

November 2004

Racial Integration and the Legacy of Brown at Seattle University School of Law

Sarah B. Bowman

Matthew J. Burnett

Ford Clary

Kimberly C. Cushing

Follow this and additional works at: <http://digitalcommons.law.seattleu.edu/sjsj>

Recommended Citation

Bowman, Sarah B.; Burnett, Matthew J.; Clary, Ford; and Cushing, Kimberly C. (2004) "Racial Integration and the Legacy of Brown at Seattle University School of Law," *Seattle Journal for Social Justice*: Vol. 3: Iss. 1, Article 33.
Available at: <http://digitalcommons.law.seattleu.edu/sjsj/vol3/iss1/33>

This Article is brought to you for free and open access by the Student Publications and Programs at Seattle University School of Law Digital Commons. It has been accepted for inclusion in Seattle Journal for Social Justice by an authorized administrator of Seattle University School of Law Digital Commons.

Racial Integration and the Legacy of *Brown* at Seattle University School of Law

Sarah B. Bowman, Matthew J. Burnett, Ford Clary &
Kimberly C. Cushing¹

INTRODUCTORY REMARKS

By Dean Rudolph C. Hasl

Seattle University School of Law is proud of its accomplishments in making the faculty, student body, and the administrative staff more diverse. Consistent with its Jesuit, Catholic mission, the School has sought to provide opportunities for access to the legal profession by qualified individuals who are members of groups that are underrepresented within the legal profession. The profession is strengthened by having diverse practitioners who understand different cultural traditions and attitudes and who have experienced personally the kinds of problems that their clients have experienced. The following chart, provided by the Law School Admission Council for the year 2000, demonstrates that minority ethnic groups are underrepresented within the legal profession:

Ethnic Group	General Population	Lawyer Population
Hispanic	12.5	3.3
Black	12.1	3.9
Asian	3.6	2.3
Native American	.7	.2
Other	1.8	1.2
White	69.1	89.2

The School's current enrollment practices will help considerably to increase the racial and ethnic diversity of the legal profession.

In addition to its positive impact on the profession, however, the School's efforts are also beneficial in creating a learning environment within the law school that increases the understanding and experience of all law students in dealing with persons whose cultural orientation and attitudes are different from those of most students. This process of education and understanding were highlighted in the most recent results of the 2003 Law School Survey of Student Engagement (LSSSE), in which about 60 percent of the students participated and commented positively, especially in comparison to students at other law schools, about the increased understanding that they experienced by being a part of a racially and ethnically diverse student body and by having issues of race and gender raised by faculty members in their courses in the School. The School's emphasis on creating a diverse community is also consistent with the University's mission to create an educational environment where fundamental fairness for individuals and social justice are modeled and experienced.

The law school's goals in faculty and administrative staff hiring and in student enrollment have been to create a climate of inclusiveness where many individuals with different backgrounds, needs, attitudes, and experiences are genuinely welcomed and provided a legal education that enables each student to achieve his or her best potential, in a setting where there is a focus on each student's personal development. Recent years have seen a developing gulf in socioeconomic status and educational opportunity between the most and the least affluent. There have also been increasing levels of hostility against individuals based on race, ethnicity, religion, sexual orientation, disability, and other differences.

The School has worked hard to create a welcoming community and a spirit of inclusiveness among the student body, where there is a considerable degree of diversity among its members. The admissions

process has been designed to evaluate applicants not only through the use of an LSAT score and an undergraduate grade point average, but also by evaluating the personal achievements and accomplishments that each candidate presents in the application. The result of this conscious effort has been the admission of a very diverse group of students who will learn from a very diverse faculty and from one another. The educational experience that develops from this environment benefits all members of the law school community and produces graduates who will strengthen the legal profession because they understand how to deal effectively with diverse clients. In a symposium that celebrates the fiftieth anniversary of the decision in *Brown* and the recent decision in *Grutter*, it is important to affirm the positive values that derive from the creation of a climate of inclusiveness within the law school community of faculty members, students, and administrative staff.

I. Introduction	147
II. Case Law That Shaped Law School Admission	149
III. Washington State Law and Law School Admission.....	154
IV. Law School Admission.....	157
A. The Law School Admission Test (LSAT).....	157
B. The Admission Policy at Seattle University School of Law	159
C. The Alternative Admission Program	162
1. Introduction	162
2. Statistics	164
3. Reactions to the Academic Resource Center	165
4. Successes of Students in the ARC Program.....	166
V. Financial Aid.....	168
VI. Faculty Diversity and Law School Curriculum.....	169
A. Introduction.....	169
B. Faculty Diversity.....	170
C. The Integration of Issues of Race and Ethnicity in the Curriculum.....	174
D. Conclusion	177
VII. Student Perspectives on Diversity at Seattle University School of Law	179
A. Introduction.....	179
B. Moot Court.....	179
C. Student Thoughts on Diversity at Seattle University School of Law.....	181
VIII. Career Services	184
IX. Alumni and Community Member Perspectives on Diversity.....	186
X. Conclusion	187

I. INTRODUCTION

[A]lthough the law is a highly learned profession, we are well aware that it is an intensely practical one. The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students and no one who has practiced law would choose to study in an academic vacuum, removed from the interplay of ideas and the exchange of views with which the law is concerned.²

*Brown v. Board of Education*³ declared separate educational facilities to be a denial of equal protection and was instrumental in articulating the importance of integrated education. Now, fifty years later, we are examining *Brown's* lasting impact on law school admission and the resulting environment for legal education. We have chosen to focus in particular on Seattle University School of Law, investigating how it fosters a diverse environment not only by the students it recruits and admits but also through its faculty, curriculum, financial aid, and career services.

Seattle University School of Law (hereinafter the School of Law) was established in January 1972 as the University of Puget Sound Law School. In 1994 the school was transferred to Seattle University and today reflects the Jesuit tradition of “open inquiry, social responsibility, and concern for personal growth.”⁴ The School of Law’s mission emphasizes the importance of diversity within the legal community:

Our students are, and will remain, distinctive and diverse. We admit students whose life experiences and talents demonstrate the ability, intellect, and character to complete our program successfully, whether they are entering directly after college, changing careers, or combining legal education with their ongoing professions. We actively seek diversity in our community, welcoming qualified persons of different races, ethnicities,

religions, ages, disabilities, genders, sexual orientations, socioeconomic backgrounds, and points of view.⁵

Whether the School of Law is diverse, or diverse enough, depends largely on who you ask. According to the 2005-2006 Seattle University School of Law Statement of Inclusion,

[f]inding prejudicial discrimination inconsistent with the mission of the University and the spirit of free academic inquiry, Seattle University does not discriminate in admission on the basis of age, sex, race, religion, national origin, familial status, sexual orientation or disability. This policy complies with the spirit and the letter of applicable federal, state, and local laws.⁶

This statement is fulfilled by the administration in its reluctance to view and to discuss racial diversity and general diversity as being the same thing.

“What is important to see is that we really do intend a broad definition of diversity. A term that may be better is inclusiveness, a welcoming inclusiveness, basically a respect for myriad of factors, including political perspectives,” said Rudy Hasl, Dean of Seattle University School of Law.⁷ “There is a desire to make sure what is included is a broad-based inclusiveness that is across the whole spectrum: political perspective, and socio-economic, racial, and international status. I think we have been reasonably successful at that.”⁸

Carol Cochran, Director of Admissions at the School of Law, also emphasizes the importance of having a more expansive view of diversity. “We want to provide access for all people to have a voice. Our definition of diversity is very broad, [we] read [application packets] asking ‘How is this person going to be able to provide diversity?’ You cannot imagine the things people have done. Anything is possible, maybe the applicant is the first person in his or her family to go to college, or a single mother.”⁹

U.S. News and World Report’s 2005 Diversity Index Rankings lists the School of Law sixty-eighth; however, this would not be its actual “place” since many of the schools ahead of it have ties.¹⁰ The system is based on

the number of minorities on campus, as well as the mix of multiple ethnic groups.¹¹ For example, a school that had large numbers of only one ethnic group would not do as well as a school that had smaller numbers of minorities but included a broader range of ethnic groups.¹²

University of Dayton Law Professor Vernellia Randall, who grew up in Texas during the Jim Crow era, created the 2004 Whitest Law Schools Report.¹³ Her rankings are based on the total percentage of “whiteness,” which she calculated by adding the percentage of white students in a particular school to the percentage of “unknowns.”¹⁴ On her system, Seattle University School of Law was ranked 119th, with a 77.6 score.¹⁵ The “whitest” school on the list, the University of Montana had a 95.6 score, meaning that the school is composed of 95.6 percent white and “unknown” students.¹⁶ The three least white schools tied for 184th place and all had a score of 0, meaning that no white students attended.¹⁷ However, it should be noted that all of these schools are located in Puerto Rico.¹⁸ Howard University, in 183rd place, was the least white school physically located in the United States, with a whiteness of 5.8 percent.¹⁹

Statistics provide another indication of diversity at the School of Law. Since the 1994-95 entering class, 72 to 77 percent of the students have been white, and minority students have comprised between 23 to 28 percent of each class.²⁰ The law school defines minorities as Native Americans, Alaskan Natives, Asian/Pacific Islanders, Black/African Americans, Hispanics, and “other.”²¹ The Law School Admission Council reports that in 1995-96, Caucasian students made up 80.6 percent of all graduates from American Bar Association-accredited law schools.²² The School of Law maintains pride in its diversity, boasting that it is the “most ethnically diverse law school in the Pacific Northwest” in several publications.²³

II. CASE LAW THAT SHAPED LAW SCHOOL ADMISSION

Over the past fifty years, minorities have fought for integration and equality in American law schools through a series of well-orchestrated legal

challenges. These cases have had a substantial impact on law school admission. In 1950, the United States Supreme Court unanimously held that under the Equal Protection Clause, Heman Marion Sweatt had the right to enroll at the University of Texas Law School (UTLS) rather than at a separate and inferior law school designated for African Americans.²⁴ At the time Sweatt filed suit, there were only about a dozen African American lawyers in Texas,²⁵ and a provision in Texas's Constitution reserved the University of Texas for white students.²⁶

In *Sweatt v. Painter*, the Court held that a segregated law school for African Americans could not provide them equal educational opportunities. The Court emphasized the importance of integration in both law school and in the practice of law.²⁷ After a four-year legal battle, Sweatt and five other African Americans were finally admitted as part of the 280-student entering class at UTLS.²⁸ However, in 1951 Sweatt withdrew without graduating after bravely enduring cross-burnings, tire slashings, and racial slurs from students and faculty.²⁹ Despite Sweatt's legal victory, ULTS and many other law schools during much of the 1950s and 1960s had no entering African American students.³⁰

Shortly after *Sweatt*, four school desegregation cases were consolidated by the U.S. Supreme Court in its 1954 landmark decision, *Brown v. Board of Education*.³¹ In *Brown*, the plaintiffs argued that segregated public schools were not equal, could not be made equal, and thus denied the African American plaintiffs equal protection of the laws.³² The Court found that segregation of children in public schools solely on the basis of race deprived minority children of equal educational opportunities.³³ Chief Justice Warren wrote that the intangible aspects of education that "made for greatness in law school," as recognized in *Sweatt*, also applied to children in grade and high schools: "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in

a way unlikely ever to be undone.”³⁴ The court concluded that separate educational facilities were inherently unequal.³⁵

A decade after *Brown*, the Civil Rights Act of 1964 was signed into law by President Johnson.³⁶ However, the 1967 revolts in Detroit and Newark and the urban uprisings after Martin Luther King Jr. was assassinated in 1968 prompted affirmative action in the form of race-conscious admission in law schools and other institutions.³⁷ Only a few years after affirmative action programs began, their constitutionality was challenged in court. The first major case took place in Washington State. In *Defunis v. Odegaard*,³⁸ a white applicant was denied admission to the University of Washington Law School. The school gave special consideration to the files of all minority applicants, which were defined as “Black Americans, Chicano Americans, American Indians, and Philippine Americans.”³⁹ In 1971, the superior court directed that the white plaintiff be admitted to the law school, but in 1973, the Washington Supreme Court overturned the lower court’s decision and held that the school’s minority admission policy did not violate the equal protection clause of the Fourteenth Amendment.⁴⁰

The plaintiff appealed to the U.S. Supreme Court, which concluded that the constitutional issues had become moot because the law school was permitting the petitioner to begin his final term of law school and vacated the judgment of the Supreme Court of Washington.⁴¹ Justices Brennan, Douglas, White, and Marshall dissented, however, arguing that the case should be decided on the merits.⁴² Justice Douglas wrote a separate dissent, claiming that each application should be considered in a racially neutral way.⁴³ However, because the Law School Admission Test (LSAT) reflects questions touching on cultural backgrounds, Justice Douglas recommended that the LSAT be abolished.⁴⁴ He wrote that the “Equal Protection Clause commands the elimination of racial barriers, not their creation in order to satisfy our theory as to how society ought to be organized.”⁴⁵

