school students and all groups and (2) create humanizing conditions in which all people can feel safe (psychologically and physically), flourish, and succeed.

[11] Dehumanization refers to acts, tactics, and processes that assign non-human features to minoritized persons/groups, deny their sense of agency and mattering, or conflate systemic problems (e.g., disorders) with personal identity(-ies) using metaphors and mechanisms that explicitly deny one's basic needs, feelings, thoughts, and what it means to be human.

practice law. Second, study results expose obvious institutional roadblocks and structural barriers that still get in the way of far too many law school students of color (Weatherspoon, 2011). Third, diversity won't happen automatically in law—"the legal profession [must] aggressively employ affirmative action [i.e., intentional tactics] to remedy the underrepresentation of [URM] attorneys at elite firms" and among law students at PWIs (Johnson, 2017, p. 1007). The study points to several promising practices like pre-law bridge programs, personalized invitations to at-promise applicants and their families, pro bono clinics, diverse faculty mentors, and competitive financial aid packages, to name a few.

Participants explained in their own words how frequent encounters with racism and discrimination exacted a toll on their academic confidence, self-worth, perceived readiness for law school, trust in others, and overall sense of belonging. Encounters with racism and discrimination ranged from offensive language (e.g., the N-word), tokenism, and being overlooked for prestigious clerkships, leadership opportunities (e.g., law review), or awards because of their race. Results presented herein corroborate findings from studies of doctoral students of color (e.g., Gildersleeve et al., 2011; Shealey, 2009) yet fill a knowledge gap by showing that similar issues affect URM law school students' experiences at PWIs in nuanced ways. For example, that URMs experience racial microaggressions at PWIs is not new information (Sue et al., 2007); but, identifying the frequency, nature, and site of racial oppression (e.g., Con Law) for URMs in predominantly white law schools represents significant research discoveries.

The critical race analysis presented herein reveals other ways in which racial injustice operates in American society and predominantly White law schools. For example, although blatant, explicit, and overt forms of racism have declined over time in broader contexts (Bonilla-Silva, 2017), participants shared personal stories or counternarratives that expose racist behaviors and race-related challenges still occurring today in some law schools. It is also true that concentrated poverty, absence of basic needs (e.g., Black churches, realtors, or barbers), and race-based stereotypes further complicate the character and quality of URM students' experiences in law school. In other words, structural problems in society negatively impact URM students' academic and social lives in law school at PWIs—and, indeed, these problems are categorically, systematically, and undeniably linked to over 400 years of race and racism's permanence in America. This fact alone seems to justify the continuation of *affirmative* actions to redress or remedy present-day effects of long-standing systemic inequities.

In consonance with the study's theoretical framework, findings affirm the salience of race and racism in American higher education generally and law school specifically. Controlling for differences in institutional rankings, overall cost, and staff diversity, URM law school students in this study report relatively frequent encounters with racism, discrimination, race-related stress, and what Truong and Museus (2012) termed *racial trauma,* defined as "severe cases of racism-related stress" that catalyze anger, shock, depression, and pain (p. 228). The study and its findings also challenge dehumanizing, dominant narratives about "the leaky pipeline" and race neutrality, as well as dominant ideologies like meritocracy that posit universal, Eurocentric standards of achievement. For instance, notice how few URM students considered institutional rankings and prestige metrics when choosing a law school; rather they focused on curricular interests, diverse faculty, alumni of color, and bar-exam pass rates for URMs, to name a few. Tying back to the study's CRT framework, experiential knowledge offered by participants in their own words matters and challenges faulty logics based on essentialist assumptions, pushes back against monolithic characterizations that posit people/groups as more alike than different, while also offering an endogenous perspective that is all-too-often missed, ignored, or invisible when researchers

subconsciously prioritize probability over people, numbers over narratives, and variance over voices.

