

How Can California Increase the Diversity of the Legal Profession and the Judiciary?

*Understanding the Scope of the Problem and its Impacts:
GRE and Law School Diversity*

Problem: How can California increase the diversity of the legal profession and the judiciary?

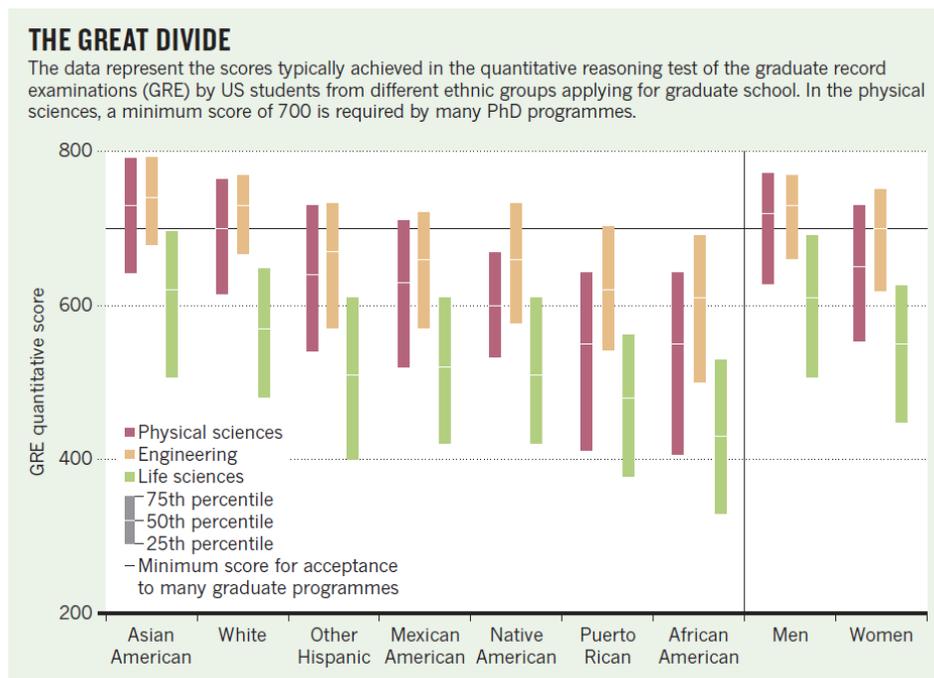
Proposal: Graduate Record Examinations (GRE) as a diversity tool for law schools¹

- Advocated as a tool to enhance diversity
 - GRE expands access to legal education
 - With a larger pool of test takers, institutions will have access to a larger number of qualified, diverse applicants. That diversity includes nationality, ethnicity, gender, age and undergraduate major.²
 - The GRE General Test is a reliable and valid test that satisfies ABA Standard 503 which measures skills that professional schools value.³

Research/Literature:

1. Diversity tool: GRE vs. LSAT

- Three times as many GRE test takers vs. LSAT test takers in U.S.⁴
- Similar to other standardized tests, the GRE reflects test disparities differentially along racial, socio-economic and gender bases.⁵



(Graphic taken from Miller and Stassun 2014)

2. Limitations of the GRE

- Performance differences across demographics
- GRE is only modestly predictive of student success.⁶
- Due to the performance differentials across demographic groups, reviewers must be mindful of the differences so as not to compound the problem (Miller and Stassum).
- Some argue that the problem is not the test, but higher education and faculty culture and the overreliance on standardized tests and metrics that needs to change.⁷

3. Holistic Admissions Review

- Compounding issue when the test is used to measure student success in graduate programs in the absence of other indicators.⁸
- Promising practice: Holistic admissions review⁹

Recommendation: Explore a holistic admissions review system appropriate for the legal profession

- Holistic Review Initiative Examples in Graduate Education and Medical Schools
 - Alliance for Multi-Campus Inclusive Graduate Admissions (AMIGA): Holistic Graduate Admissions Best Practices and Resources (ATTACHMENT A) (grad.ucdavis.edu/resources/diversity/initiatives)
 - American Association of Medical Colleges (AAMC) Holistic Review Initiative: aamc.org/initiatives/holisticreview/¹⁰
 - The Experiences-Attributes-Metrics (E-A-M) Model: Holistic Review tool that incorporates Experiences, Attributes along with Metrics: aamc.org/download/358700/data/hrp2-pager.pdf (ATTACHMENT B)

Resources

¹ ETS Press Release. *National Data: The GRE® General Test is a Valid Predictor of Law School Success*. June 15, 2018: news.ets.org/press-releases/national-data-gre-general-test-valid-predictor-law-school-success/.