Four years after *DeFunis*, in *Regents of the University of California v. Bakke*,⁴⁶ the U.S. Supreme Court made a definitive statement on affirmative

action in higher education that remains controlling to this day. Allan Bakke challenged the affirmative action program at the University of California Davis Medical School (UC).⁴⁷ The program consisted of a dual track for admission with a predetermined number of places reserved for minorities.⁴⁸ UC declined to present evidence that affirmative action was necessary to remedy its prior discrimination or to neutralize racial bias in admission criteria because this type of evidence might open the door to litigation from rejected minority applicants.⁴⁹ While neither party submitted evidence about the racial bias of testing, Justice Powell noted that compensating for bias in testing and grades could conceivably justify race-sensitive admission.⁵⁰

Justice Powell argued that while racial classifications were always suspect and therefore subject to strict judicial scrutiny, university faculties could use race to promote the “robust exchange of ideas” that might flow from a racially diverse academic community.⁵¹ Powell provided the crucial swing vote in the case. Thus, Powell and the conservative wing of the Court struck down the medical school’s affirmative action program.⁵² However, Powell and the liberal wing of the Court held that race could be used as a plus factor in higher education admission decisions.⁵³ The decision in *Bakke* left federal courts divided on whether racially diverse learning environments that enhance all students’ educational experiences could provide universities with a compelling interest that would justify adopting race-conscious admission programs.⁵⁴

In the years since *Bakke*, affirmative action programs have been banned by courts and legislatures. In the 1996 case of *Hopwood v. Texas*, the Fifth Circuit essentially ignored *Bakke* and concluded that Powell’s views were not binding precedent.⁵⁵ Four white plaintiffs, who were denied admission to the University of Texas School of Law, subsequently challenged the constitutionality of the school’s affirmative action admission policy.⁵⁶ The court concluded that the plaintiffs would have had no reasonable chance of being admitted to the law school under a race-blind admission system.⁵⁷

Additionally, the court held that considering race or ethnicity in admission decisions is always unconstitutional even if it is to remedy past discrimination or to promote diversity.⁵⁸ The Fifth Circuit's ruling prohibited race-conscious admission at public and private higher educational institutions in Texas, Louisiana, and Mississippi.⁵⁹

In the wake of *Hopwood*, the number of black students accepted at the University of Texas School of Law dropped from sixty-five in 1996 to eleven in 1997.⁶⁰ The number of Latino/a first-year students declined by 46 percent, and the number of Native American first-year students fell by 40 percent.⁶¹ As a result, applications have declined from African American and Latino/a students, as well as highly qualified white and Asian American students.⁶²

In one of the most recent assaults in a nationwide legal and political attack on affirmative action, the U.S. Supreme Court explicitly endorsed Justice Powell's view in *Bakke* that student body diversity is a compelling state interest in the context of university admission.⁶³ Barbara Grutter, a white applicant, sued the University of Michigan Law School, alleging that the Law School had discriminated against her on the basis of her race because it maintained an affirmative action admission policy.⁶⁴ Several months earlier, a similar suit, *Gratz v. Bollinger*, was brought against the University of Michigan and its College of Literature, Science and the Arts.⁶⁵

In both *Grutter* and *Gratz*, the University of Michigan stated its intention to "continue to use race as a factor in admission, as part of a broad array of qualifications and characteristics of which racial or ethnic origin is but a single though important element."⁶⁶ The University had rested its defense firmly on Justice Powell's diversity rationale. While most universities had relied on anecdotal evidence and intuitive reasoning to justify their affirmative action programs, Michigan was the first university to amass empirical data to show that segregated education is substandard education.⁶⁷ The research indicated that

[a] segregated university produces students with weaker cognitive skills, less capacity to work and socialize across racial lines, and a less fully developed ethic of civic obligation and participation. In other words, without racial diversity, the university could not produce the best and the brightest citizens and leaders for our democracy.⁶⁸

In *Gratz*, the Court held that the University's undergraduate points-based admission policy violated the equal protection clause because its use of race was not narrowly tailored to achieve a compelling state interest in diversity.⁶⁹ Conversely, in *Grutter*, the Law School's admission policy focused on academic ability coupled with a flexible assessment of an applicant's talents and experiences.⁷⁰ While the Law School recognized "many possible bases for diversity admissions," it also reaffirmed a commitment to "racial and ethnic diversity," in particular those who "have been historically discriminated against, like African Americans, Hispanics, and Native Americans."⁷¹ Additionally, the Law School sought to enroll a "critical mass" of underrepresented minority students.⁷² The Court found the Law School's goal to enroll a "critical mass" of underrepresented minority students was necessary to further its compelling interest in securing the educational benefits of a diverse student body.⁷³ Furthermore, unlike *Gratz*, the Court held that the Law School's admission program was narrowly tailored to serve its compelling interest in obtaining the educational benefits that flow from a diverse student body.⁷⁴ Thus, *Grutter* not only reaffirmed the principles of *Brown*, but also clarified the importance of diversity in the overall educational experience.

III. WASHINGTON STATE LAW AND LAW SCHOOL ADMISSION

Washington State ranks fourth nationwide for total minority population growth.⁷⁵ Indeed, the state's minority populations are rising faster than the non-minority population.⁷⁶ Census counts show minorities in Washington increased from 15.7 percent in 1990, to 20.8 percent in 2000, and to 22

percent in 2003.⁷⁷ By mid-decade, minorities will increase to about 1.4 million and represent 23 percent of Washington's population.⁷⁸

The city of Seattle's population is becoming both larger and more diverse as well. One hundred languages and dialects are spoken in Seattle, with an estimated seventy-six spoken in its public schools.⁷⁹ While there was only a 5 percent increase in the city's total population between 1980 and 1990, Seattle experienced a 26 percent increase in minority population.⁸⁰ African Americans increased by 11 percent, Native Americans by 17 percent, Asian/Pacific Islanders by 66 percent, and the Hispanic population, which may encompass a number of ethnicities, grew by 45 percent.⁸¹ (Figure 1 provides a composite picture of racial and ethnic demographics for Seattle, Washington State, and the School of Law in 2000.)⁸²

As the minority population increases in Washington State, voters and legislators wrestle with affirmative action policies. On November 3, 1998, 58 percent of Washington State voters approved the controversial Initiative 200, which banned "preferential treatment" on the basis of race, sex, color, ethnicity, or national origin in public employment, public contracting, and public education.⁸³ Despite vigorous opposition by Governor Gary Locke and Seattle Mayor Paul Schell, who had the backing of businesses such as Boeing, Eddie Bauer, Microsoft, Starbucks, and The Seattle Times,⁸⁴ the measure passed in every one of the Washington's 39 counties, except King—which contains the city of Seattle.⁸⁵ The most ethnically diverse neighborhoods in Seattle overwhelming voted to reject the initiative. A majority of precincts in the Central Area and Rainer Valley voted 80 percent or more against the initiative.⁸⁶ In addition, I-200 drew only moderate support in some King County Eastside suburbs.⁸⁷

In the aftermath of the election, University of Washington's President McCormick announced that race and ethnicity would no longer be used as a factor in deciding which students were admitted.⁸⁸ Since race was removed from the admission criteria, the University of Washington has struggled to attract minority students.⁸⁹ The University of Washington and Washington

State University have both increased recruiting efforts to attract minority students no longer applying for admission after the passage of I-200.⁹⁰ On the other hand, Washington's Evergreen State College reports that it has experienced an overall increase in the number of students of color in the student body.⁹¹ People also thought that I-200 applied to Seattle University.⁹² Even though I-200 does not apply to private schools, the School of Law felt its impact when trying to recruit students. "It was national news. We had to work really hard to deal with it," said Carol Cochran, the School of Law's Director of Admissions.⁹³

On July 1, 1997, just over a year before I-200 was passed, three students who were denied admission to the University of Washington School of Law sued the law school and members of its administration and faculty.⁹⁴ The students alleged that the denials of admission were due to racially discriminatory admission policies. The law school then moved to dismiss the suit because it had eliminated the use of race as a criterion in its admission process pursuant to the directive from President McCormick.⁹⁵ After analyzing the U.S. Supreme Court's decision in *Bakke*, the Washington Supreme Court concluded that a properly designed and operated race-conscious admission program at the University of Washington School of Law would not violate Title VI or the Fourteenth Amendment.⁹⁶ The court held, however, that the University of Washington's law school was bound by I-200, which precluded it from granting "preferential treatment" to any individual "on the basis of race."⁹⁷ As a result, the students' request for relief was moot.⁹⁸

In *Parents Involved in Community Schools v. Seattle School District*,⁹⁹ the Washington Supreme Court analyzed I-200 for the first time. To prevent racial imbalance and to promote diversity in Seattle high schools, the Seattle School District had adopted an open choice plan allowing students to attend any school.¹⁰⁰ If the schools were oversubscribed, the District assigned students using a series of "tiebreakers," including one based on race that is correlated to the demographic profile of Seattle's

student population.¹⁰¹ The Ninth Circuit Court of Appeals certified the case to the Supreme Court of Washington to interpret I-200.¹⁰² The Supreme Court concluded that I-200 did not prohibit the Seattle School District's open choice plan, which included the "tiebreaker" based upon race so long as it remains neutral on race and ethnicity and does not promote a less qualified minority applicant over a more qualified applicant.¹⁰³

Washington legislators had also been awaiting the U.S. Supreme Court's decision in *Gratz* and *Grutter* before challenging I-200. Recently, however, in their first major attempt to revamp the 1998 initiative, they failed.¹⁰⁴ Senate Bill 6268 and its companion, House Bill 2700, were introduced in early 2004. The bills would have amended I-200, allowing state colleges and universities to consider race when making admission decisions.¹⁰⁵ Opponents maintained that the bills would unfairly benefit members of one race over another, but disappointed proponents have vowed to try again.¹⁰⁶

IV. LAW SCHOOL ADMISSION

Law school applicants must have a bachelor's degree or have successfully completed three-fourths of the work acceptable for a bachelor's degree to qualify for admission.¹⁰⁷ There is no recommended "pre-law" major, although prospective lawyers often attempt to show that they have developed proficiency in speaking, writing, reading, researching, analyzing, and thinking logically in their undergraduate major.¹⁰⁸ Most law schools consider an applicant's undergraduate grades, the Law School Admission Test (LSAT) scores, the quality of the applicant's undergraduate school, prior work experience, and sometimes a personal interview. These factors are designed to reveal the applicant's aptitude for the study of law, although law schools vary in the amount of weight they place on each factor.

A. *The Law School Admission Test (LSAT)*

The American Bar Association (ABA) currently accredits 188 law schools.¹⁰⁹ Accreditation signifies that a law school's faculty and library

meet certain standards developed to promote a quality legal education.¹¹⁰ All law schools approved by the ABA, except those in Puerto Rico, require applicants to take the Law School Admission Test (LSAT).¹¹¹ The Law School Admission Council (LSAC), a nonprofit corporation, administers the LSAT.¹¹² The LSAT is a half-day, standardized, multiple-choice examination, designed to evaluate reading comprehension and analytical reasoning skills,¹¹³ that is used to predict whether an applicant will successfully complete the first year of law school.¹¹⁴

Even though law school admission officers continue to place considerable emphasis on LSAT scores, several concerns about the LSAT have arisen. First, the LSAT was never designed to predict overall performance in law school or professional competence in the practice of law. Dr. Linda Wightman, Vice President of the LSAC found that “LSAT scores and other simple numerical measures are poor predictors of law school graduation and bar exam passage rates for white and minority students.”¹¹⁵ Furthermore, the LSAC has explained that modest differences in test scores do not matter. As much as ten points may be inconsequential in predicting the relative success of students in law schools.¹¹⁶ Nevertheless, law schools still use the LSAT to distinguish between applicants whose scores may differ by as little as two or three points.¹¹⁷

Indeed, the tests reveal more about “past opportunity than about future accomplishments on the job or in the classroom.”¹¹⁸ The test-makers simply sought to create a test that measures limited skills.¹¹⁹ The LSAT does not measure motivation, perseverance, character, interpersonal skills, problem-solving skills, oral communication, empathy for clients, commitment to public service, or the likelihood that an applicant will work with underserved communities.¹²⁰

Further, LSAT results vary significantly along race, gender, and class lines. White test takers have been the largest percentage of test takers on the LSAT, and mean LSAT scores are highest for white and Asian American test takers.¹²¹ It has also been argued that wealthier students have

the time and money to take LSAT prep courses, which can substantially raise scores.¹²² The racial and ethnic gaps on the LSAT are larger than the differences in undergraduate grades, and are an inadequate measure of success in the legal profession.¹²³ As such, the LSAT is culturally biased because it creates an artificial barrier to entering the legal profession.