The findings presented in this article have important implications for future practice, policy, and research. In terms of practice, law school staff might consider the information in this paper when recruiting URM students. To be effective, serious efforts must be made to meet students' basic needs and to address their personal concerns. It is important to note that for so many of the students in my study, these fundamental considerations relate to housing, family, and finances. Many law school students have families--that is, parents, siblings, partners, and/or dependents--to whom they feel a great deal of responsibility. Concerns about family may be even more salient for URMs who are more likely to shoulder responsibility for extended family, fictive and elderly kin, or caregivers due to documented sociocultural differences. Law school admissions staff and advisors should keep this in mind when working with URM students and think of ways to educate students and families on the academic, financial, and online resources available to them. For instance, I recommend the use and distribution of print and electronic materials about distinguished alumni of color, racially-disaggregated bar exam pass rates, and even financial aid in law school. It might also be important for law school professionals to think critically about how parents and partners can become involved in URM students' law school choice process. Are there meaningful ways to reach out to them through social media? And when? That is, are there critical junctures in the law school admissions process (or afterward) where this outreach would prove most effective? What can law schools learn from undergraduate admissions offices that have family outreach programs? Finding answers to questions like these could prove fruitful for law schools interested in recruiting and retaining larger numbers of URMs.

There are other implications for practice that relate to the recruitment and retention of URMs in law school. It goes without saying, but law school personnel at all levels must take recruitment and retention seriously. Each law school affiliate that a student encounters can sway their decision to attend either positively or negatively. Recall that participants reported how their interactions with a wide range of law school agents—ranging from front-line staff (e.g., admissions counselors, financial aid officers) to faculty and senior-level administrators (e.g., deans)— meaningfully (positively or negatively) influenced their decision to enroll in the law school that they ultimately selected. For example, making time to meet with URMs during campus visits, talking candidly about racial climate issues, and offering oneself as part of a larger culture of care affirmed URM law school students' decisions. As conventional wisdom suggests, indeed, "it takes a village," even when it comes to effectively recruiting and retaining URM students in law school.

The findings have significant implications for law school faculty, particularly those who teach courses that involve discussion of sensitive topics such as constitutional law, criminal procedure, human rights, and disparate-impact of mandatory minimum sentencing, for example. Results from this study reveal that some URMs experience offensive language (the N-word), harmful white-washed legal histories, and other humiliating incidents like being overlooked for internships, denied law review interviews, discredited by white peers, or removed from Legal Writing II almost mid-semester due to failing Legal Writing I. Law school faculty, department heads, and faculty development directors would be well served to consider these findings when working with others to improve school climate, increase student performance, and build environments where URM law school students feel a sense of belonging. For example, *Con Law* faculty might receive anti-racist, implicit bias training that helps them learn effective ways to acknowledge the history of racial stratification in society, which denied certain rights and privileges to minoritized groups while advantaging others. Criminal procedure instructors may benefit from similar trainings and workshops that provide space for talking about their implicit beliefs,

reviewing course materials (e.g., cases), and being mindful of the racial identities implicated in classroom examples, videos, and exams. Failing to recognize these incidents, avoiding conflict, and perpetuating stereotypes are commonplace and ineffective pedagogical approaches (Pasque et al., 2013). Taking proactive, anti-racist, and mindful steps to both promote racial equity in law school classrooms and respond to racialized interactions (e.g., microaggressions) allows for more psychological safety and belonging among URMs.

It is also clear from the present study that off-campus professionals and industry partners play an important role in recruiting and retaining URM law school students. Findings from this *critical, race-conscious* qualitative investigation shed light on incidents where ethnic minority law school students encountered real estate agents, bankers, or relocation professionals who mistreated them because of their race. While campus personnel cannot hold non-employees accountable for such behaviors, the study underscores the importance of law school staff vetting vendors, screening providers, and working with local agencies and professionals who are fair, equity-minded, inclusive, and conscious of their implicit biases. Seeking out contractors and vendors of color who own or manage minority-owned businesses might also reduce the frequency of such incidents.

