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RESEARCH NOTE: USING EXPERIENTIAL LEARNING IN A PIPELINE TO CAREERS IN LAW PROGRAM FOR FIRST-GENERATION UNIVERSITY WOMEN

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INTRODUCTION

Diversity has been a siren's call to law schools and to the legal profession, generally. While the commitment to educate and engage a diverse group of individuals who will be entrusted with the life, liberty, and property interests of society has not waived, the need to find effective, successful, and sustainable means to address this goal has created what the American Bar Association has identified as "diversity fatigue."¹ In spite of the best efforts of those in academia and in the profession, metrics demonstrate the profession remains primarily white and male. While gender parity is closer in law schools, enrollment of men and women of color lags behind enrollment of white males and white females. When students of racial and ethnic minorities enter law school, research has shown that the diversity gains are experienced most acutely at less prestigious law schools with lower admissions standards.² The recognition of class as an additional, and perhaps more accurate, diversity indicator has further complicated this landscape.³

A recent strategy relied upon by laws schools to increase diversity in the applicant pools has been the use of diversity pipeline programs. These programs often combine test preparation with a mock classroom and/or mock trial experience and may include a networking component. While the success of bridge programs is not at issue, these arrangements are solely focused on law school as the career

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¹ AMERICAN BAR ASSOCIATION, SECTION ON LEGAL EDUCATION AND ADMISSION TO THE BAR, *Report on Diversity in the Profession*, www.americanbar.org/groups (last visited 6/4/16).

² Aaron Taylor, *Diversity as a Law School Admissions Strategy*, 59 ST. LOUIS UNIVERSITY LAW REVIEW 321 (2015).

³ See AMERICAN BAR ASSOCIATION, SECTION ON LEGAL EDUCATION AND ADMISSION TO THE BAR, *Legal Education Statistics*, www.americanbar.org/groups (last visited 6/4/16).

pathway. Research and experience have shown that first generation and non-traditional students – in particular female students – may seek a career in law that is not necessarily limited to law school or traditional legal practice. Furthermore, diversity efforts need to address the hidden obstacles that hinder success of minority and non-minority first generation students; that is, feelings of isolation and fear of success.

This research note examines the creation of an experiential learning program known as “Pre-Law & Order: The Summer Advocates Academy.” This program was designed to promote a pipeline for non-traditional and first-generation college women, and recent graduates, who are interested in careers in the law. The Summer Advocates Academy differs from the many diversity pipeline programs in three important respects. First, it is the only program that exclusively serves women. Second, the program’s focus on careers in the law acknowledges that there are multiple career pathways of interest within the population of female students and graduates. Third, the program is provided by a comprehensive liberal arts university, rather than a law school. As a pre-law program, the Academy’s goals and outcomes are different from pipeline programs that are housed in, and delivered by, schools of law.

In this note we describe the creation and execution of “Pre-Law & Order: The Summer Advocates Academy,” in particular the integration of an experiential component into a competency based program. We discuss the impact of an experiential component on program content, participant learning outcomes, and institutional resources, which sets the Summer Advocates Academy apart from law-school based programs. Our work concludes with a reflection on the value of this type of pipeline programming and its connection to the mission of Carlow University, its institutional home.

GENERAL OVERVIEW OF DIVERSITY PIPELINE PROGRAMS

A study by the New York City Bar Association⁴ reports law school enrollment of Black/African-American and Hispanic/Latino students has increased from 2009-2010 to 2012-2013. This study credits the increase to pre-law programs that promote law school and the legal profession.⁵ Despite this increase, minority law students experience less financial assistance, scholarship opportunities, and

⁴ NEW YORK CITY BAR ASSOCIATION, COMMITTEE ON DIVERSITY PIPELINE INITIATIVES, *Best Practices for Building and Supporting the Pipeline to the Legal Profession* (April 2014), available at <http://www.nycbar.org/diversity-pipeline-initiatives> (last visited June 10, 2016).

⁵ *Id.*

tend, overall, to be less academically prepared than non-minority students.⁶ Social and psychological pressures have a negative impact on these groups. This correlates with lower bar passage rates and less interest on the part of employers to mentor and retain minority attorneys.⁷ Therefore, recruiting, retaining, and ensuring the success of minority students post-graduation, have been the drivers for various diversity pipeline programs.