² ETS GRE Report: *A Snapshot of the Individuals Who Took the GRE General Test*. July 2013- June 2018: ets.org/s/gre/pdf/snapshot_test_taker_data_2018.pdf

³ Klieger et al. *The Validity of GRE Scores for Predicting Academic Performance at U.S. Law Schools*, 2018: onlinelibrary.wiley.com/doi/full/10.1002/ets2.12213.

⁴ LSAT Trends: Total LSATs Administered by Admin & Year: lsac.org/data-research/data/lSAT-trends-total-lsats-administered-admin-year and GRE General Test Volumes by Country: 2009-2018: https://www.ets.org/s/gre/pdf/gre_volumes_by_country.pdf

⁵ Miller, Casey and Keivan Stassun. *A Test That Fails*. *Nature*, Volume 510 (12 June 2014), 303-304.

⁶ Moneta-Koehler, et al. *The Limitations of the GRE in Predicting Success in Biomedical Graduate School*. *PLOS One* 12(1). January 11, 2017.

⁷ Posselt, Julie. *Disciplinary Logics in Doctoral Admissions: Understanding Patterns of Faculty Evaluation*. *The Journal of Higher Education*, Volume 86, Number 6, November/December 2015, pp. 807-833

⁸ Posselt, Julie and Casey Miller. *It's Time for the Talk: Doctoral Programs Need to Rethink Their Use of Standardized Tests*. *Inside Higher Ed*. May 7, 2018: insidehighered.com/admissions/views/2018/05/07/doctoral-programs-need-rethink-their-use-standardized-tests-opinion.

⁹ Kent, Julia D. and Maureen Terese McCarthy. CGS Report. *Holistic Review in Graduate Admissions: A Report from the Council of Graduate Schools*. Released February 2016.

¹⁰ AAMC Holistic Review: aamc.org/download/358700/data/hrp2-pager.pdf



ATTACHMENT A

Holistic Graduate Admissions Best Practices and Resources

- 1. Review graduate program data for applications, enrollments, completion and any past admissions protocols**
 - a. What trends can be drawn from the data?
 - b. Do these trends coincide with desirable graduate program goals?
 - c. Determine goals for the current graduate admissions cycle
 - d. Identify potential training that may be valuable, such as, increasing diversity, unconscious bias, significant state or federal issues (e.g. Prop 209 in California)

- 2. Convene admissions committee and review admissions data from previous years as basis for setting goals this year**

- 3. Discuss graduate evaluation process and next steps**
 - a. Review or identify applicant attributes on which to base evaluations
 - b. Discuss tools for equitable and inclusive graduate admissions
 - i. Unconscious bias – e.g. preference for particular institutions, high GRE scores, high overall GPA without context
 - c. Identify and define the graduate admission process for your grad program including protocols for first and subsequent rounds
 - d. Select a few applications from previous years to review together and discuss how to evaluate; process is called “norming”
 - e. Share the process with committee members

- 4. Dedicate at least two reviews to every complete application**
 - a. Each applicant has invested a considerable amount of time, energy and resources to submit their graduate application. It is incumbent upon an institution to provide an equitable and in-depth review.

- 5. Select a few holistic review practices to introduce in a given year and reflect and make notes on the practices that are missing as the admissions process plays through**
 - a. Fair and consistent review
 - i. Identifying review criteria
 - ii. Develop and incorporate a review template/rubric
 - iii. Establish scoring or evaluative process

 - b. Value of diversity
 - i. Consider criteria already in use as an example
 - ii. Discuss and decide how contributions to diversity will be evaluated

 - c. Socioeconomic background – first generation college, number of siblings, socialization, living conditions, “distance traveled”, parents’ education levels, overcoming barriers to higher education

 - d. First generation college students and the unique qualities they bring to their work.
 - i. First generation college (neither parent has earned a Bachelor’s degree) and historically underrepresented students are likely to work on projects that benefit their communities
 - ii. Family or community orientation contributes to a team or cohort culture

 - e. GRE or standardized test scores
 - i. Eliminate or de-emphasize
 - ii. If GRE must be used in evaluation consider the following
 - iii. Setting a low threshold for scores particularly in first round
 - iv. Deemphasizing GRE scores for second or final round of admission decisions

- f. GPA
 - i. Consider applicant's GPA in context of their background
 - 1. Overall GPA
 - 2. Last two years, upper division and major GPA
 - ii. What factors may have influenced GPA?
 - 1. Multiple change of majors
 - 2. Personal or family circumstances
 - 3. Small number of low performance grades within or outside of major
- g. Recommendation letters
 - i. Recommender address skills that demonstrate or foster success
 - ii. Written by familiar faculty
 - iii. Written by unfamiliar faculty
 - iv. Not from research institution or top tier liberal arts college
- h. Research experience
 - i. Consider if the need to work and pay for education influenced applicant's ability to participate in internships or research opportunities
 - ii. Did applicant participate in a graduate school preparation program, e.g HSI Pathways to the Professoriate, Institute for the Recruitment of Teachers, Leadership Alliance, McNair Scholars, Mellon Mays Undergraduate Fellowship, UNCF Mellon Programs etc.?
- i. Discipline specific skills
 - i. Determine skills that contribute to graduate success, e.g. math, writing, language, musical composition and analytic skills, and how they will be evaluated
- j. Interview protocol
 - i. Develop questions and decide how interviews will be evaluated
 - 1. Establish guidelines or evaluative processes
 - 2. Provide all interviewees with guidelines and expectations that include items that one might assume are already known. This issue is particularly salient for first generation college students.
- k. Consider how to value persistence and resilience, two valuable attributes that influence long-term goals