Merely exposing students to a bunch of different people likely will produce little in terms of increased racial diversity in law schools and the profession. Relationships must be authentic, purposeful, and productive. This moves beyond structural diversity and speaks directly to the law school's climate and culture toward interactional diversity. Law school staff who wish to excel at recruiting and retaining URMs must work together to create school conditions where all students feel wanted, cared about, special, and welcome (Strayhorn, 2019), just as they are, regardless of race, ethnicity, gender, and/or sexuality, to name a few. This sense of belonging can manifest in several ways. For example, law school administrators can lend psychosocial support to prospective applicants by offering words of encouragement, connecting them with currently-enrolled students from similar backgrounds, or socializing them with the school's culture, norms, or "way of life" through pre-law bridge programs, summer academies (Lain, 2018), or formal mentoring programs, while simultaneously creating space for the law school's culture to change in response to the cultural wealth (Yosso, 2005) and worldviews that URMs bring with them. Law school administrators can also signal their commitment to these students by providing clear and timely responses to student inquiries, sharing information about need- and merit-based financial aid packages or competitive clerkships, and making themselves available to help the student get adjusted to law school.

Overall, a genuine ethic of care and concern for addressing individual students' basic needs (e.g., food, housing, childcare, work) should permeate the law school at all administrative levels for all students, but the results show that this may be particularly important for URMs given larger currents of inequality in society. Focusing on the individual only is a strategy of institutional racism. Results presented herein underscore the importance of taking supportive policies, practices, and programs to scale by institutionalizing them for the benefit of all, or at least many. Offering a URM law school student financial support to access the Lexis-Nexis legal database off-campus due to their work/family obligations is helpful, especially to that student. However, *individual* acts of this kind locate the problem within the person, falsely assuming they uniquely lack something that others possess. Equity-minded law school staff go the next step by formulating new or revising existing policies to ensure effective programs and practices benefit all students who need assistance.

Findings also point to critically important information sources that most participants used to evaluate their law school's ranking, famous alumni of color, and public metrics about equity and diversity. Recall that common sources for such data included the ABA's website, LSAC reports, and institutional websites located through Google searches. Law school deans, chairs, diversity

officers, institutional researchers, and recruiters are encouraged to consider such venues when recruiting URM students. It is important that existing and new resources (e.g., apps) are up-to-date, accessible, and accurate, reflecting the interests, presence, and contributions of diverse groups. In light of the study's title, law school leaders should harness the power of social media and video to voice "the student's story" across platforms.

It should go without saying, but I am compelled to note that law school staff must work together to foster law school learning environments that are free from racism, discrimination, hate, and oppression. Far too many of the students in this study reported negative racial (and racist) encounters with law school professors, staff, peers, and professionals in the field. These encounters distracted from their learning, reduced their cognitive bandwidth for studying, inhibited their academic self-confidence, and negatively affected their performance in law school. This is simply unfair to law school students of color. When we, as educators, allow discrimination, racism, and bias to go unchecked without holding people accountable for such actions by enforcing restorative justice, anti-racism training, progressive sanctions, or disciplinary measures, we are complicitous in the very same racial oppression that we hope to dismantle. Thus, law school deans and directors must make racial climate and sense of belonging a top priority, pursue best practices for improving cross-racial interactions both within and outside the classroom, and establish protocols for reporting and responding to bias incidents in PWIs.

Conclusion

The effectiveness of URM recruitment and retention efforts in law school will depend a great deal on the level of commitment communicated by law school faculty, staff, and admissions personnel. That collective commitment to diversifying the legal profession is as important today as it has ever been, especially in the face of current political challenges that may ultimately disallow the consideration of race in law school admissions altogether. No matter what the future holds from a policy standpoint, I maintain that diversity is still a compelling interest in higher education broadly and legal education specifically. There are educational benefits to diversity in all fields of endeavor, but few hold the direct relationship to social progress that legal education does. The diversity of law schools directly affects the training of future lawyers, judges, and political leaders. Consequently, it is essential to the continued progress of our nation. With so much at stake, we simply cannot afford to delay concerted efforts to increase racial/ethnic diversity at America's more than 200 ABA-approved law schools. May findings from critical, race-conscious studies like this help illuminate the way forward.

Acknowledgements

Disclosure Statement

There are no conflicts of interest to disclose for this study.

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