A review of pipeline programs shows that they fall into two categories: those programs aimed at pre-law students (high school, college, and recent college alumni), which are referred to in this paper as pipeline to law school, and those programs that focus on career preparation for law students and recently admitted attorneys, which are referred to as pipeline to the profession.

The aim of most pipeline to law school programs is to increase the diversity pool of law school applicants. The programs within this group can be further sectorized into those administered by law schools, whose programs also promote the advantages of attending that particular school, and those that are administered by institutions and organizations not affiliated with a law school. The law school-affiliated programs can be divided between those that are directed to admitted students whose LSAT scores or GPAs indicate they may face academic challenges during the 1L year, and those that are directed to prospective law school applicants. One program, the Council on Legal Education Opportunity (CLEO), continues to support minority students who enroll in law by providing academic and bar preparation assistance.⁸

In 2014, the New York City Bar Committee on Diversity Pipeline Initiatives outlined several factors that constitute a “best practices” framework for successful pipeline programs directed to law students and early career attorneys; that framework includes a focus on: academic success, development of professional networks, and mentorships.⁹ The Committee’s report identified academic success as the most salient factor to ensure the success of minority law students.¹⁰ Programs should focus on legal writing and development of analytical skills, critical reading, research, and exam techniques. Best practices would indicate that academic success be combined with “community building” activities, such as the creation of mentorships and affinity

⁶ Taylor, Aaron and Committee on Diversity Pipeline Initiatives.

⁷ Committee on Diversity Pipeline Initiatives, at p. 3.

⁸ <http://www.cleoscholars.com>.

⁹ New York City Bar Association Committee on Diversity Pipeline Initiatives. April 2014.

¹⁰ See Committee on Diversity Pipeline Initiatives, at p. 6.

groups.¹¹ Furthermore, the Committee found the most effective programs consistently provided resources throughout a student's legal education and early career trajectory.¹²

While pipeline to the professions programs are successful in retaining minority law students and launching them into their professional careers, a true "pipeline" should reach students before they matriculate to law school. Pre-law pipeline programs should identify academic and test preparation deficiencies while allowing students to develop critical thinking and reading, analytical reasoning, and research skills that can be reinforced during their remaining college years. Furthermore, students who have skills that will enhance their undergraduate GPAs and LSAT test scores are more likely to receive scholarship assistance and be accepted into programs at more selective law schools. This yields students who will be challenged, but not overwhelmed, by the academic demands of law school, and in positions to make good financial decisions as consumers of legal education.

ADAPTING "BEST PRACTICES" TO PIPELINE TO LAW SCHOOL PROGRAMS

While the focus of pipeline to the professions programs is on ethnic and racial minority students, most pipeline to law school programs employ a more expansive concept of diversity that includes gender and socio-economic status. The added focus on first-generation students is not new to undergraduate institutions that provide programming to this group.

More than 40% of incoming college students are the first in their families to attend college and are identified as "first-generation" learners.¹³ The term "first-generation" is used to identify students from the following family groups:

- Neither parent holds a bachelor's degree
- Only one (1) parent holds a bachelor's degree
- Either parent earned a bachelor's degree while the student was enrolled in a bachelor's degree program

While many first-generation students come from low-income backgrounds, not all do, which results in increased complexity when analyzing this population and its needs. The enrollment status of

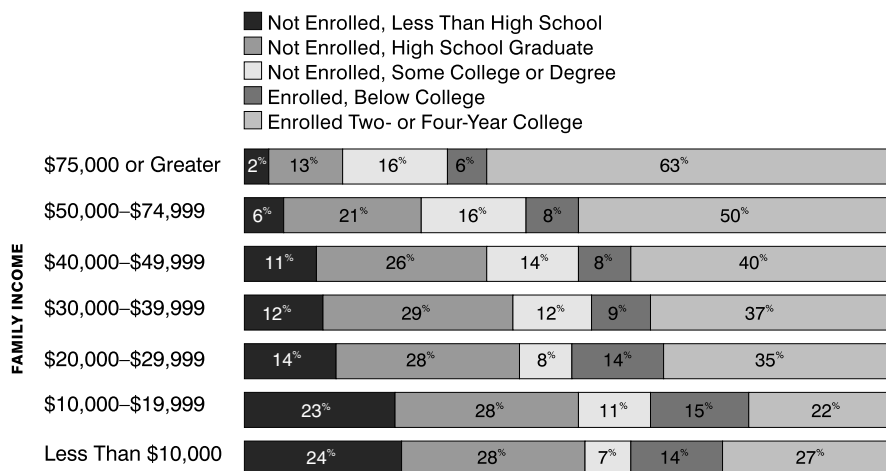
¹¹ See, *supra* note 7.