Resources

1. Kent, Julia D. and Maren T. McCarthy (2016). *Holistic Review in Graduate Admissions*. A report from the Council of Graduate Schools. <https://cgsnet.org/innovation-graduate-admissions-through-holistic-review>.
2. Kyllonen, Patrick C. and Alyssa M. Walters (2005). Noncognitive Constructs and Their Assessment in Graduate Education: A Review. *Educational Assessment*, 10(3), 153-184
3. Miller, C., & Stassun, K. (2014). A test that fails. *Nature*, 510(7504), 303-304.
4. Nivet, Marc A. (December, 2011). Diversity 3.0: A Necessary Systems Upgrade. *Academic Medicine*, 86(12), p1487-1489.
5. Posselt, J. R. (2016). *Inside Graduate Admissions: Merit, Diversity, and Faculty Gatekeeping*. Harvard University Press.
6. Posselt, Julie R and Casey W. Miller (May 7, 2018). It's Time for the Talk: Doctoral Programs need to rethink their use of standardized tests. *Inside Higher Ed*. <https://www.insidehighered.com/admissions/views/2018/05/07/doctoral-programs-need-rethink-their-use-standardized-tests-opinion>
7. University of California. *Guidelines For Addressing Race and Gender Equity in Academic Programs in Compliance with Proposition 209*. From http://www.ucop.edu/general-counsel/_files/guidelines-equity.pdf.



Tomorrow's Doctors, Tomorrow's Cures®

AAMC Holistic Review Project

Achieving Improved Learning and Workforce Outcomes through Admissions

What is the AAMC Holistic Review Project?

Medicine is becoming increasingly interdisciplinary, collaborative, and technology-enabled, just as our society is growing more diverse, multicultural, and globally interconnected. Effectively responding to this changing landscape requires changing how we think about medical school admissions, as well as the full educational and career development continuums. To that end, the AAMC Holistic Review Project's goal is to support excellence in admissions while also widening the lens through which we view applicants in order to maximize the benefits of holistic admissions across the full spectrum of education and development. It does so by assisting medical schools in establishing, implementing, and evaluating mission-driven, student diversity-related policies, processes, and practices that help build a physician workforce capable of and committed to improving the health of all.

About the Project

The Holistic Review Project, established in 2007, was originally designed to develop admissions tools and resources that medical schools can use to create and sustain diversity. Over time, the project has evolved into a catalyst for thinking about and conducting admissions differently.

In this next phase, the Holistic Review Project places holistic admissions within the full context of the medical education and career development continuums, firmly situating the work within the diversity and excellence paradigm. Understanding that expertise lies in the field, the greatest emphasis continues to be on deepening and expanding engagement and collaborations with constituents.

Moving Forward

The Holistic Review Project is building on its existing work, identifying new opportunities and areas for refinement, and working in collaboration with the MCAT® exam staff, AMCAS®, the Admissions Initiative, and other relevant AAMC projects. With a unique focus on mission- and evidence-based admission, the project's goals are to

- collect, analyze, and disseminate baseline and outcome data;
- sustain and expand efforts to engage new and current audiences;
- build and implement an infrastructure for an active community of practice;
- develop scaled efficiencies in holistic review admissions practices and process; and
- continue to monitor and help schools interpret the legal landscape.