“The LSAT decisively stratifies opportunity by race even among law school applicants who have . . . overcome obstacles to achieve equivalent academic success over four or more years of college.”¹²⁴ For example, at University of California at Berkeley’s Boalt Hall, white students had the highest admission rate of any racial or ethnic group among applicants with equivalent undergraduate grade-point averages (UGPAs), even with affirmative action.¹²⁵ Nationwide, 72 percent of white applicants were admitted to at least one law school, compared to 46 percent for African Americans, 60 percent for Hispanics, 61 percent for Chicanos, 69 percent for Asian Americans, and 62 percent for Native Americans.¹²⁶

B. The Admission Policy at Seattle University School of Law

There are three things that Seattle University School of Law’s Admission Committee relies on in evaluating prospective students: (1) performance on the LSAT, (2) undergraduate academic record, and (3) personal accomplishments.¹²⁷ In light of the numerous criticisms of the LSAT, the School of Law makes an effort to lessen the impact of LSAT results by considering personal accomplishments. In fact, non-statistical categories count for one-third of the applicant’s total score.¹²⁸ Each application is also read by at least two admission evaluators.¹²⁹ The goal is to evaluate each individual by his or her own achievements rather than by standardized tests.¹³⁰

Using this admission process, the School of Law has long strived to maintain a diverse student body. Over the past ten years, the number of minority students enrolled each year has increased, though only by a very narrow margin (see Figure 2).¹³¹ In the 1991 entering class, there were 43

minority students who comprised 15 percent of the class.¹³² In 2003, that number doubled to 86 students, comprising 25 percent of the class.¹³³ However, the School of Law has never enrolled more than nineteen African American students in any year since 1994–95.¹³⁴ In fact, in 1995–96, the school enrolled only 6 African American students, the smallest in the last ten years.¹³⁵ Nevertheless, the total number of minority students has risen over the past ten years.¹³⁶

While the number of minority students enrolled has increased over the past ten years, the number of applications from minority students has also increased (see Figure 3).¹³⁷ While the School of Law received 284 minority applications for the 1991 entering class, that number increased to 410 applications in 2001, 599 applications in 2002, and 716 applications in 2003—the highest number of applications from minority students ever.¹³⁸ Dean Hasl believes that the best thing his school does to promote diversity is to make sure that each applicant gets a “personalized analysis of their situation.”¹³⁹

The School of Law also includes a number of special factors in the admission process. The 2003 Office of Admission Standard Operations Procedures clarifies these special factors:

VI. Special Factors of Consideration

A variety of “special factors” notations are used in the application review process to signal exceptional accomplishments not reflected in mere statistics. A number of candidates are admitted or given scholarship review based on factors other than their statistical indicators alone. Candidates given such consideration are those whose files reflect one or more of the following traits:

- a. Study at an undergraduate institution of exceptional quality (median LSAT 159 or above). Study in an academic discipline of recognized difficulty at particular institution. In such cases, the candidates’ file is marked USF (undergraduate special factor).

- b. Exceptional work experience or community service (WSF: work special factor).

- c. Exceptional recommendation, especially from a known academic source or from a graduate of the Law School (RSF: recommendation special factor).

- d. A notable disparity between undergraduate grade point average and LSAT score (i.e., high GPA/low LSAT or visa-versa) or a significant upward trend in academic performance at the undergraduate level or exceptional performance at the graduate level (SSF: statistical special factor or GSF: exceptional graduate work).

- e. Applicants from historically disadvantaged groups (DSF: disadvantaged special factor). Other personal factors, determined at the discretion of the reader such as selected applicants over the age of 40 (ASF: additional special factor).¹⁴⁰

These special factors do not explicitly take race into account, except for part (e), which considers “historically disadvantaged groups.” According to Cochran, the “historically disadvantaged groups” are defined “very broadly.”¹⁴¹ She added, “[The term] covers all different ethnic groups. Asians are special, they are a small part of lawyers, but nationwide they are not always seen as disadvantaged. We also give special consideration to minorities within Asian populations. There are over forty ethnic groups, people who may have physical disabilities, and veterans.”¹⁴²

“We recruit in areas that are rich with students of color. We attend events sponsored by Hispanic and black institutions. We try to go to events in cities that are ethnically diverse,” said Cochran.¹⁴³ She also named a number of other efforts aimed at recruiting minority students. For example, the admission team attends programs sponsored by minority organizations, develops collaborations with state agencies and programs, participates in

the Law and Diversity program with Western Washington University's undergraduate program, establishes mentorships with minority students from local community colleges, works with the King County Bar Association, maintains and develops relationships with local high schools, and targets publications and mailings to students of color.¹⁴⁴ Cochran herself has served on the Minority Affairs Committee of the LSAC, as well as a number of other panels directed at students of color.¹⁴⁵ These efforts aside, there is also a program that directly affects the diversity at Seattle University, the Alternative Admission Program.

C. The Alternative Admission Program

1. Introduction

In addition to recruiting minority students through the regular admission program, the School of Law operates an Alternative Admission Program to accept students into the law school who would not otherwise be offered admission.¹⁴⁶ There is no separate application process to be considered under the Alternative Admission criteria.¹⁴⁷ Rather, admission officers self-select applicants who they think would be successful in law school, but whose GPA and LSAT scores do not make them admissible under the "regular" admission criteria. "Coordinators for the Alternative Admission Program then make the final selection of students to be admitted to the School of Law under Alternative Admission criteria," said Cochran.¹⁴⁸ The students admitted under the Alternative Admission criteria then enter a program at the law school called the Academic Resource Center (ARC) program.¹⁴⁹

The primary purpose of the ARC program is to "help diverse and non-traditional students adjust, succeed, and excel in law school."¹⁵⁰ The ARC program includes a seven-week mandatory summer course that combines Criminal Law, Legal Writing, and study strategies such as how to outline, brief cases, and study for exams.¹⁵¹ The program then offers voluntary

study sessions with student teaching assistants for first-year courses and selected upper-level courses.¹⁵² The student teaching assistants and the program director are available to students during their entire law school careers.¹⁵³

Cochran explained that “these are students who have overcome things. We have people from all walks of life, all backgrounds, and all over the world.”¹⁵⁴ The admission team aims to enroll approximately 10 percent of the class based on the Alternative Admission criteria.¹⁵⁵ In addition to considering grade point averages and LSAT scores, the admission department also considers “ethnic, racial, and cultural diversity” in accepting students to participate in ARC.¹⁵⁶ The admission department looks for applicants “who have been culturally, economically, or historically disadvantaged, who have not been in an academic setting for a number of years, or who have learning or physical disabilities, and who have indicators that show the applicant can compete in law school.”¹⁵⁷ Students not originally enrolled into the ARC program may join later upon recommendation of the program director, the assistant dean of students, or a professor.¹⁵⁸ Also, students who place in the bottom quarter of their class after the first year are invited to join the ARC program for upper-level courses.¹⁵⁹

According to Paula Lustbader, Director of the Academic Resource Center, if an applicant is from a white, privileged background with a low grade point average or LSAT score, the applicant will not be considered for ARC unless the applicant has a disability that might explain the low score.¹⁶⁰ Primarily, the program focuses on “nontraditional students who are being systematically excluded from full participation in the legal profession,” said Professor Lustbader.¹⁶¹ The ARC program description explains that the program aims to “diversify the student body and the population of practicing attorneys by providing diverse persons access to legal education and helping these students exceed and excel.”¹⁶²

The ARC program is staffed and coordinated by a tenured professor, a student administrative assistant, a student teaching assistant supervisor, and twenty-four student teaching assistants.¹⁶³ Professor Lustbader has worked with the Alternative Admission Program since its inception in 1987.¹⁶⁴ First working on the program's structure as a second-year law student, Lustbader has seen the program change and grow throughout its entire life.¹⁶⁵ She acknowledged that at one point nearly 75 percent of the people of color at the law school began in the ARC program.¹⁶⁶ However, the stereotype that the program only targets minorities is no longer valid, she said.¹⁶⁷ The program focuses on students of all different backgrounds, who offer something unique to the law school community.¹⁶⁸

2. Statistics

Between the 1988-89 and 1994-95 academic school years, 68 percent of all African American, Native American, and Hispanic students were enrolled through the Alternative Admission Program.¹⁶⁹ Viewing this percentage by race and ethnicity reveals that 86 percent of African American students, 69 percent of the Native American students, and 49 percent of the Hispanic students were enrolled at the Law School through the Alternative Admission Program during this same six-year period.¹⁷⁰

Of the entire 2003 entering class, 25 percent of the students are minorities, which the School of Law defines as Native Americans, Alaskan Natives, Asian and Pacific Islanders, African Americans, Hispanics, and a small group marked "other."¹⁷¹ Twelve percent of the 2003 entering class was enrolled in the ARC program, 88 percent of whom are minority students.¹⁷² While more than half of the minorities who enrolled in the 2003 law school class are not part of the ARC program; the program itself remains imbalanced, however, with a heavy minority enrollment.¹⁷³

The percentage of minority students enrolled in ARC has also fluctuated over the years (see Figure 4). The most recent entering law school class has the highest percentage of minority students enrolled in ARC since 1997,

when 58 percent of the entering minorities participated in ARC.¹⁷⁴ In the 1999 entering class, the minority students in ARC represented only 28 percent of the total minority students enrolled, the lowest percentage over the past ten years.¹⁷⁵

With the small number of students considered under the Alternative Admission criteria, the program becomes quite competitive. Last year approximately 300 applicants were considered under the Alternative Admission criteria; 54 were offered a seat, and 38 enrolled.¹⁷⁶

3. Reactions to the Academic Resource Center

The ARC program incites mixed reactions among participants and non-participants alike. The program is often falsely seen as enabling unqualified minority students to “sneak” into the law school. Others recognize the program for its commitment to helping exceptional students of diverse backgrounds enter into the legal profession. One thing is agreed, however: the school needs to do a better job educating both applicants and current law students about the program’s value to the entire legal community.

The perception that the program is for unqualified minority students has fostered some negative feelings among ARC participants as well as discriminatory perceptions by other students, according to Kwame Amoateng, a 2002 graduate.¹⁷⁷ Amoateng said that he initially had mixed reactions to his admission to Seattle University School of Law dependent upon his participation in ARC.¹⁷⁸ At first he felt inferior to other students, but then learned about the positive aspects of the program.¹⁷⁹ Amoateng believes that the program has been helpful in getting minorities admitted to the school, but that people must realize that the program is not only centered on the admission of minorities.¹⁸⁰ “The program doesn’t just focus on whether you are a black person or a white person, it looks at your circumstances,” he said.¹⁸¹ Professor Lustbader, as well as program participants, agree that ARC students often get labeled as inferior.¹⁸² Minorities not participating in ARC also experience assumptions by faculty,

staff, and students that every student of color entered the law school through the Alternative Admission Program.¹⁸³

Judge Frank Cuthbertson, a former ARC participant, remembers a backlash against minorities more than ten years ago: “I believe that minority students felt that some other students, some faculty, and some in the administration believed that we did not belong, or were not there on our own merit. There was a creeping sense that our presence symbolized a form of reverse discrimination. There seemed to be a tendency to generally question whether minority students merited coveted spots in law school.”¹⁸⁴ Cuthbertson also recalls that students resented the formation of student groups that focused on the legal needs of traditionally underserved minority communities.¹⁸⁵ “The critics clearly did not understand that up until the 1950s, black attorneys could not join the American Bar Association, thus necessitating the creation of the National Bar Association for black lawyers,” he said.¹⁸⁶

Program leaders speak with ARC students upon entrance about these stereotypes, and try to instill confidence in the students, emphasizing that participation in ARC is not negative.¹⁸⁷ To inspire the first-year ARC participants, social events are organized with upper-level ARC students as well as former participants.¹⁸⁸ The law school also tries to educate the general student body about the ARC program through the law school catalogue, orientation for first-year students, and by answering any inquiries about the program.¹⁸⁹

4. Successes of Students in the ARC Program

The law school does not currently have statistical data regarding the success of ARC students.¹⁹⁰ For example, there are no statistics showing how many of the students end up on Moot Court, Law Review/Journal, or at the top of their classes, which are some of the traditional methods of tracking student performance.¹⁹¹ Professor Lustbader said there is not enough money available to be able to track such data.¹⁹² Informally,

however, Professor Lustbader said that she knows that ARC students have been very successful.¹⁹³ For example, six of the recent student body presidents were ARC participants.¹⁹⁴ The 2004 program description asserts that two ARC students have been faculty scholars, one graduated number one in his class, and several have graduated in the top 20 percent of their respective classes.¹⁹⁵ Additionally, Frank Cuthbertson became the first African American judge in Pierce County.¹⁹⁶ In general, Lustbader has found that the ARC students are very service oriented and contribute greatly to the community.¹⁹⁷ For example, Amoateng is now able to give back to the community as a legal benefits attorney for the Department of Social and Health Services.¹⁹⁸ He even hopes to return to Ghana someday with a few of his Seattle University classmates to teach kids there about the American legal system.¹⁹⁹

In 1990, the law school conducted a study to track the success of the ARC students admitted for the 1987-88 school year compared with the closest 10 percent of students admitted under regular admission criteria.²⁰⁰ Professor Lustbader said that the academic performance of the ARC students roughly matched the bottom 10 percent of general preadmits.²⁰¹ She recognizes the problems and biases in such a study, but she said that it shows the ARC students succeed on par with students admitted into the school under general criteria.²⁰² Professor Lustbader noted that part of the study's bias to predict current ARC student success is the study's age and the fact that it only compared the ARC students to the closest 10 percent of students admitted, rather than all students admitted for that class.²⁰³

First-time bar passage rates have increased over the years as well.²⁰⁴ Lustbader explained that the goal for ARC students is that by the end of their first summer, they can perform with confidence and are competitive with any other person in their class.²⁰⁵ “[The ARC program] has helped change the legal profession of the Northwest,” Cochran said.²⁰⁶ “People that might not have been there have gone through that program and [have] been very successful, and they also provide access to others,” she added.²⁰⁷

Indeed, based on its success, an anonymous donor recently gave \$1.5 million to the program.²⁰⁸

V. FINANCIAL AID

While Seattle University School of Law's Office of Admission makes an effort to open the door to all students, the cost of attending law school swiftly slams the door shut for many aspiring lawyers, especially those of color. According to Dean Hasl, the biggest challenge in creating a diverse student body is overcoming the financial aspect, "[e]specially reaching out to students from lower socioeconomic backgrounds."²⁰⁹ Cochran agrees, and she sees it affecting students of color the most.²¹⁰ "There are a lot of people who still cannot afford to go to law school. I hate to say it, but most students of color have not gone off to college with funds. Thus, if they get in debt [from undergraduate school loans], when it's graduate school time, there are a lot of issues," said Cochran.²¹¹

Nonetheless, Kathleen Koch, Director of Financial Aid at Seattle University School of Law, maintains no racial tracking data.²¹² She contends that there is little that her office can do to increase diversity, although she tries to inform students about private scholarships offered by minority organizations or community groups who may award scholarships that are based on race or promote diversity.²¹³ Koch noted two examples: a scholarship offered by the Asian Bar Association of Washington and an American Indian Endowed Scholarship.²¹⁴ Otherwise, she says that the Financial Aid Office does not seek out scholarships targeting minorities, or scholarships of any particular type, because the office does not have enough time.²¹⁵ However, Koch says that she tries to educate all students about the problems of credit card debt and the need for using credit responsibly.