¹² See Committee on Diversity Pipeline Initiatives, p. 15.

¹³ Davis, J.. *The First Generation Student Experience: Implications for Campus Practice, and Strategies for Improving Persistence and Success*. Sterling (VA): ACPA/Stylus (2010).

dependent primary family members, between 18-24 years old, by family income is expressed, below¹⁴

ENROLLMENT STATUS OF DEPENDENT PRIMARY FAMILY MEMBERS
18–24 YEARS OLD BY FAMILY INCOME, 2005



NOTE: SCHOOL ENROLLMENT DATA WERE NOT REPORTED FOR 15 PERCENT OF THE DEPENDENT PRIMARY 18–24 YEAR OLD POPULATION. MISSING DATA ARE NOT REFLECTED IN FIGURE.
SOURCE: U.S. CENSUS BUREAU 2005B

A constant challenge in undergraduate education involves how to meet the disparate academic, financial, and competency-based needs of this diverse population, both to improve completion of bachelor's degree, as well as to connect these students to communities of practice, such as the legal profession. Several sources provide detailed quantitative analysis of challenges to degree attainment for first-generation/low-income students,¹⁵ however, there are significant non-quantifiable factors that impact undergraduate degree completion and thus impact whether a first-generation student would continue his or her studies. Research on first-generation students has found that this group most often:

- Lacks confidence, financial, and emotional support
- Experiences cultural separation from peers whose parents attended college
- Lacks ability to self-advocate or seek assistance for upward mobility in and out of school

¹⁴ Source: U.S. Census Bureau 2005.

¹⁵ "The Student Loan Ranger." *US News Education*. 22 Feb 2012.

- Carries heavier financial burdens and works more hours while in school, leaving less time for course preparation and extra-curricular activities¹⁶

These challenges often derail degree completion as many first-generation and low-income students have difficulty envisioning degree attainment as a pathway to a career, particularly when the career may involve more education. Meeting the needs of these students at the undergraduate level allows situating a pipeline to law school program within an experiential learning framework that addresses the academic, economic, and social barriers most acutely experienced by first-generation students.

Learning through experience – experiential learning – is itself a “bridge” concept. Experiential learning allows students to experience the connection between academic skills and professional expectations. Experiential learning has been explored, for many years, as a pedagogical strategy in political science – a discipline that traditionally has been the choice of aspiring law students – and other programs of study. (Battistoni, 2000, Barber and Battistoni, 1993, Eyer and Giles, 1999). Much of the focus on the impact of experiential learning surrounded issues of student civic and community engagement, with less attention paid to the impact of experiential learning approach to connecting students to communities of practice. More recent work has shown that experiential learning could have an impact beyond its traditional use as a tool to promote citizen and community engagement.¹⁷ This research led to the question: Can pipeline to law schools programs be more effective by adapting the best practices, identified for pipeline to legal profession programs, into an experiential learning format? This question will be explored through an examination of the program “The Summer Advocates Academy.”

CASE STUDY: PRE-LAW & ORDER: THE SUMMER ADVOCATES ACADEMY

In 2012 Carlow University, a women’s centered, liberal arts university founded by the Sisters of Mercy, explored using the experiential learning method to develop a pathway program to bridge undergraduate and graduate learning and to introduce female students to the professional expectations of careers in law. The decision to create such a program was directly in line with the vision of the institution as a “preeminent, innovative, Catholic university,

¹⁶ Riggs, Liz. “First-Generation: Unprepared and Behind.” *Atlantic*. 31 Dec 2014

¹⁷ Lowe, Allyson and Sandi DiMola. “Teaching to Communities of Practice.” Midwest Political Science Association Conference. April 2014.

renowned for providing transformational learning experiences in which students realize their full potential and become career-ready, ethical leaders committed to a just and merciful world.”¹⁸

The decision to proceed was made after considering the research on high-impact practices for the student populations of first-generation, female, minority, and at-risk learners that Carlow University serves (National Survey of Student Engagement, Survey Results, 2010). It was determined that a University committed to empowering women and to teaching in the Catholic social tradition should rise to this challenge.

