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

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

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

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:

<table>
<thead>
<tr>
<th>Ethnic Group</th>
<th>General Population</th>
<th>Lawyer Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>12.5</td>
<td>3.3</td>
</tr>
<tr>
<td>Black</td>
<td>12.1</td>
<td>3.9</td>
</tr>
<tr>
<td>Asian</td>
<td>3.6</td>
<td>2.3</td>
</tr>
<tr>
<td>Native American</td>
<td>.7</td>
<td>.2</td>
</tr>
<tr>
<td>Other</td>
<td>1.8</td>
<td>1.2</td>
</tr>
<tr>
<td>White</td>
<td>69.1</td>
<td>89.2</td>
</tr>
</tbody>
</table>
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.
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I. INTRODUCTION

Although 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 Education³ 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.  

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,

[finding 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.]

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.

“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.”

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.”

_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. The system is based on
the number of minorities on campus, as well as the mix of multiple ethnic
groups. 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.

University of Dayton Law Professor Vernellia Randall, who grew up in
Texas during the Jim Crow era, created the 2004 Whitest Law Schools
Report. 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.” On her system, Seattle
University School of Law was ranked 119th, with a 77.6 score. 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. The three least white schools tied for 184th place and all had a
score of 0, meaning that no white students attended. However, it should
be noted that all of these schools are located in Puerto Rico. Howard
University, in 183rd place, was the least white school physically located in
the United States, with a whiteness of 5.8 percent.

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. The law school defines minorities as Native Americans,
Alaskan Natives, Asian/Pacific Islanders, Black/African Americans,
Hispanics, and “other.” 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. 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.

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. At the time Sweatt filed suit, there were only about a dozen African American lawyers in Texas, and a provision in Texas’s Constitution reserved the University of Texas for white students.

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. 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. However, in 1951 Sweatt withdrew without graduating after bravely enduring cross-burnings, tire slashings, and racial slurs from students and faculty. Despite Sweatt’s legal victory, ULTS and many other law schools during much of the 1950s and 1960s had no entering African American students.

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*. 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. The Court found that segregation of children in public schools solely on the basis of race deprived minority children of equal educational opportunities. 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.\textsuperscript{34} The court concluded that separate educational facilities were inherently unequal.\textsuperscript{35}

A decade after Brown, the Civil Rights Act of 1964 was signed into law by President Johnson.\textsuperscript{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.\textsuperscript{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 \textit{Defunis v. Odegaard},\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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 petitioners to begin their final term of law school and vacated the judgment of the Supreme Court of Washington.\textsuperscript{41} Justices Brennan, Douglas, White, and Marshall dissented, however, arguing that the case should be decided on the merits.\textsuperscript{42} Justice Douglas wrote a separate dissent, claiming that each application should be considered in a racially neutral way.\textsuperscript{43} However, because the Law School Admission Test (LSAT) reflects questions touching on cultural backgrounds, Justice Douglas recommended that the LSAT be abolished.\textsuperscript{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.”\textsuperscript{45}

Four years after \textit{DeFunis}, in \textit{Regents of the University of California v. Bakke},\textsuperscript{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).\textsuperscript{47} The program consisted of a dual track for admission with a predetermined number of places reserved for minorities.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{53} The decision in \textit{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.\textsuperscript{54}

In the years since \textit{Bakke}, affirmative action programs have been banned by courts and legislatures. In the 1996 case of \textit{Hopwood v. Texas}, the Fifth Circuit essentially ignored \textit{Bakke} and concluded that Powell’s views were not binding precedent.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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. The Fifth Circuit’s ruling prohibited race-conscious admission at public and private higher educational institutions in Texas, Louisiana, and Mississippi.

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. 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. As a result, applications have declined from African American and Latino/a students, as well as highly qualified white and Asian American students.

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. 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. 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.

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.” 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. 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. By mid-decade, minorities will increase to about 1.4 million and represent 23 percent of Washington’s population.

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. 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. 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. (Figure 1 provides a composite picture of racial and ethnic demographics for Seattle, Washington State, and the School of Law in 2000.)

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. 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, the measure passed in every one of the Washington’s 39 counties, except King—which contains the city of Seattle. The most ethnically diverse neighborhoods in Seattle overwhelmingly voted to reject the initiative. A majority of precincts in the Central Area and Rainer Valley voted 80 percent or more against the initiative. In addition, I-200 drew only moderate support in some King County Eastside suburbs.

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. Since race was removed from the admission criteria, the University of Washington has struggled to attract minority students.
State University have both increased recruiting efforts to attract minority students no longer applying for admission after the passage of I-200. 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. People also thought that I-200 applied to Seattle University. 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.

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. 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. 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. 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.” As a result, the students’ request for relief was moot.