Expanded Project Focus

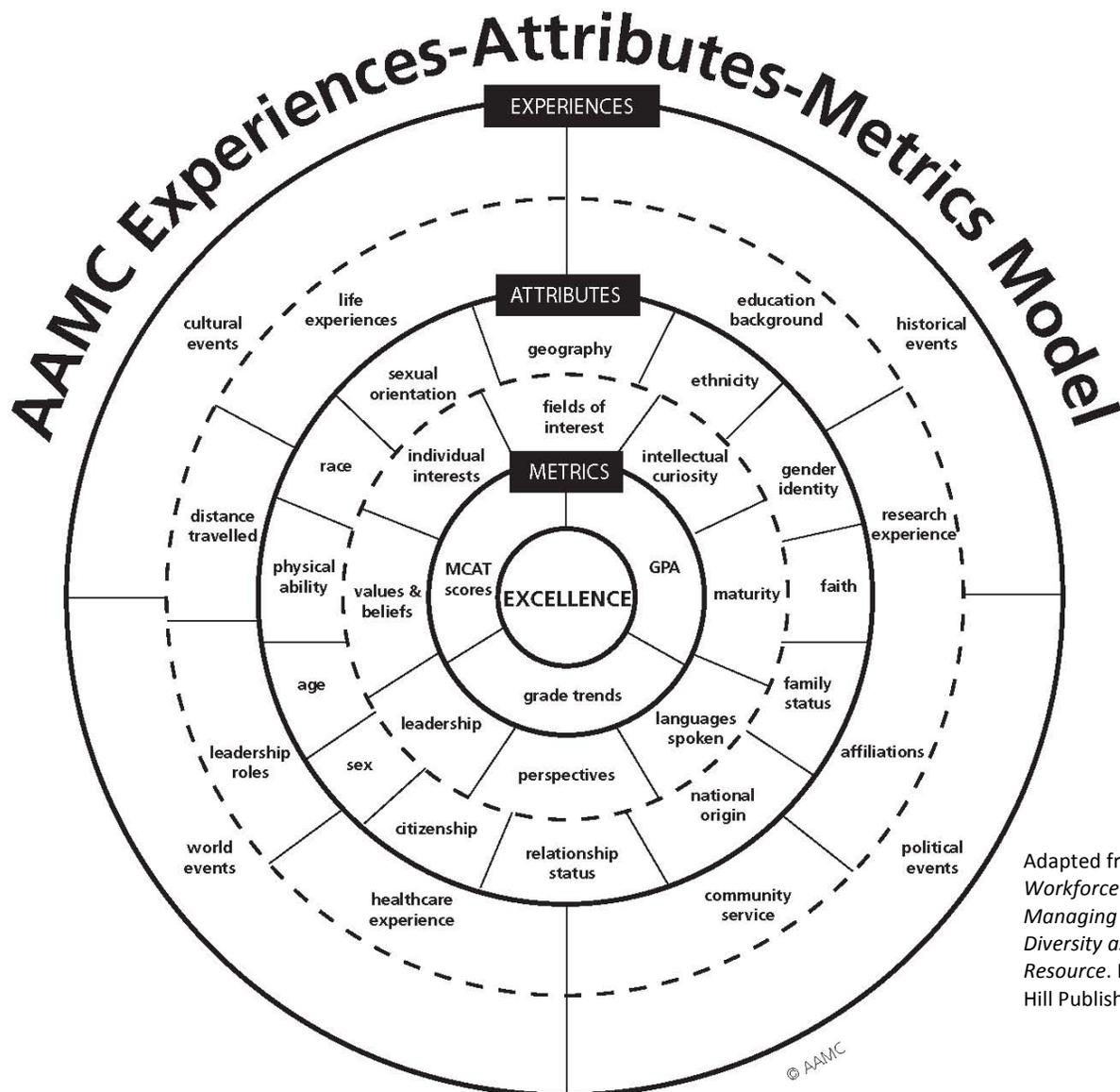
Attaining the full benefits of holistic admissions requires expanding the project's focus and aligning its work with all points along the medical education and the career development continuums. To that end, the next phase of the project will be guided by a new constituent advisory committee, which has identified three principle areas of focus: sustaining an inclusive learning environment, institutional alignment, and legal and policy leadership. The *2013 AAMC Admissions Survey*, which was recently completed by medical school admissions officers, will provide a baseline for future project work as well as other AAMC-admissions efforts.

What is holistic review?

Holistic review is a flexible, individualized way of assessing an applicant's capabilities by which balanced consideration is given to experiences, attributes, and academic metrics (E-A-M) and, when considered in combination, how the individual might contribute value as a medical student and future physician. Holistic admissions

- provides a mechanism for aligning admissions with institutional mission and
- facilitates identifying a broadly diverse student body, which contributes to an enriched learning environment for all students and a better prepared physician workforce

An integrated holistic admissions process incorporates *four core principles* at each stage: screening, interview, and selection. These four core principles emphasize the importance of giving individualized consideration to every applicant and provide operational guidance to ensure that admissions processes and criteria are both mission- and evidence-based, promote diversity, and use a balance of Experiences, Attributes, and Academic Metrics (see the AAMC E-A-M Model below).



The AAMC Experiences-Attributes-Metrics Model is a central focus of the Holistic Review Project. The E-A-M model broadens the lens through which admission committee members can view applicants to recognize the varying dimensions and contexts that shape each candidate's identity. It is not meant to be a complete representation of all dimensions of an individual, nor is it intended to serve as a modified checklist. Schools have found it to be a helpful point of reference when assessing their admissions policies and practices.