The Summer Advocates Academy was designed to provide a pathway to law school, graduate programs in law (e.g. MLS programs) and non-J.D. careers in law for female undergraduate students and recent graduates. It is the only program that exclusively serves female students and graduates. The decision to limit enrollment to women was based on the fact that while most law school programs have reached gender balance, this is not the case in the profession or in most law-related careers.

For first-generation and non-traditional students, the road to graduate and professional school and to law-related careers is beset with challenges from both inside and outside of the application process. While some of these students have had experiences with the justice system, they lack the skills and role models that will help them to realize how they can become an empowered part of the justice or social justice machinery. The Summer Advocates Academy was created to build the pipeline to law school, and to careers in the law, for female students from under represented populations, which includes: first generation students, students of color, and women whose non-traditional student status is a result of age or of personal circumstances. The objective of The Summer Advocates Academy is to provide college women and recent graduates with an experience that introduces various aspects of advocacy related careers in the fields of law and policy.

The Summer Advocates Academy works to overcome challenges inside the application process by providing: preparation for standardized testing; strategies for choosing and succeeding in courses that will develop critical thinking, analytical, and writing skills; an application portfolio consisting of a personal statement, resume, and writing sample. Competency modules include: writing, thinking, and speaking as an advocate; reading and briefing cases; and test preparation for law school and graduate school admission. Additional modules cover

¹⁸ Carlow University Vision Statement. Available at www.carlow.edu.

topics such as networking, written and verbal business etiquette, and financial literacy. Students also have opportunities to meet and interact with women in the legal field who have overcome some of the same challenges faced by the students. The mentoring component bridges the social distance first generation students experience between themselves and the legal professionals and has been demonstrated to make a difference in whether or not these groups will consider professional or graduate level education.

The program's focus on careers in the law has two premises: one curricular and one practical. Most first-generation students have a narrow view of what careers in law entails. Students either want to enter law enforcement or they want to be lawyers, with scant understanding of the demands and opportunities within either field. The common denominator to most of our program's participants is that they want to "help people" based upon their own encounters with the justice system, either positive or negative. These participants have not developed the tools to both connect the justice system with social change and to see themselves as change agents, irrespective of the profession they eventually choose.¹⁹ We sought to change this perception. The second reason concerned the ability of the instructors to draw on partnerships built through their affiliation and board membership with the Northeast Association of Pre-Law Advisors (NAPLA). As we will illustrate, the creation of an effective pipeline program has to deliver a meaningful curricular experience, connect students with communities of practice and professional expectations, and be sustainable within established institutional resources.²⁰

PROGRAM DESIGN

The Summer Advocates Academy is a five-day, non-residential program, with forty-five (45) contact hours of programming. The number of contact hours is significant because Carlow University students can enroll in EXP: 250, which is a course shell for experiential learning and receive one (1) course credit for participating in this program.

The Summer Advocates Academy is decidedly shorter than pipeline to law school programs hosted by law schools. The decision to have a one-week program was based on participant need; that is, most of the students and recent graduates who participate in the program

¹⁹ Lowe, A. and DiMola, S. "The Use of a Service-Learning Model in the Teaching of Conflict Studies: A Case Study of POL 350: The Lawrenceville Dialogue Project." American Political Science Association, Conference on Teaching and Learning, Washington, D.C., February 17-19, 2012.

²⁰ *Id.*

are taking time away from work or family commitments to attend. A longer program, while allowing for more robust content, would be cost prohibitive in terms of actual costs, foregoing earnings, and child-care expenses.

The instructional modules include:

- Skill development for the SAT and LSAT
- Completion of a full length LSAT practice test delivered under conditions similar to the actual LSAT
- LSAT “teach-back”: Understanding the score and strategies for improvement
- Resume writing techniques: content, form, and structure
- Writing the personal statement: Telling an admissions story in words and data
- Planning a pathway to law school: selecting courses and capturing opportunities
- Reading and briefing a case
- Legal research and writing

Carlow University is geographically positioned between two of the area’s law schools: the University of Pittsburgh and Duquesne University. Both schools have hosted sessions that allow students to speak with current law students; engage in resume review with members of the Career Placement staff; discuss financing of graduate education with financial aid counselors; and work with the directors of admission on crafting the personal statement. Law school faculty in the legal research and writing programs have made themselves available to lead a “mock” law school class on reading and briefing cases and on the basics of legal research and writing. The program’s success has gone beyond the Pittsburgh region. Since 2013, the Summer Advocates Academy has received financial support from Michigan State University College of Law to provide scholarship assistance to the attendees.