The Financial Aid office does offer merit-based scholarships, awarded strictly on the basis of law school performance. While this may mimic discriminatory practices that exist in the system, it does not take race into account. Again, because the Financial Aid office does not keep data on

race, no statistics are available to examine whether or not these scholarships are in fact being awarded in a discriminatory way.

The Admission Office offers six additional scholarships, one of which, the Dean's Diversity Scholarship, takes race into account.²¹⁶ Because the Admission Office awards this scholarship, they use a definition of diversity similar to that of the admission process, seeking "students who have achieved personal success, despite significant, if not extraordinary obstacles."²¹⁷ The Financial Aid Office advertises this scholarship, but maintains no data as to whether this scholarship has been traditionally awarded to minorities.²¹⁸

VI. FACULTY DIVERSITY AND LAW SCHOOL CURRICULUM

A. Introduction

With regards to faculty diversity and the curricular integration of issues of race and ethnicity, it is useful to consider the portion of the Law School's Mission Statement that addresses faculty and teaching:

Our teaching is both demanding and humane; it blends legal theory, doctrinal analysis, and comprehensive practical-skills training. Our faculty is dedicated to scholarship and professional activities, for we recognize that the quality of teaching is enhanced by learning, that intellectual progress is inherently valuable, and that the pursuit of justice is furthered by dialogue with colleagues inside and outside of the law. Together, and through all of these pursuits, our faculty, administrators, and our staff seek to be role models for the principled and public-spirited attorneys that we wish our students to become.²¹⁹

What is noticeably absent from an otherwise commendable mission statement is any mention of faculty diversity. This clearly contrasts with the portion of the Mission Statement addressing students, which decisively states that "[o]ur students are, and will remain, distinctive and diverse."²²⁰ Nevertheless, Seattle University School of Law ranks eighth nationally in

faculty diversity.²²¹ While student diversity is crucial, complete institutional diversity requires attracting and maintaining a diverse faculty and purposefully integrating issues of race and diversity into law curriculum—not just student admission. As such, this section seeks to shed light on these crucial aspects of complete institutional diversity, both nationally and at Seattle University School of Law.

B. Faculty Diversity

In 1988, Richard Chused observed that “[r]acial tokenism is alive and well at American law schools.”²²² “[T]he time for excuses [has] past,” he continued, and “hollow” excuses must be replaced

with commitment, devotion of time, willingness to confess error, conscious devotion to finding and using new methods for recruiting faculty, placement of existing women and minority faculty on hiring and tenure committees in as substantial numbers as possible, the use of substantial numbers of open faculty slots as targets for the fulfillment of openly stated hiring goals, and frequently articulated, strongly worded public statements by senior faculty, deans, and university presidents that faculty diversity is a matter of the highest priority.²²³

The question now, of course, is whether this call to action has resulted in change, or whether racial tokenism is indeed still alive in American law schools, now sixteen years later.

According to a recent study by the Association of American Law Schools (AALS), the number of total minority faculty rose less than 5 percent between 1990 and 2003.²²⁴ Specifically, the study indicates that “over the thirteen-year period, the percentage of minority professors rose steadily from 6.2 percent in 1990-91 to 12.3 percent in 2002-03,” and “the percentage of minority associate professors rose from 18.8 percent in 1990-91 to 25.8 percent in 1998-99, dropped slightly for the next two years, and then rose to 25.0 percent in 2001-02 and to 26.0 percent in 2002-03.”²²⁵ Additionally, “the percentage of minority assistant professors rose from

19.3 percent in 1990-91 to a high of 29.0 percent in 1994-95, dropped over the next four years to 25.3 percent in 1998-99, rose in 1999-2000 to 28.1 percent, and then dropped back to 27.5 percent in 2000-01, 27.0 percent in 2001-02, and 25.8 percent in 2002-03.”²²⁶

Nationwide, the AALS reports that 14.8 percent of all law school faculty, where racial and ethnic information is available, are members of minority groups.²²⁷ Current figures put the total minority population in the United States at 32 percent—17.2 percent higher than the percentage of all minority faculty represented in U.S. law schools.²²⁸ Further, even though there has been an overall increase at all levels of faculty hiring, the number of full-time minority professors is significantly lower than minority associate and assistant professors.

While the percentage of minority faculty nationwide is a useful guide, an even more important indicator may be faculty views on the importance of diversity in American law schools. In a study of law school faculty perspectives on diversity, respondents of all races and ethnicities felt strongly about having both a diverse faculty and student population. With respect to faculty diversity, 34.8 percent of respondents said that having a diverse faculty was extremely important (5 on a 5 point scale), and 38.3 percent believe that a diverse faculty was very important (4 on a 5 point scale).²²⁹ Thus, almost three quarters of respondents believed that faculty diversity was either very or extremely important. This statistic is even more meaningful given that there was no significant difference between white and minority respondents with regard to the importance of a diverse faculty and student population.²³⁰

At Seattle University School of Law, recent American Bar Association data reports that 24 percent of full-time faculty and 5 percent of part-time faculty are minorities.²³¹ Compared to both national minority law school faculty statistics (14.8 percent) and national population statistics (32 percent), the percentage of full-time minority faculty hired and retained by the law school is impressive. However, there is a significant gap between

full-time and part-time minority faculty, which is exacerbated by the fact that 39 percent of faculty teaching at the law school are part time.²³² When the numbers of full-time and part-time faculty are added together, minority faculty representation drops to only 16 percent.²³³

The decision to increase the number of minority faculty at the School of Law was not accidental. Seventeen years ago in its *1988-89 Long Range Plan*, the School of Law unambiguously stated that “the numbers of female and minority group members on the faculty must be increased.”²³⁴ The *1996 Self-Study* also reflects a conscious effort to increase faculty diversity, particularly by using continued diversification of the faculty as a primary consideration in hiring.²³⁵ The *1998-99 Self-Study* shows that the school made good on this strategy, stating that “of the five most recent tenure track hires all have been persons of color.”²³⁶ This report, however, did raise concerns about lack of diversity in its clinical, academic support, and legal writing programs.²³⁷ Finally, in its *2001 Self-Study/Five Year Plan*, the law school states:

Twelve years ago, the law school career faculty was made up of predominately white males. This was particularly true within the tenure track, which in 1988 had only four women and one African American man. Our faculty today presents a very different picture, both in terms of gender and ethnic diversity. . . . We now have four faculty members who are of Asian decent, two African Americans, one Latina, and one Native American; of these, six are on the tenure track faculty and two are short-term legal writing contract faculty.²³⁸

In addition to increased diversity in the legal writing program, the School of Law has also since hired an African American to direct its clinical education program and a tenure track African American assistant professor. Moreover, the law school has “gone after the best candidates in a strong national pool and has almost uniformly attracted and hired [its] first choice candidates—individuals with unassailable credentials who turned down offers from elite institutions.”²³⁹ But, “despite [the law school’s] success,

further enhancement of faculty diversity as to gender, race, and ethnicity remains an important goal.”²⁴⁰

Current School of Law faculty perspectives on diversity hiring also reflect this shift. Lorraine Bannai, an Asian American legal writing professor, comments that “while I in no way consider that we have ‘enough’ of any one type of diversity and I do not believe that there is any sort of ‘quota’ to fill, the school is achieving an impressive level of diversity on its faculty [T]o increase faculty diversity, it would be good to have more Latino/Latina and Native American faculty, as well as more tenured African American faculty.”²⁴¹ Betsy Hollingsworth, a clinical professor, stated that “I have been at this law school for eighteen years, and have seen a great deal of change in the composition of faculty during that time. Over the past seven years or so, the law school has made a conscious decision to seek more diversity, which has resulted in a greater degree of racial, ethnic, and gender diversity on the faculty.”²⁴² However, she warns, “we need to continue to make such diversity a priority and look for more non-traditional methods to find racially diverse applicants.”²⁴³ John Mitchell, a professor of evidence and criminal procedure at the School of Law, reaffirmed the dramatic change in faculty composition, and added that “we have a significant number of tenure slots to fill in the next few years, many of which will be filled by diversity hires.”²⁴⁴

Thus, while faculty recognize the significant increase in diversity at the law school, they also maintain that more must be done to hire and retain a truly representative faculty. To that end, Christian Halliburton, an African American assistant professor who teaches criminal law, criminal procedure, and law and religion, offers,

[i]n order to increase the diversity of this faculty, we need to maintain our commitment to the value of such measures in order to produce the diversity we seek. We need to continue to think about alternative means of identifying and pursuing faculty, in addition to the conventional approaches, and think about ways to cultivate new and future faculty from within. More than that, there needs to

be a change in the way legal scholars are groomed during the educational process, and that may be beyond the scope of what any one school can do.²⁴⁵

C. The Integration of Issues of Race and Ethnicity in the Curriculum

While increases (albeit slow) in law faculty hiring, both nationally and at Seattle University School of Law, are more clearly evident, the integration of issues of race and ethnicity into the law school curriculum is not as clear. One nationwide faculty survey reveals that 53 percent of the respondents “often initiated discussion of racial/ethnic issues in their classrooms and one-third attempt to have students work across racial/ethnic lines in class assignments and group presentations.”²⁴⁶ Nevertheless, the study revealed that 25.5 percent of law professors rarely or never initiate discussion of racial and ethnic issues in class, and 43.5 percent rarely or never have students work in diverse groups.²⁴⁷ Still “nearly two-thirds of the respondents [said that] they are prepared to teach in a diverse environment . . . and 88 percent [said that] they are comfortable teaching in a diverse environment.”²⁴⁸

In another study of course offerings on race and ethnicity in U.S. legal education, twenty-six out of the 164 schools surveyed reported that they had no courses on race and ethnicity and the law, and another twenty-one schools either declined to participate or neglected to respond to repeated requests for participation.²⁴⁹ In the schools with formal opportunities to study race and ethnicity and the law, a total of 337 courses are offered.²⁵⁰ Of these, “[t]wenty are devoted ‘primarily’ to Latino/as and the law . . . twenty were on ‘critical race theory,’ while another 113 were on ‘race/racism/race relations and the law.’”²⁵¹ Finally, “[e]ighty-three law schools reported offering another 188 ‘related’ law courses that are not generally focused on critical race theory or other race/ethnicity related topics” (i.e., equal protection, employment discrimination, civil rights, poverty law, and criminal justice).²⁵²

Seattle University School of Law currently offers two courses dedicated to race and ethnicity and the law: Latino/as and the Law²⁵³ and Race and the Law.²⁵⁴ Other courses that are not primarily focused on race and ethnicity include Alaska Natives and Environmental Law, Federal Indian Law, and Current Issues in Social Policy.²⁵⁵ A number of law professors also integrate issues of race and ethnicity into their substantive courses. For example, Professor Mitchell integrates questions of race and ethnicity in both his Criminal Procedure and Evidence courses and strives to “make the students aware that, not only their clients, but co-counsel, judges, jurors, and witnesses increasingly will be non-white.”²⁵⁶ Joaquin Avila, a visiting professor, also raises these issues in his constitutional law course: “In my discussions regarding *Marbury v. Madison* and other related cases, we discuss the roles of the three co-equal branches of the government in the protection of minority civil rights . . . and with discussion of the commerce clause, we discuss the limits of the clause in the protection of civil rights.”²⁵⁷ Furthermore, to discuss the difficulty litigators encounter in proving discriminatory intent under the equal protection clause, Professor Avila supplements the casebook with a video clip regarding a secret tape recording of internal discussions in a real estate development firm where top executive officials openly discussed their racial preferences for a given employment position.²⁵⁸