In Parents Involved in Community Schools v. Seattle School District, 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. 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. The Ninth Circuit Court of Appeals certified the case to the Supreme Court of Washington to interpret I-200. 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.

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. 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. Opponents maintained that the bills would unfairly benefit members of one race over another, but disappointed proponents have vowed to try again.

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

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.” 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. Nevertheless, law schools still use the LSAT to distinguish between applicants whose scores may differ by as little as two or three points.

Indeed, the tests reveal more about “past opportunity than about future accomplishments on the job or in the classroom.” The test-makers simply sought to create a test that measures limited skills. 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.

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. It has also been argued that wealthier students have
the time and money to take LSAT prep courses, which can substantially raise scores. 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. 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.” 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. 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.

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. 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. Each application is also read by at least two admission evaluators. The goal is to evaluate each individual by his or her own achievements rather than by standardized tests.

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). In the 1991 entering class, there were 43
minority students who comprised 15 percent of the class. In 2003, that number doubled to 86 students, comprising 25 percent of the class. However, the School of Law has never enrolled more than nineteen African American students in any year since 1994–95. In fact, in 1995–96, the school enrolled only 6 African American students, the smallest in the last ten years. Nevertheless, the total number of minority students has risen over the past ten years.

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). 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. 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.”

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).

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.” 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.”

“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. 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. 

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. 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. There is no separate application process to be considered under the Alternative Admission criteria. 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. The students admitted under the Alternative Admission criteria then enter a program at the law school called the Academic Resource Center (ARC) program.

The primary purpose of the ARC program is to “help diverse and non-traditional students adjust, succeed, and excel in law school.” 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. The program then offers voluntary
study sessions with student teaching assistants for first-year courses and selected upper-level courses. The student teaching assistants and the program director are available to students during their entire law school careers.

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.” The admission team aims to enroll approximately 10 percent of the class based on the Alternative Admission criteria. 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. 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.”

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. 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.

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. Primarily, the program focuses on “nontraditional students who are being systematically excluded from full participation in the legal profession,” said Professor Lustbader. 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.”
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.\footnote{163} Professor Lustbader has worked with the Alternative Admission Program since its inception in 1987.\footnote{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.\footnote{165} She acknowledged that at one point nearly 75 percent of the people of color at the law school began in the ARC program.\footnote{166} However, the stereotype that the program only targets minorities is no longer valid, she said.\footnote{167} The program focuses on students of all different backgrounds, who offer something unique to the law school community.\footnote{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.\footnote{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.\footnote{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.”\footnote{171} Twelve percent of the 2003 entering class was enrolled in the ARC program, 88 percent of whom are minority students.\footnote{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.\footnote{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{177} Amoateng said that he initially had mixed reactions to his admission to Seattle University School of Law dependent upon his participation in ARC.\textsuperscript{178} At first he felt inferior to other students, but then learned about the positive aspects of the program.\textsuperscript{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.\textsuperscript{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.\textsuperscript{181} Professor Lustbader, as well as program participants, agree that ARC students often get labeled as inferior.\textsuperscript{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. For example, six of the recent student body presidents were ARC participants. 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. Additionally, Frank Cuthbertson became the first African American judge in Pierce County. In general, Lustbader has found that the ARC students are very service oriented and contribute greatly to the community. 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. 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.

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. Professor Lustbader said that the academic performance of the ARC students roughly matched the bottom 10 percent of general preadmits. 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. 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.

First-time bar passage rates have increased over the years as well. 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. “[The ARC program] has helped change the legal profession of the Northwest,” Cochran said. “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.
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. 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.\textsuperscript{232} When the numbers of full-time and part-time faculty are added together, minority faculty representation drops to only 16 percent.\textsuperscript{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 \textit{Long Range Plan}, the School of Law unambiguously stated that “the numbers of female and minority group members on the faculty must be increased.”\textsuperscript{234} The 1996 \textit{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.\textsuperscript{235} The 1998-99 \textit{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.”\textsuperscript{236} This report, however, did raise concerns about lack of diversity in its clinical, academic support, and legal writing programs.\textsuperscript{237} Finally, in its 2001 \textit{Self-Study/Five Year Plan}, the law school states:

\begin{quote}
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.\textsuperscript{238}
\end{quote}

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.”\textsuperscript{239} But, “despite [the law school’s] success,
further enhancement of faculty diversity as to gender, race, and ethnicity remains an important goal.”

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.” 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.” 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.” 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.”

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 Law and Race and the Law. 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. 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.” 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.” 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.

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. 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.” 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.

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.” 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. “Now more than ever, graduating students will need to be culturally competent,” Adamson believes. 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.

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.” 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). Services provided through the Community Justice Project range from landlord-tenant issues to unemployment law and assistance with writing wills and trusts. 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.” 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. 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. “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. “People don’t always understand the importance of having people who look like them because that’s just a given,” Rye said. “But for a lot of us, it’s not a given; it’s an exception.”