The collaboration with law schools is critical to the success of our program. Law school admissions professionals and pre-law advisors share similar goals, among them: to build a pipeline of qualified applicants from diverse backgrounds; to promote understanding of the rigors of legal studies, as well as the financial and emotional costs of attending law school; to empower students to make an informed decision about whether to pursue a career in law. These collaborations are immensely beneficial to students by providing: direct access to reliable sources of information, thus eliminating myths and rumors; visibility to those who may become part of the application process; leverage relationships between the law school and the pre-law faculty

to assist when difficult decisions and conversations need to happen; and model networking for law school and career entry.

A seminal part of the Summer Advocates experience is to expose students to what lawyers actually do. Many of our attendees are first generation college students. While they often have had experience with the fantasy of law, as depicted in television or films, they lack knowledge of the realities of legal practice. In previous years we have visited the Allegheny County District Attorney's Office, where students attended a criminal court trial, the Women's Law Project, where students learned about public interest law, and have hosted a panel of attorneys, in various areas of practice, who have shared with the students their pathway to the law. This has provided students with the opportunity to see that the persons of privilege in society are not the gatekeepers to the practice of law. As students experience the various ways that lawyers advocate, for individuals, for oppressed groups, and even for the state, students develop a more realistic understanding of the work of lawyers. This is important, as most of our attendees do not have family members or friends who are studying or who are working in the legal profession.

CONNECTING WITH FIRST-GENERATION & NON-TRADITIONAL STUDENTS

The Summer Advocates Academy addresses the factors that most impede first-generation and non-traditional students success in professional school and career attainment by doing the following:

- a. Launching students on a path to develop and enhance their capacities for critical thinking and contemplation, and research.
- b. Developing networks of mentors that empower students to envision themselves as effective advocates and leaders
- c. Providing students with information and skills to navigate the application process to graduate and professional school or to a career and to become informed consumers of legal education.

Pre- and post-testing of students who participated in the Summer Advocates Academy, together with a rise in the number of those students who were accepted to ranked law schools with academic scholarships, or who obtained employment in the legal field after graduation, demonstrates that the program met its goal of having students realize their potential as prospective law students, graduate students, or women employed in the legal field.

REINFORCING ACADEMIC & PROFESSIONAL EXPECTATIONS
THROUGHOUT THE ACADEMIC YEAR

The work conducted during the Summer Advocates Academy informs teaching in courses such as Constitutional Law, Evidence and Procedure, and Gender, Law, and Public Policy, and general and pre-law academic advising. Undergraduate women who have completed the Summer Advocates Academy can practice and refine their skills in their academic courses and through participation in various on campus networking events and in internships.

The Summer Advocates Academy has been instrumental in developing students who are academically prepared, aware of the expectations of graduate and professional study, and can leverage professional networks to secure experiential learning opportunities that make them more competitive applicants to graduate and professional school and in the employment market. These students are more likely to avoid the pitfalls, identified by Aaron Taylor,²¹ of applying to lower tier law schools with less financial and academic support.

CONCLUSION

Increasingly institutions are challenged to prepare students for life beyond the university – whether it is graduate or professional studies or entry into a career. This challenge is heightened for the population of students who are first-generation learners, many of whom need academic, financial, and social supports. For this group of students, best practice in a pipeline to careers in the law program is a program that introduces both academic skill building – for those students who contemplate obtaining a graduate or professional degree – with mentoring, networking, and financial literacy. These components can be reinforced during the academic year through course development and the co-curricular pathways to communities of practice, such as class simulations, service-learning opportunities, and the creation of scholar-practitioner collaborations. When successful, undergraduate pipeline programs aid faculty to transition students from the university into communities of practice.

²¹ Taylor, Aaron. “Diversity as a Law School Admissions Strategy.” *St. Louis University Law Review* (2015).