The School of Law’s Legal Writing Program also strives to integrate diversity into teaching and writing assignments. Legal writing faculty have published three articles on diversity, as well as *The Legal Writing Handbook*, which dedicates a section to bias-free language.²⁵⁹ Professor Bannai, who teaches Legal Writing I and II, attempts to “assign memos that raise issues of diversity [e.g., English-only policies] and create fact patterns that involve persons of diverse backgrounds.”²⁶⁰ She and Professor Anne Enquist also teach a workshop to first-year students about bias in language and legal analysis. Professor Laurel Oates, director of the Legal Writing Program, encourages her colleagues “to experiment, to talk openly, and to

take risks. . . . I am unhappy about the fact that our more conservative faculty and students feel silenced We need political as well as ethnic and racial diversity.”²⁶¹

The Ronald A. Peterson Clinic at the School of Law gives students a unique opportunity to represent real clients. Bryan Adamson, director of the clinic, regularly integrates issues of race and ethnicity into the program. Adamson, an African American, said that “students are required on a constant basis to examine their own, and their clients’ culture, and how it impacts the attorney-client relationship or the case.”²⁶² In addition, Adamson hands out materials on race and class that relate to financial services and gives exercises that require students to discuss cultural differences between themselves and their clients.²⁶³ “Now more than ever, graduating students will need to be culturally competent,” Adamson believes.²⁶⁴ Furthermore, he explains that “[a]s our graduates engage in lawyering in a global environment and an increasingly diverse local environment, it is critical that they have the tools and the skills to competently work with and/or represent individuals who are different in culturally significant ways from them.”²⁶⁵

In another attempt to increase dialogue about diversity and the law, the School of Law founded the *Seattle Journal for Social Justice*, a peer-reviewed, student-edited publication whose mission is “to promote critical interdisciplinary discussions on urgent problems of social justice, including exploring the often-conflicting meanings of justice that arise in a diverse society.” Members of the *Journal* reflect an impressive cross section of the student body and are Native American, Latino/a, African American, and Asian; member diversity is also reflected through gender, sexual orientation, and religion. While there is still a long way to go before a meaningful dialogue about diversity is supported in every classroom, the *Journal* is an increasingly recognized attempt to inject critical discussions of race and ethnicity within both classrooms and the legal community.

A final program that exposes students to racial and ethnic diversity at the School of Law is the Access to Justice Institute (AtJI), which was founded in 1999, and whose goal is to provide “quality volunteer experiences for law students while fulfilling unmet legal needs.”²⁶⁶ One extremely successful program coordinated by AtJI is the Community Justice Project, which consists of three community justice centers operating in under-served communities in the Puget Sound area: one in the Central District (a traditionally African American neighborhood), a second in the International District (a predominately Asian American neighborhood), and the third in Tacoma (a large metropolitan center south of Seattle).²⁶⁷ Services provided through the Community Justice Project range from landlord-tenant issues to unemployment law and assistance with writing wills and trusts.²⁶⁸ Sudha Shetty, director of the Access to Justice Institute, reflects that “students who volunteer with AtJI not only get hands-on experience working with racially and ethnically diverse clients, but they do so in the client’s own community. The program allows students of color to build ties in their own communities and other students to serve in communities with which they may have little or no experience.”²⁶⁹ AtJI also coordinates an Immigration Court Project, the Hague Project (on international parent-child abduction), an Unemployment Insurance for Battered Women Project, a language bank, and a series of reflective seminars.

D. Conclusion

It is useful to reflect on just how far the School of Law has come. Judge Frank Cuthbertson, an African American student at the School of Law in the early 1990s, recalls that he felt the legal casebooks used were biased against minorities.²⁷⁰ As a student, Cuthbertson had the impression that Thurgood Marshall was a “token appointment” to the Court; not until Marshall’s death did he learn that Marshall had argued approximately ninety cases before the U.S. Supreme Court.²⁷¹ “We learned in law school to sit in awe of Justice Holmes, Learned Hand, and others. However, we

did not learn to question why it took our system of jurisprudence until 1954 to realize the self-evident fact that equal protection under law is incompatible with court-sanctioned racial segregation,” Cuthbertson remarked.²⁷²

While instances of racial bias in law school teaching and curriculum will undoubtedly continue to take place, increasing faculty diversity and integrating issues of race and ethnicity into the curriculum will hopefully stem instances of racial bias and exclusion. As Professor Margaret Chon observes,

Race and ethnicity are not addressed directly and therefore unspoken tensions lurk beneath the surface. There is a lot of institutional and structural racism, even though individual acts of bigotry and/or discrimination are rare. Racial dynamics make it difficult for faculty of color (and I would emphasize especially women of color) to feel as if they are on a level playing field with other professors. White male professors still carry a presumption of competence in the eyes of the students; women and people of color have to earn it every day, in every class.²⁷³

Also, as Professor Halliburton reflects, the meaningful consideration and reflection upon diversity in the law school classroom “depends to a large extent on the individual faculty member’s willingness, desire or ability to see and address them, as well as the students’ ability and willingness to do the same.”²⁷⁴ Until a larger number of both faculty and students are willing to meaningfully address issues of race and ethnicity as a personal imperative, it is likely that Judge Cuthbertson’s experience will continue to be the experience of both white and minority students.

VII. STUDENT PERSPECTIVES ON DIVERSITY AT SEATTLE UNIVERSITY SCHOOL OF LAW

A. Introduction

The current student body at the School of Law generally gives the school high marks regarding diversity. Students of all races, cultures, backgrounds, and experiences say that they find an accepting student body. They praise the school's commitment to attracting minority students and offering a medley of support. From promoting different cultures through student-run organizations to hiring diverse professors and staff, minority students claim that the School of Law maintains a positive role in promoting diversity. Nonetheless, there is room for improvement. In both recruitment efforts and students' general acceptance of each other, a more focused effort could improve race relations at the school.

"I think Seattle University School of Law is more diverse than other law schools in the Northwest, but it has a long way to go," said Angela Rye, a third-year student who served as the 2003-04 Black Law Student Association (BLSA) president and is now the organization's western regional director.²⁷⁵ Rye thinks that racial diversity is a component of diversity that makes the school richer.²⁷⁶ However, she feels that cultural sensitivity workshops and other educational tools regarding diversity should be mandatory for incoming students.²⁷⁷ Rye commented that students, faculty, and staff need to be aware of each other's differences.²⁷⁸

B. Moot Court

Rye, who is also a member of the Moot Court Board, said that while the law school community is generally accepting of a diverse group of people, programs like moot court could be improved.²⁷⁹ As the only African American female on the Moot Court Board last year, Rye said that she worked hard to increase the board's diversity.²⁸⁰ Often meeting objections from other students who did not share her passion for making the board

diverse, Rye sometimes felt frustrated and resentful.²⁸¹ “People don’t always understand the importance of having people who look like them because that’s just a given,” Rye said.²⁸² “But for a lot of us, it’s not a given; it’s an exception.”²⁸³

One alumna, Carrie Coppinger Carter, remembers racial tension when the BLSA administered the Frederick Douglass Moot Court Competition during the 1997-98 school year.²⁸⁴ Although the Moot Court Board assisted with the competition, BLSA had previously set the requirements for student competitors to advance to regional or national competitions after competing in the in-house competition.²⁸⁵ According to Carter who was the 1997-98 chair of the Moot Court Board, one of the requirements set by BLSA prior to 1997-98 was that only African American students could advance to the regional or national competitions for the Frederick Douglass competition.²⁸⁶ As a result, only four to six students would generally compete in the annual competition.²⁸⁷

Rye said that there is no record of bylaws for the BLSA organization prior to 2000.²⁸⁸ The current bylaws do not consider race as a factor for participation in the BLSA or the group’s moot court competition.²⁸⁹ Rye, who worked to implement the current constitution, doubts that any official statement was made in previous constitutions about racial requirements for in-house competitions or for advancement.²⁹⁰

Carter helped to expand the Civil Rights Competition to include the BLSA competition as well as individual competitions by other minority groups and to eliminate any racial requirements for advancing to regional or national competitions.²⁹¹ Carter remembers resentment over the change, and that, as a result, many of the Moot Court Board members “started backpedaling from their original vote” to expand the Civil Rights Competition.²⁹² Carter was the brunt of racial jokes and resentment due to her involvement in the changes.²⁹³ She received anonymous threats at home and at school and was portrayed in the school newspaper with black crows circling her head.²⁹⁴ Her leadership was even compared to the syphilis

experiments on African American men in the South.²⁹⁵ Carter said that no professor, dean, or any other school official offered her support during what she recalls as a traumatic experience.²⁹⁶

Carter said that the reaction that she received from the changes to the moot court competitions reflects the importance of recognizing diversity: “Diversity tends to bring with it the increased potential for conflict, even where the best intentions exist, and I believe there is an increased responsibility to make sure people are not harmed in the midst of Seattle University’s goal to increase diversity.”²⁹⁷ While Carter’s efforts to expand student access to moot court competitions despite their race may have met strong opposition a few years ago, her vision is now commonplace at the school. The Moot Court Board does not have an explicit rule about prohibiting discrimination against competitors on the basis of race, but Jason Keyes, its current president and a third-year law student said, “I can’t imagine that it would ever happen.”²⁹⁸ Rye also emphatically states that the BLSA organization supports any individual, regardless of race, who would like to join BLSA and participate in the Frederick Douglass Competition.²⁹⁹

C. Student Thoughts on Diversity at Seattle University School of Law

Melissa Campos, a second-year law student and president of the Hispanic Organization for Legal Advancement (HOLA) at Seattle University, recognizes that diversity can also penetrate beyond the school walls and into the community.³⁰⁰ Campos joined HOLA because she wanted to give back to the community to which she belongs. She explained: “I think that by going to them, serving them, whether it is going to schools or just going to, say, an immigration clinic, they see us; they see our faces. Some of us look like them. Some of us speak their language. We are not as detached as they think we are.”³⁰¹

Campos helped to rejuvenate HOLA last year after the group had been inactive for some time.³⁰² Campos and the rest of the HOLA team are working to recruit members and to help students learn the importance of

assisting their communities.³⁰³ The group visits high schools where dropout rates are high and holds mock trials to show high school students what law school is like.³⁰⁴ HOLA members visited Tacoma last year, and this March they will be headed to eastern Washington.³⁰⁵

Tina Thomas, a second-year law student and vice chair of the South Asian Law Student Association (SALSA), believes the law school is a very accepting place with quite a lot of diversity.³⁰⁶ The school is not as diverse as Thomas would like it to be, but she hypothesizes that not many minority students apply to law school.³⁰⁷ Coming from an Indian culture that does not generate many female lawyers, Thomas said that her law school experience has been challenging in some respects.³⁰⁸ It took her family a while to accept the idea of her becoming a lawyer, but she now has great support from both family and friends. “You find more similarities among people of the same background,” Thomas said; however, she has a diverse group of friends in law school, which she thinks might be in part because there are not many Indian students at the school.³⁰⁹

Thomas explained that sometimes it is difficult to experience the Indian cultural history.³¹⁰ She does not know the language, she grew up in the suburbs with good schools, and she did not visit India for the first time until she was ten years old.³¹¹ Thomas said that she does not feel justified in applying for “diversity” scholarships because she does not feel disadvantaged by her race.³¹² She does not think it is fair that she should get a scholarship just because she is Indian when she has shared many of the same privileged experiences as many white students.³¹³

A third-year African American law student, who wishes to remain anonymous, also balks at taking advantage of financial help simply because of her race. In fact, she worked her way through two-and-a-half years of her undergraduate program without financial aid because she did not want to uphold the stereotype that black people take advantage of welfare and other government funding programs.³¹⁴ The first to go to college in her

family, this thirty-something student is proud to be a member of the School of Law.³¹⁵

The student was attracted to Seattle University because of its diversity.³¹⁶ However, she has encountered obstacles and senses a certain attitude among African American students at the law school that dictates they should all be friends with each other and not necessarily integrate with other students.³¹⁷ She believes in being friends with people of different races and backgrounds but has been ostracized by other African American students as a result of her belief.³¹⁸ “In my experience there can be a lot of pressure that all minority students must stick together,” she said.³¹⁹ “Some of my black friends just stopped talking to me as I started developing and accumulating more friends outside of the black race. They’ll say things like, ‘Well, what does it mean to you to be black?’ I can’t answer because I don’t think in those terms.”³²⁰

She has now surrounded herself with people with whom she can relate on an intellectual level without referring to her race.³²¹ While she maintains open conversations about race and diversity with her multi-cultural friends, she believes that the law school community still has progress to make.³²² “We want to be good lawyers and we want to represent whoever comes through that door no matter what they look like,” she said.³²³ With a legal community still predominantly led by white men, she believes that her challenges as an African American woman will not end at law school.³²⁴

Mali Barber, a second-year law student and president of the Asian Pacific Islander Law Student Association (APILSA) said that she does not notice racial cliques at the law school.³²⁵ She said that everyone strives to be comfortable and sometimes that might mean surrounding yourself with people of the same skin color, but often students mingle with people different than themselves.³²⁶ Barber points out that APILSA maintains membership of students from all different races, cultures, and backgrounds.³²⁷