One alumna, Carrie Coppinger Carter, remembers racial tension when the BLSA administered the Frederick Douglass Moot Court Competition during the 1997-98 school year. 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. 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. As a result, only four to six students would generally compete in the annual competition.

Rye said that there is no record of bylaws for the BLSA organization prior to 2000. The current bylaws do not consider race as a factor for participation in the BLSA or the group’s moot court competition. 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.

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. 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. Carter was the brunt of racial jokes and resentment due to her involvement in the changes. She received anonymous threats at home and at school and was portrayed in the school newspaper with black crows circling her head. Her leadership was even compared to the syphilis

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

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.” 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.” 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.

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. 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.” Campos helped to rejuvenate HOLA last year after the group had been inactive for some time. Campos and the rest of the HOLA team are working to recruit members and to help students learn the importance of
assisting their communities. The group visits high schools where dropout rates are high and holds mock trials to show high school students what law school is like. HOLA members visited Tacoma last year, and this March they will be headed to eastern Washington.

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. 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. 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. 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.

Thomas explained that sometimes it is difficult to experience the Indian cultural history. 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. Thomas said that she does not feel justified in applying for “diversity” scholarships because she does not feel disadvantaged by her race. 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.

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. 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

Maili 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. She also said that they struggle to track minority job placement rates because race reporting is voluntary and not everyone chooses to disclose it.

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. 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. 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. Generally, Career Services is only able to track graduates for a year; after that, the office loses contact with former students.

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. 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. Usually these job fairs, including the ones advertised at the School of Law, let students decide for themselves whether or not they are minorities. This is also the case with other diversity-targeted programs, such as 1L Diversity Clerkships, which are self-defining and run by the employers.

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. She also tries to help the student groups make contact with practitioners to develop relationships. 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. Career Services also does not use fixed-race categories for anything because of the threat of a lawsuit. 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.

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.

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. Of the firms that do have a minority
partner/shareholder, only seven have four or more.\textsuperscript{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.\textsuperscript{346}

\textbf{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.\textsuperscript{347} The school also maintains a Dean’s Diversity Scholarship and actively recruits students of all colors, backgrounds, and experiences.\textsuperscript{348}

Judge Frank Cuthbertson thinks that the law school has “turned the corner” since he was a student in the early 1990s.\textsuperscript{349} He believes that the minority legal community views the school as committed to diversity and access to justice.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{353} This year the foundation is also awarding scholarships to take the BarBri bar exam preparatory course.\textsuperscript{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

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Seattle University School of Law</th>
<th>Seattle</th>
<th>Washington State</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>75%</td>
<td>70.1%</td>
<td>81.8%</td>
</tr>
<tr>
<td>African American</td>
<td>3%</td>
<td>8.4%</td>
<td>3.2%</td>
</tr>
<tr>
<td>American Indian/Alaskan Native</td>
<td>1.8%</td>
<td>1.0%</td>
<td>1.6%</td>
</tr>
<tr>
<td>Asian</td>
<td>12%</td>
<td>13.1%</td>
<td>5.5%</td>
</tr>
<tr>
<td>Hispanic/Latino*</td>
<td>5.3%</td>
<td>5.3%</td>
<td>7.5%</td>
</tr>
</tbody>
</table>

*Hispanics may be of any race.

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

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Native American</td>
<td>10</td>
<td>12</td>
<td>7</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>6</td>
<td>4</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Asian</td>
<td>24</td>
<td>26</td>
<td>33</td>
<td>28</td>
<td>28</td>
<td>39</td>
<td>39</td>
<td>28</td>
<td>44</td>
<td>39</td>
</tr>
<tr>
<td>Black</td>
<td>19</td>
<td>6</td>
<td>13</td>
<td>15</td>
<td>18</td>
<td>9</td>
<td>10</td>
<td>10</td>
<td>19</td>
<td>14</td>
</tr>
<tr>
<td>Hispanic</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>7</td>
<td>4</td>
<td>13</td>
<td>17</td>
<td>13</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>Chicano</td>
<td>8</td>
<td>7</td>
<td>2</td>
<td>5</td>
<td>5</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Puerto Rican</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>7</td>
<td>11</td>
<td>11</td>
<td>26</td>
<td>7</td>
<td>15</td>
<td>24</td>
<td>12</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td>67</td>
<td>61</td>
<td>68</td>
<td>70</td>
<td>85</td>
<td>71</td>
<td>87</td>
<td>79</td>
<td>94</td>
<td>86</td>
</tr>
</tbody>
</table>

From Brown to Grutter: Racial Integration and the Law
Figure 3: Minority Applicants/Enrollment at Seattle University School of Law: 1991-92 to 2003-04

<table>
<thead>
<tr>
<th>Year</th>
<th>Minority Applications</th>
<th>Minorities Accepted</th>
<th>Minorities / Total Students</th>
<th>Percentage of Minorities / Total Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>716</td>
<td>252</td>
<td>86/341</td>
<td>25%</td>
</tr>
<tr>
<td>2002</td>
<td>599</td>
<td>240</td>
<td>94/342</td>
<td>27%</td>
</tr>
<tr>
<td>2001</td>
<td>410</td>
<td>207</td>
<td>79/345</td>
<td>23%</td>
</tr>
<tr>
<td>2000</td>
<td>377</td>
<td>191</td>
<td>87/320</td>
<td>27%</td>
</tr>
<tr>
<td>1999</td>
<td>343</td>
<td>175</td>
<td>71/308</td>
<td>23%</td>
</tr>
<tr>
<td>1998</td>
<td>359</td>
<td>221</td>
<td>85/303</td>
<td>28%</td>
</tr>
<tr>
<td>1997</td>
<td>368</td>
<td>198</td>
<td>70/262</td>
<td>27%</td>
</tr>
<tr>
<td>1996</td>
<td>388</td>
<td>180</td>
<td>68/288</td>
<td>24%</td>
</tr>
<tr>
<td>1995</td>
<td>442</td>
<td>178</td>
<td>61/279</td>
<td>22%</td>
</tr>
<tr>
<td>1994</td>
<td>428</td>
<td>174</td>
<td>67/290</td>
<td>23%</td>
</tr>
<tr>
<td>1993</td>
<td>426</td>
<td>144</td>
<td>49/305</td>
<td>16%</td>
</tr>
<tr>
<td>1992</td>
<td>375</td>
<td>131</td>
<td>46/279</td>
<td>16%</td>
</tr>
<tr>
<td>1991</td>
<td>284</td>
<td>112</td>
<td>43/286</td>
<td>15%</td>
</tr>
</tbody>
</table>
### Figure 4: Alternative Admission/Academic Resource Center at Seattle University School of Law

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


Id.


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

Id.

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

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.


Id.


Id.

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.

Id.

Id.

Id.

Id.
Seventy 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.

Id.

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

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

See Sweatt, 339 U.S. at 636.


Id. at 4.

See Sweatt, 339 U.S. at 634.


Id. at 4.

Id. at 4–5.

Brown, 347 U.S. at 486.

Id. at 488.

Id. at 493.

Id. at 493–494.

Id. at 495.

See Kidder, supra note 25, at 9.

Id. at 12.


See DeFunis, 507 P.2d at 1174.

See id. at 1.172, 1.184–85.


See id. at 348–50.

Id. at 334.

Id. at 340.

Id. at 342.


Id. at 277–78.

See id. at 272–73.

Kidder, supra note 25, at 21–22.

Bakke, 438 U.S. at 306 n. 43.

Id. at 313.

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

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

See Kidder, supra note 25, at 21.

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).

See Hopwood, 236 F.3d at 261.

Id. at 272.

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Racial Integration at Seattle University School of Law

58 Id. at 275.
61 Id.
62 Id.
64 Id. at 316–17.
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.
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.
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…
86 Id.
87 Id.
88 Holmes, supra note 84, at A25.
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.
109 Id.
110 Some law schools are only approved by state authorities.
113 Id.
114 SOCIETY OF AMERICAN LAW TEACHERS, SALT STATEMENT ON THE LSAT (December 2003).
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.

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120 Id.
121 MINORITY DATABOOK, supra note 22, at 13.
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.
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.
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.
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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.
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.
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-

Id.

Id.


See id.


Id.

Id.

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

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


Id.

Id. at 18.

Id. at 19.

Id.

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

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

Id.

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

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

White, supra note 229, at 10.

Id.

Id. at 9.


Id. at 132.

Id.

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252 Id. at 136.


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.


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).


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 Cutherbetson, 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.
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).

Id.

Id.

See id.

See id.

See id.

See id.

See id.

See id.

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).

Id.

Id.

Id.

Id.

Id.


See id.


See id.

Id.

See id.

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).

Id.

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

Id.

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

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

Id.

Id.

See id.

Id.

See 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).

Interview with Angela Rye, supra note 275.

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).

Id.

Id.

Id.

Id.

Id.
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).

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

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

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

See id.

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).

See id.

See id.

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

Id.

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

See id.

See id.

See id.

See id.

See id.

See id.

See id.

See id.

See id.

See id.

See id.

See id.

See id.

See id.

See id.

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

343 Id.
345 Id.
346 Id.
347 Interview with Paula Lustbader, supra note 160.
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 & Latina 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.lmbar.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 Oudri, 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.