VIII. CAREER SERVICES

Career Services at the School of Law faces a dilemma similar to that of the Financial Aid Office: they seek to help minority students but they cannot consider race. “We are an optional-use service. Our goal is to work with everyone, but we won’t work with everyone because not everyone wants to work with us. We are not universal to all students,” said Erika Lim, Director of Career Services, explaining that they can only work with students who choose to utilize their services.³²⁸ She also said that they struggle to track minority job placement rates because race reporting is voluntary and not everyone chooses to disclose it.³²⁹

Although Career Services is required to keep statistics on minority job placement by the ABA and other organizations the school belongs to, Lim says Career Services gives very little significance to these statistics. In fact, she declined to make them available because she feels they are not an accurate representation of minority employment.³³⁰ She notes that they may be skewed for several reasons. For example, race categories on the forms may not match the categories that are actually reported, they only reflect May graduates and possibly only those who pass the bar exam immediately following graduation, and former students often fail to complete some blanks on the forms, preventing the numbers from adding up.³³¹ Career Services follows the required procedure each year to obtain the statistics, but after reporting them to the ABA, the *U.S. News and World Report*, and the National Association for Law Placement (NALP), the department only uses the statistics to see where School of Law graduates are employed.³³² Generally, Career Services is only able to track graduates for a year; after that, the office loses contact with former students.³³³

Even if they could collect more accurate data on minority student placement, it may not make much of a difference. Career Services does not control any of the minority-targeted job opportunities. Every region in the country has a minority job fair, and the events are always held in the fall. However, the School of Law has very little to do with these job fairs, which

are run by the employers who come together and create them.³³⁴ Although career service administrators from the nearby law schools often sit on the boards of these events, the schools do not have a formal role.³³⁵ Usually these job fairs, including the ones advertised at the School of Law, let students decide for themselves whether or not they are minorities.³³⁶ This is also the case with other diversity-targeted programs, such as 1L Diversity Clerkships, which are self-defining and run by the employers.³³⁷

Lim tries to advertise job opportunities as much as possible, and when she knows that an employer is targeting a certain minority group, she will send an extra e-mail to the leaders of the student organization associated with that group.³³⁸ She also tries to help the student groups make contact with practitioners to develop relationships.³³⁹ However, she admitted that she has to be careful and work with all students because there were some complaints that the Career Services department was not working with all students equally. However, the complaints mostly regard class rank rather than race.³⁴⁰ Career Services also does not use fixed-race categories for anything because of the threat of a lawsuit.³⁴¹ Lim noted that there was a Department of Education complaint and investigation at Seton Hall University School of Law because of its policies and its participation in a diversity career fair.³⁴²

While there is no formal program in place to help minorities, Lim has taken on some of the responsibility. As an Asian American, she personally experienced being a minority in the legal profession before working in Career Services. She tries to emphasize practical professional tips that are important for minorities. For example, she might tell a student of color that they cannot be late to a meeting or appointment even if white students are, because employers are more likely to remember them.³⁴³

Lim's position as director of Career Services has made her keenly aware of the dearth of minorities in Washington law firms. Among the state's top fifty law firms, twenty-four firms do not have a single minority partner/shareholder.³⁴⁴ Of the firms that do have a minority

partner/shareholder, only seven have four or more.³⁴⁵ Once thought to be a recruiting problem with the big firms, Lim and others now believe it is a retention problem, noting that firms are having trouble keeping minorities around because there are few minority mentors to guide younger ones coming up.³⁴⁶

IX. ALUMNI AND COMMUNITY MEMBER PERSPECTIVES ON DIVERSITY

Many leaders at Seattle University School of Law have worked over the years to improve race relations and to develop other types of diversity at the school. The ARC program has proved successful since its 1987 implementation, gaining more support and success as the years pass.³⁴⁷ The school also maintains a Dean's Diversity Scholarship and actively recruits students of all colors, backgrounds, and experiences.³⁴⁸

Judge Frank Cuthbertson thinks that the law school has "turned the corner" since he was a student in the early 1990s.³⁴⁹ He believes that the minority legal community views the school as committed to diversity and access to justice.³⁵⁰ Having served on the Alumni Governing Board and as a successful judge in the area, Cuthbertson also believes that the administration is committed to hiring and retaining a diverse faculty.³⁵¹

Hector Steele Rojas, a 1999 graduate, a member of the Washington State Latino and Latina Bar Association, and the president and founder of the Washington State Hispanic Bar Foundation, believes that Seattle University School of Law "leads the universities in the state in terms of diversity."³⁵² Rojas founded the Hispanic Bar Foundation in 2002, which awards three scholarships to Latino and Latina students each year, usually one student from each Washington State law school.³⁵³ This year the foundation is also awarding scholarships to take the BarBri bar exam preparatory course.³⁵⁴ Helping the law schools achieve diversity is important because students "associate with individuals of different backgrounds and learn from

different cultures, which in turn makes them better able to deal with the community,” Rojas said.³⁵⁵

Karen Murray, a 1991 graduate and the 2002-03 President of the Loren Miller Bar Association, believes that the School of Law school’s “commitment to diversity is profound.”³⁵⁶ Murray thinks that efforts the school has made toward programs such as ARC demonstrate a true commitment to helping the school improve.³⁵⁷ “As a woman and as a person of color, I continue to marvel at what the School of Law does for its students and for the community,” Murray said.³⁵⁸ “As a result, I continue to be active as an alumna. And in turn, if I need assistance from the law school, they do not hesitate to assist me.”

Shahzad Qadri, a 1999 alumnus, also commended the school for its approach to diversity. However, he recognizes that there is more work to be done.³⁵⁹ As the only South Asian student in his law school class just a few years ago, Qadri never felt out of place, but he did see the need for more effort to be made toward diversification.³⁶⁰ As part of the Diversity Committee for the Washington State Bar Association, Qadri helps organize receptions for students to meet practitioners and to learn about the practical aspects of the law.³⁶¹ The reception in the summer has been offered exclusively to Seattle University School of Law ARC students.³⁶² He praised the program, saying that it adds a great deal to the school’s value.³⁶³

X. CONCLUSION

Seattle University School of Law recognizes the value of racial and ethnic diversity and has worked hard to create a diverse legal profession. The School of Law is receiving well-deserved national recognition for its increasingly diverse faculty and student body. It has become obvious to us in the course of researching and writing this article that the School of Law is committed to creating an environment that will enrich the education of all students. Nevertheless, there are ways the School of Law can improve its mission to seek diversity. We would suggest the following measures:

- The Admissions Office should continue to deemphasize the importance of the racially biased LSAT and emphasize non-statistical measures of an applicant's character and achievements.
- The school must further increase the number of minority faculty, in particular adjunct professors. Faculty and students specifically expressed a desire to see more full-time Latino/a professors.
- The faculty must continue to seek new ways to integrate racial and ethnic issues into the curriculum, especially in required first- and second-year courses.
- The school must be more active in educating both students and faculty about the Alternative Admission Program and the Academic Resource Center. The law school community should understand that these programs provide a method for admitting students who are both qualified and diverse.
- The Financial Aid Office should empower minority students by actively seeking alternative avenues for financing law school.
- While an emphasis on admitting minority students is crucial, it is also important to make sure that the School of Law is doing everything it can to facilitate minority student employment. Career Services should implement a new process for tracking minority job placement if current practices are not adequate.
- The school must find ways to record internal statistics regarding the success of students admitted through the Alternative Admission Program. Without internal statistics, the school cannot know whether its policies are truly helping students gain access to the legal community.

Thus, while it has made great strides, Seattle University School of Law can and should continue to work to ensure that diversity is reflected in the

school's student body, faculty, and curriculum. As the Court reasoned in *Sweatt*, law school simply "cannot be effective in isolation from the individuals in institutions with which the law interacts."³⁶⁴

Figure 1: Population by Race and Ethnicity for Seattle University School of Law, Seattle, and Washington State in 2000

	Seattle University School of Law	Seattle	Washington State
White	75%	70.1%	81.8%
African American	3%	8.4%	3.2%
American Indian/ Alaskan Native	1.8%	1.0%	1.6%
Asian	12%	13.1%	5.5%
Hispanic/Latino*	5.3%	5.3%	7.5%

*Hispanics may be of any race.

Figure 2: Minority Enrollment at Seattle University School of Law: 1994-95 to 2003-04

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Native American	10	12	7	3	4	3	6	4	4	0
Asian	24	26	33	28	28	39	39	28	44	39
Black	19	6	13	15	18	9	10	10	19	14
Hispanic	3	3	2	7	4	13	17	13	15	17
Chicano	8	7	2	5	5	N/A	N/A	N/A	N/A	N/A
Puerto Rican	1	0	0	1	0	N/A	N/A	N/A	N/A	N/A
Other	2	7	11	11	26	7	15	24	12	16
Total	67	61	68	70	85	71	87	79	94	86

Figure 3: Minority Applicants/Enrollment at Seattle University School of Law: 1991-92 to 2003-04

Year	Minority Applications	Minorities Accepted	Minorities / Total Students	Percentage of Minorities / Total Enrollment
2003	716	252	86/341	25%
2002	599	240	94/342	27%
2001	410	207	79/345	23%
2000	377	191	87/320	27%
1999	343	175	71/308	23%
1998	359	221	85/303	28%
1997	368	198	70/262	27%
1996	388	180	68/288	24%
1995	442	178	61/279	22%
1994	428	174	67/290	23%
1993	426	144	49/305	16%
1992	375	131	46/279	16%
1991	284	112	43/286	15%

*Figure 4: Alternative Admission/Academic Resource Center
at Seattle University School of Law*

Year	Minorities in ARC	Total Students in ARC	Percentage of ARC Students Enrolling	Average Alternative Admission GPA/LSAT	Average Regular Admission GPA/LSAT
2003	37	42	12%	3.08/147	3.32/155
2002	37	48	14%	3.07/145	3.31/155
2001	24	33	10%	2.98/146	3.24/154
2000	31	45	14%	2.99/146	3.24/155
1999	20	32	10%	3.12/145	3.26/155
1998	27	36	12%	2.86/145	3.25/154
1997	39	42	16%	2.9/145	3.23/154
1996	28	33	11%	2.69/146	3.26/156
1995	29	37	13%	2.98/148	3.22/157
1994	39	42	14%	2.7/148	3.25/159
1993	25	29	10%	2.92/149	3.28/159
1992	NA	39	NA	2.88/148	3.26/159
1991	NA	31	NA	2.58/NA	3.3/NA

¹ We would like to extend our gratitude to Seattle University School of Law's administration for generously donating many hours of their time to answer questions and for providing access to the school's admission data. Additionally, we would like to thank the faculty and students who spent time reflecting on our sometimes difficult questions and offering honest answers. We could not have produced this paper without such a supportive environment. This paper was developed in conjunction with Professor Michael Rooke-Ley's course, "Current Issues in Law and Social Policy: Race, Class, and the Promise of *Brown*: Fifty Years After."

² *Sweatt v. Painter*, 339 U.S. 629, 634 (1950).

³ 347 U.S. 483 (1954).

⁴ Seattle University School of Law Mission Statement, *available at* <http://www.law.seattleu.edu/mission?mode=flash> (last visited Nov. 2, 2004).

⁵ *Id.*

⁶ Seattle University Office of Admission, *Seattle University School of Law 2005–2006 Bulletin*, Aug. 2004, at 67.

⁷ Interview with Rudolph Hasl, Dean, Seattle University School of Law, in Seattle, Wash. (Sept. 14, 2004).

⁸ *Id.*

⁹ Interview with Carol Cochran, Director of Admissions, Seattle University School of Law, in Seattle, Wash. (Sept. 23, 2004).

¹⁰ U.S. News and World Report, *America's Best Graduate Schools 2005: Law School Diversity Index*, *at* http://www.usnews.com/usnews/edu/grad/rankings/law/lawindex_brief.php (last visited October 31, 2004). The Seattle University School of Law scores a 0.34 on the system, where a 1.0 would be the highest possible score. *Id.* The top three schools on the list all scored 0.60. *Id.* As a comparison, the University of Washington School of Law is slightly behind Seattle University with a 0.32 score. *Id.*

¹¹ U.S. News and World Report, *America's Best Graduate Schools: Law School Diversity*, *at* http://www.usnews.com/usnews/edu/grad/rankings/about/05lawdiv_intro_brief.php (last visited October 31, 2004).

¹² *Id.*

¹³ Vernellia Randall, *Methodology and Limitations: The 2004 Whitest Law Schools Report*, University of Dayton, *at* <http://academic.udayton.edu/race/03justice/LegalEd/Whitest/HWLS0405.htm> (last modified April 23, 2004).

¹⁴ *Id.*

¹⁵ *Id.* The University of Washington was in 132nd place with a 75.6 score. *Id.* However, its lower ranking actually means it is less white and, therefore, arguably more diverse.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Seattle University School of Law Office of Admission, Enrollment Statistics as of Nov. 2004. *Author's Note:* This source is comprised of several charts compiled by the School of Law Office of Admission.

²¹ *Id.*

²² LAW SCHOOL ADMISSION COUNCIL, MINORITY DATABOOK 38 (Kent Lollis ed., 2002) [hereinafter MINORITY DATABOOK].

²³ Seattle University School of Law, 2001 Self Study/Five-Year Plan, 12 (on file with the *Seattle Journal for Social Justice*).

²⁴ *See Sweatt*, 339 U.S. at 636.

²⁵ William C. Kidder, *The Struggle for Access from Sweatt to Grutter: A History of African American, Latino, and American Indian Law School Admissions, 1950–2000*, 19 HARV. BLACKLETTER L.J. 1, 3 (2003).

²⁶ *Id.* at 4.

²⁷ *See Sweatt*, 339 U.S. at 634.

²⁸ Kidder, *supra* note 25, at 3–4.

²⁹ *Id.* at 4.

³⁰ *Id.* at 4–5.

³¹ *Brown*, 347 U.S. at 486.

³² *Id.* at 488.

³³ *Id.* at 493.

³⁴ *Id.* at 493–494.

³⁵ *Id.* at 495.

³⁶ *See Kidder*, *supra* note 25, at 9.

³⁷ *Id.* at 12.

³⁸ 507 P.2d 1169 (Wash. 1973), *vacated by* 416 U.S. 312 (1974).

³⁹ *See DeFunis*, 507 P.2d at 1174.

⁴⁰ *See id.* at 1172, 1184–85.

⁴¹ *DeFunis v. Odegaard*, 416 U.S. 312, 319–20 (1974).

⁴² *See id.* at 348–50.

⁴³ *Id.* at 334.

⁴⁴ *Id.* at 340.

⁴⁵ *Id.* at 342.

⁴⁶ 438 U.S. 265 (1978).

⁴⁷ *Id.* at 277–78.

⁴⁸ *See id.* at 272–73.

⁴⁹ Kidder, *supra* note 25, at 21–22.

⁵⁰ *Bakke*, 438 U.S. at 306 n. 43.

⁵¹ *Id.* at 313.

⁵² *See id.* at 315–20; *see also* Kidder, *supra* note 25, at 21.

⁵³ *See id.* at 320; *see also* Kidder, *supra* note 25, at 21.

⁵⁴ *See Kidder*, *supra* note 25, at 21.

⁵⁵ *Hopwood v. Texas*, 236 F.3d 256, 274–75, 275 n. 66 (5th Cir. 2000); *see also* DEREK BELL, RACE, RACISM, AND AMERICAN LAW 262 (4th ed. 2000).

⁵⁶ *See Hopwood*, 236 F.3d at 261.

⁵⁷ *Id.* at 272.

- ⁵⁸ *Id.* at 275.
- ⁵⁹ Kidder, *supra* note 25, at 30.
- ⁶⁰ Charles R. Lawrence III, *Two Views of the River: A Critique of the Liberal Defense of Affirmative Action*, 101 COLUM. L. REV. 928, 930 n. 7 (2001).
- ⁶¹ *Id.*
- ⁶² *Id.*
- ⁶³ Grutter v. Bollinger, 539 U.S. 306, 325 (2003).
- ⁶⁴ *Id.* at 316–17.
- ⁶⁵ Gratz v. Bollinger, 539 U.S. 244, 252 (2003).
- ⁶⁶ Lawrence, *supra* note 60, at 934.
- ⁶⁷ *Id.* at 935.
- ⁶⁸ *Id.*
- ⁶⁹ Gratz, 539 U.S. at 275.
- ⁷⁰ Grutter, 539 U.S. at 315.
- ⁷¹ *Id.* at 316.
- ⁷² *Id.*
- ⁷³ *Id.* at 333.
- ⁷⁴ *Id.* at 343.
- ⁷⁵ Press Release, Washington State Office of Financial Management, Washington Minority Population Growth Continues (Sept. 30, 2004), at http://www.ofm.wa.gov/pop/race/minority_pop_press_release.pdf (last visited Nov. 18, 2004). From 2003 estimates, the Federal Census Bureau shows that Washington was one of the top ten states with the largest percentage of minorities in nearly all of the minority categories. *Id.*
- ⁷⁶ *Id.*
- ⁷⁷ *Id.*
- ⁷⁸ *Id.*
- ⁷⁹ Paul Schell, *Building a City of Choices: From Anti-Discrimination to Pro-Diversity*, 10 STAN. L. & POL'Y REV. 239, 239 (1999).
- ⁸⁰ *Id.*
- ⁸¹ *Id.*
- ⁸² Seattle.Gov, Seattle Datasheet, at <http://www.seattle.gov/oir/datasheet/demographics.htm> (last revised Mar. 21, 2002).
- ⁸³ Initiative 200 was codified as RCW 49.60.400 (2004):
- (1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
- (7) For the purposes of this section, “state” includes, but is not necessarily limited to ... public college or university, community college, school district...
- ⁸⁴ Steven A. Holmes, *Victorious Preference Foes Look for New Battlefields*, N.Y. TIMES, Nov. 10, 1998, at A25.
- ⁸⁵ Tom Brown, *Maps Show How Votes Were Cast*, SEATTLE TIMES, Nov. 10, 1998, at B1.
- ⁸⁶ *Id.*
- ⁸⁷ *Id.*

⁸⁸ Holmes, *supra* note 84, at A25.

⁸⁹ See Wendy Culverwell, *State's Voters Banned Affirmative Action with 1998's Initiative 200*, THE OLYMPIAN (Olympia, WA), June 24, 2003, at 1A; see also Florangela Davila, *Bills to Include Race in College Criteria Die in Committees*, SEATTLE TIMES, Feb. 24, 2004, at B1.

⁹⁰ See *Fewer Minority Students Attending UW and WSU*, THE COLUMBIAN (Vancouver, WA), Jan. 17, 2000, at A1.

⁹¹ Culverwell, *supra* note 89, at 1A. Evergreen State College had anticipated the initiative and halted the use of race-based admissions before I-200 passed and focused, instead, on reaching nonwhite students through a partnership with the Gates Foundations. *Id.*

⁹² Interview with Carol Cochran, *supra* note 9.

⁹³ *Id.*

⁹⁴ See *Smith v. Univ. of Wash.*, 233 F.3d 1188 (9th Cir. 2000).

⁹⁵ See *id.* at 1192.

⁹⁶ *Id.* at 1200–1201.

⁹⁷ *Id.* at 1201.

⁹⁸ *Id.*

⁹⁹ 72 P.3d 151 (Wash. 2003), *certifying questions to* 377 F.3d 949 (9th Cir. 2004).

¹⁰⁰ See *id.* at 154–55.

¹⁰¹ *Id.* at 155.

¹⁰² See *id.* at 152.

¹⁰³ *Id.* at 166.

¹⁰⁴ See Florangela Davila, *supra* note 89, at B1.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ American Bar Association, *Standards for Approval of Law Schools and Interpretations 2004–2005: Admissions*,

<http://www.abanet.org/legaled/standards/standards.html> (last visited Nov. 20, 2004).

¹⁰⁸ Bureau of Labor Statistics, U.S. Department of Labor, *Lawyers*, at

<http://www.bls.gov/oco/ocos053.htm> (last visited Nov. 20, 2004).

¹⁰⁹ *Id.*

¹¹⁰ Some law schools are only approved by state authorities.

¹¹¹ Bureau of Labor Statistics, *supra* note 108.

¹¹² Law School Admissions Council, *The Law School Admission Test (LSAT)*, at

<http://www.lsac.org/LSAC.asp?url=lsac/about-lsac.asp> (last visited Nov. 20, 2004).

¹¹³ *Id.*

¹¹⁴ SOCIETY OF AMERICAN LAW TEACHERS, SALT STATEMENT ON THE LSAT (December 2003).

¹¹⁵ Robert H. Kelley, *The Washington Civil Rights Initiative: The Need for a Meaningful Dialogue*, 34 GONZ. L. REV. 81, 83 (1999).

¹¹⁶ SOCIETY OF AMERICAN LAW TEACHERS, *supra* note 114.

¹¹⁷ *Id.*

¹¹⁸ BELL, *supra* note 55, at 266.

¹¹⁹ SOCIETY OF AMERICAN LAW TEACHERS, *supra* note 114.

¹²⁰ *Id.*

¹²¹ MINORITY DATABOOK, *supra* note 22, at 13.

¹²² Sam Magavern, *Diversity in Law School Admissions*, BENCH & BAR OF MINNESOTA, April/May 1999, available at http://www2.mnbar.org/benchandbar/1999/apr99/diversity_essay.htm (last visited Nov. 21, 2004).

¹²³ William C. Kidder, *Does the LSAT Mirror or Magnify Racial and Ethnic Differences in Educational Attainment?: A Study of Equally Achieving "Elite" College Students*, 89 CAL. L. REV. 1055, 1057 (2001).

¹²⁴ *Id.* at 1122–23.

¹²⁵ *Id.* These results were obtained even after controlling for the undergraduate institution attended, grade-point average, graduation date, and field of study.

¹²⁶ *Id.* at 1066.

¹²⁷ OFFICE OF ADMISSION, SEATTLE UNIVERSITY SCHOOL OF LAW, STANDARD OPERATIONS PROCEDURES (2003) [hereinafter STANDARD OPERATIONS PROCEDURES].

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ Interview with Carol Cochran, *supra* note 9.

¹³¹ Seattle University School of Law Admissions Department, *Enrollment Statistics as of November 2004*, *supra* note 20.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ Interview with Rudolph Hasl, *supra* note 7.

¹⁴⁰ STANDARD OPERATIONS PROCEDURES, *supra* note 127.

¹⁴¹ Interview with Carol Cochran, *supra* note 9.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ See PAULA LUSTBADER, SEATTLE UNIVERSITY SCHOOL OF LAW: ACADEMIC RESOURCE CENTER (2004).

¹⁴⁷ See *id.* at 4.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* at 1.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ Interview with Carol Cochran, *supra* note 9.

¹⁵⁵ *Id.*

¹⁵⁶ LUSTBADER, *supra* note 146, at 1.

¹⁵⁷ *Id.* at 4.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Interview with Paula Lustbader, Director, Academic Resource Center, Seattle University School of Law, in Seattle, Wash. (Oct. 1, 2004).

¹⁶¹ *Id.*

¹⁶² LUSTBADER, *supra* note 146, at 1.

¹⁶³ *Id.*

¹⁶⁴ Interview with Paula Lustbader, *supra* note 160.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ LUSTBADER, *supra* note 146, at 2.

¹⁷⁰ *Id.*

¹⁷¹ Seattle University School of Law Admissions Department, *Enrollment Statistics as of November 2004*, *supra* note 20.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ Interview with Carol Cochran, *supra* note 9.

¹⁷⁷ Telephone Interview with Kwame Amoateng, 2002 Seattle University School of Law graduate (Oct. 5, 2004).

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² Interview with Paula Lustbader, *supra* note 160.

¹⁸³ *Id.*

¹⁸⁴ E-mail Interview with Judge Frank Cuthbertson, 1993 Seattle University School of Law graduate (Oct. 6, 2004, 16:51:00 PST) (on file with the *Seattle Journal for Social Justice*).

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ Interview with Paula Lustbader, *supra* note 160.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.* See also LUSTBADER, *supra* note 146, at 2.

¹⁹⁵ LUSTBADER, *supra* note 146, at 2.

- ¹⁹⁶ Interview with Judge Frank Cuthbertson, *supra* note 184.
- ¹⁹⁷ Interview with Paula Lustbader, *supra* note 160.
- ¹⁹⁸ Interview with Kwame Amoateng, *supra* note 177.
- ¹⁹⁹ *Id.*
- ²⁰⁰ Interview with Paula Lustbader, *supra* note 160.
- ²⁰¹ *Id.*
- ²⁰² *Id.*
- ²⁰³ *Id.*
- ²⁰⁴ LUSTBADER, *supra* note 146, at 9–10.
- ²⁰⁵ Interview with Paula Lustbader, *supra* note 160.
- ²⁰⁶ Interview with Carol Cochran, *supra* note 9.
- ²⁰⁷ *Id.*
- ²⁰⁸ *Id.*
- ²⁰⁹ Interview with Rudolph Hasl, *supra* note 7.
- ²¹⁰ See Interview with Carol Cochran, *supra* note 9.
- ²¹¹ *Id.*
- ²¹² See Interview with Kathleen Koch, Director of Financial Aid, Seattle University School of Law, in Seattle, Wash. (Oct. 4, 2004). Financial aid at the School of Law is based on the Free Application for Federal Student Aid form, the FAFSA. There are over 100 blanks for a prospective student to fill in, but not a single one of them has to do with race. Because the FAFSA does not concern itself at all with race, neither does the School of Law's Financial Aid office. "[Race] is not part of the FAFSA, so there is no reason for us to know this," Koch said. See *id.* The FAFSA also controls how much money students may be able to get through Stafford Loans, Perkins Loans or private loans, therefore none of these aid sources consider race either.
- ²¹³ See *id.*
- ²¹⁴ See *id.*; *Seattle University School of Law 2005–2006 Bulletin*, *supra* note 6, at 63.
- ²¹⁵ See *id.*
- ²¹⁶ See *id.*
- ²¹⁷ *Seattle University School of Law 2005–2006 Bulletin*, *supra* note 6, at 63.
- ²¹⁸ Interview with Kathleen Koch, *supra* note 212.
- ²¹⁹ Mission Statement of Seattle University School of Law, *supra* note 4.
- ²²⁰ *Id.*
- ²²¹ ERIC OWENS ET AL., BEST 117 LAW SCHOOLS 2005 (The Princeton Review ed. 2004), <http://www.princetonreview.com/law/research/rankings/rankings.asp> (last visited Nov. 21, 2004). Seattle University School of Law also ranks 1st in "Most Welcoming of Older Students." *Id.*, <http://www.princetonreview.com/law/research/rankings/rankingDetails.asp?topicID=11> (last visited Nov. 21, 2004).
- ²²² Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537, 539 (1988).
- ²²³ *Id.* at 555.
- ²²⁴ Association of American Law Schools, *Statistical Report on Law School Faculty and Candidates for Law Faculty Positions, 2002–03: Women and Minority Faculty: Thirteen-*

Year Comparison, at <http://www.aals.org/statistics/2002-03/page2.html> (last visited Nov. 8, 2004).

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ Association of American Law Schools, *Statistical Report on Law School Faculty and Candidates for Law Faculty Positions, 2002–03: All Full-Time Faculty in the 2002–03 Directory of Law Teachers*, at <http://www.aals.org/statistics/2002-03/page1.html> (last visited Nov. 8, 2003).

²²⁸ U.S. Census Bureau, *USA Statistics in Brief: Population 2000–2002*, at <http://www.census.gov/statab/www/poprace.html> (Last Revised: Tuesday, 16-Mar-2004 07:53:18 EST).

²²⁹ RICHARD A. WHITE, LAW SCHOOL FACULTY VIEWS ON DIVERSITY IN THE CLASSROOM AND THE LAW SCHOOL COMMUNITY, <http://www.aals.org/statistics/diverse3.pdf> (last visited Nov. 21, 2004).

²³⁰ *See id.*

²³¹ Official ABA Data, Seattle University School of Law, at <http://officialguide.lisac.org/OFFGUIDE/pdf/aba4067.pdf> (last visited Nov. 21, 2004).

²³² *Id.*

²³³ *Id.*

²³⁴ Seattle University School of Law, 2001 Self Study/Five-Year Plan 18 (on file with the *Seattle Journal for Social Justice*).

²³⁵ Seattle University School of Law, Self Study, 1996, 10 (on file with the *Seattle Journal for Social Justice*).

²³⁶ Seattle University School of Law, Self Study, 1998–99, 39 (on file with the *Seattle Journal for Social Justice*).

²³⁷ *Id.*

²³⁸ *Id.* at 18.

²³⁹ *Id.* at 19.

²⁴⁰ *Id.*

²⁴¹ Statement by Lorraine Bannai, Legal Writing Professor, Seattle University School of Law (Nov. 2004).

²⁴² Statement by Betsy Hollingsworth, Clinical Professor, Seattle University School of Law (Oct. 2004).

²⁴³ *Id.*

²⁴⁴ Statement by John Mitchell, Associate Professor of Law, Seattle University School of Law (Oct. 2004).

²⁴⁵ Statement by Christian Halliburton, Assistant Professor of Law, Seattle University School of Law (Nov. 2004).

²⁴⁶ White, *supra* note 229, at 10.

²⁴⁷ *Id.*

²⁴⁸ *Id.* at 9.

²⁴⁹ Francisco Valdes, *Barely at the Margins: Race and Ethnicity in Legal Education—A Curricular Study with LatCritical Commentary*, 13 LA RAZA L.J. 119, 131 (2002).

²⁵⁰ *Id.* at 132.

²⁵¹ *Id.*

²⁵² *Id.* at 136.

²⁵³ See Seattle University School of Law, Course Description: Latina/os and the Law, <http://www.law.seattleu.edu/courses?mode=standard#LATINASANDLAW> (last visited Nov. 21, 2004).

²⁵⁴ See Seattle University School of Law, Course Description: Race and the Law, <http://www.law.seattleu.edu/courses?mode=standard#RACEANDTHELAW> (last visited Nov. 21, 2004).

²⁵⁵ See generally Seattle University School of Law, Upper Division Course Descriptions 2004–2005, <http://www.law.seattleu.edu/courses?mode=standard> (last visited Nov. 21, 2004).

²⁵⁶ Statement by John Mitchell, *supra* note 244.

²⁵⁷ Statement by Joaquin Avila, Visiting Professor of Law, Seattle University School of Law (Oct. 2004).

²⁵⁸ *Id.*

²⁵⁹ See Lorraine K. Bannai & Anne Enquist, *(Un)examined Assumptions and (Un)intended Messages: Teaching Students to Recognize Bias in Legal Analysis and Language*, 27 SEATTLE L. REV. 1 (2003); Lorraine K. Bannai & Marie Eaton, *Fostering Diversity in the Legal Profession: A Model for Preparing Minority and Other Non-Traditional Students for Law School*, 31 U.S.F. L. REV. 821 (1997); Laurel Currie Oates, *Beating the Odds: Reading Strategies of Law Students Admitted Through Alternative Admissions Programs*, 83 IOWA L. REV. 139 (1997); LAUREL CURRIE OATES, ANNE ENQUIST & KELLY KUNSCH, THE LEGAL WRITING HANDBOOK 713 (3d ed., 2002).

²⁶⁰ Statement by Loraine Bannai, *supra* note 241.

²⁶¹ Statement by Laurel Oates, Legal Writing Professor, Seattle University School of Law (Oct. 2004).

²⁶² Statement by Bryan Adamson, Director of Ronald A. Peterson Law Clinic, Seattle University School of Law (Nov. 2004).

²⁶³ *Id.*

²⁶⁴ *Id.*

²⁶⁵ *Id.*

²⁶⁶ Access to Justice Institute, Seattle University School of Law, <http://www.law.seattleu.edu/accesstojustice> (last visited Nov. 21, 2004).

²⁶⁷ Community Justice Project, Access to Justice Institute, Seattle University School of Law, <http://www.law.seattleu.edu/accesstojustice/projects/communityjustice> (last visited Nov. 21, 2004).

²⁶⁸ See *id.*

²⁶⁹ Interview with Sudha Shetty, Director, Access to Justice Institute, Seattle University School of Law (Nov. 19, 2004).

²⁷⁰ Interview with Judge Frank Cuthbertson, *supra* note 184.

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ Statement by Margaret Chon, Assistant Law Professor, Seattle University School of Law (Nov. 2004).

²⁷⁴ Statement by Christian Halliburton, *supra* note 245.

²⁷⁵ Telephone Interview with Angela Rye, third-year law student at Seattle University School of Law, 2003–2004 Black Law Student Association President, 2004–2005 Black Law Student Association Western Regional Director (Sept. 16, 2004).

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ *See id.*

²⁷⁹ *See id.*

²⁸⁰ *See id.*

²⁸¹ *See id.*

²⁸² *Id.*

²⁸³ *Id.*

²⁸⁴ *See* E-mail Interview with Carrie Coppinger Carter, 1998 Seattle University School of Law graduate, 1997–1998 Chair of Seattle University School of Law Moot Court Board (Oct. 26, 2004, 16:25 PST) (on file with the *Seattle Journal for Social Justice*).

²⁸⁵ *See* E-mail Interview with Carrie Coppinger Carter, 1998 Seattle University School of Law graduate, 1997–1998 Chair of Seattle University School of Law Moot Court Board (Oct. 26, 2004, 20:50 PST) (on file with the *Seattle Journal for Social Justice*).

²⁸⁶ *See id.*

²⁸⁷ *Id.*

²⁸⁸ Interview with Angela Rye, *supra* note 275.

²⁸⁹ *Id.*; *see also* Black Law Students Association, Seattle University School of Law, *BLSA Membership*, at <http://www.law.seattleu.edu/blsa/membership.htm> (last visited Nov. 18, 2004).

²⁹⁰ *Id.*

²⁹¹ E-mail Interview with Carrie Coppinger Carter, *supra* note 284.

²⁹² E-mail Interview with Carrie Coppinger Carter, *supra* note 285.

²⁹³ E-mail Interview with Carrie Coppinger Carter, *supra* note 284.

²⁹⁴ *Id.*

²⁹⁵ *Id.*

²⁹⁶ *See id.*

²⁹⁷ *Id.*

²⁹⁸ E-mail Interview with Jason Keyes, Third-year Law Student at Seattle University School of Law, 2004–2005 Moot Court Board President (Oct. 27, 2004, 17:45 PST) (on file with *Seattle Journal for Social Justice*).

²⁹⁹ Interview with Angela Rye, *supra* note 275.

³⁰⁰ *See* Telephone Interview with Melissa Campos, Second-year Law Student at Seattle University School of Law, President of Hispanic Organization for Legal Advancement at Seattle University School of Law (Sept. 13, 2004).

³⁰¹ *Id.*

³⁰² *Id.*

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ *Id.*

³⁰⁶ Interview with Tina Thomas, Second-year Law Student at Seattle University School of Law, Vice Chair of South Asian Law Student Association, in Seattle, Wash. (Sept. 14, 2004).

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ *Id.*

³¹¹ *Id.*

³¹² *Id.*

³¹³ *Id.*

³¹⁴ Telephone Interview with Anonymous Third-year Law Student at Seattle University School of Law (Sept. 12, 2004).

³¹⁵ *Id.*

³¹⁶ *Id.*

³¹⁷ *Id.*

³¹⁸ *Id.*

³¹⁹ *Id.*

³²⁰ *Id.*

³²¹ *Id.*

³²² *Id.*

³²³ *Id.*

³²⁴ *See id.*

³²⁵ Interview with Maili Barber, Second-year Law Student at Seattle University School of Law, President of Asian-Pacific Islander Law Student Association, in Seattle, Wash. (Sept. 9, 2004).

³²⁶ *See id.*

³²⁷ *See id.*

³²⁸ Interview with Erika Lim, Director of Career Services, Seattle University School of Law, in Seattle, Wash. (Oct. 7, 2004).

³²⁹ *Id.*

³³⁰ Interview with Erika Lim, Director of Career Services, Seattle University School of Law, in Seattle, Wash. (November 22, 2004).

³³¹ *See id.*

³³² *See id.*

³³³ *See id.*

³³⁴ *See id.*

³³⁵ *See id.*

³³⁶ *Id.*

³³⁷ *See id.*

³³⁸ *See id.*

³³⁹ *Id.*

³⁴⁰ *See id.*

³⁴¹ *Id.*

³⁴² *See id.* Seton Hall was investigated by the Department of Education Office of Civil Rights for possible reverse discrimination in relation to two career programs targeting

minorities. It has not been litigated in court. According to the school, a finding has not been issued yet. For more information, see Jim Edwards, *Law School Probed on Reverse Discrimination Claims*, LAW.COM, Jan. 14, 2004, at <http://www.law.com/jsp/article.jsp?id=1073944803871>.

³⁴³ *Id.*

³⁴⁴ *Washington State's Top 50 Law Firms*, WASHINGTON LAW & POLITICS, Feb./Mar. 2004, at 28.

³⁴⁵ *Id.*

³⁴⁶ *Id.*

³⁴⁷ Interview with Paula Lustbader, *supra* note 160.

³⁴⁸ *Seattle University School of Law 2005-2006 Bulletin*, *supra* note 6.

³⁴⁹ Interview with Judge Frank Cuthbertson, *supra* note 184.

³⁵⁰ *Id.*

³⁵¹ *Id.*

³⁵² Telephone Interview with Hector Steele Rojas, 1999 Seattle University School of Law graduate, member of the Washington State Latino & Latina Bar Association, President and founder of the Washington State Hispanic Bar Foundation (Oct. 28, 2004). The Washington State Latino & Latino Bar Association was formerly known as the Washington State Hispanic Bar Association.

³⁵³ *Id.*

³⁵⁴ *Id.*

³⁵⁵ *Id.*

³⁵⁶ E-mail Interview with Karen Murray, 1991 Seattle University School of Law graduate, 2002–2003 President of Loren Miller Bar Association (Oct. 29, 2004). The Loren Miller Bar Association's purpose is to advance the "social and economic well-being of its largely African American membership." Loren Miller Bar Association website, <http://www.lmba.net/index.htm> (last visited Nov. 21, 2004).

³⁵⁷ *Id.* Murray also cited times where the Dean, the administrators, and professors at the School of Law helped to provide Continuing Legal Education seminars and participated in the annual Martin Luther King Jr. luncheon sponsored by the King County Bar Association and the Loren Miller Bar Association.

³⁵⁸ *Id.*

³⁵⁹ Telephone Interview with Shahzad Qadri, 1999 Seattle University School of Law graduate, member of Diversity Committee for Washington State Bar Association (Oct. 26, 2004).

³⁶⁰ *Id.*

³⁶¹ *Id.*

³⁶² *Id.*

³⁶³ *Id.*

³⁶⁴ *Sweatt*, 339 U.S. at 634.