

## Don't Crimp the Pipe, or Dam the River, at the Law School Door

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# DON'T CRIMP THE PIPE, OR DAM THE RIVER, AT THE LAW SCHOOL DOOR

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Despite the diversification of America,<sup>1</sup> the legal profession remains

\* Placido G. Gomez is a Visiting Professor of Law, La Verne College of Law; BarbaraKaye Miller is the Assistant Dean of Admissions and Graduate Programs, Sandra Day O'Connor College of Law at Arizona State University; Hermelinda L. Alvarez is a 2012 graduate of Phoenix School of Law; Dr. Eric Romero is an Assistant Professor of Languages and Culture, New Mexico Highlands University.

<sup>1</sup> KAREN R. HUMES, ET AL., U.S. CENSUS BUREAU, CB11-CN.125, OVERVIEW OF RACE AND HISPANIC ORIGIN: 2010 (Mar. 2011), <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>. The 2010 census reported that the Hispanic population grew by 43% in the last decade, from 35.3 million in 2000 to 50.5 million in 2010. *Id.* at 3. In 2010, Hispanics made up 16% of the population; in 2000, Hispanics were 13% of the population. *Id.* In the same decade, the population of non-Hispanic whites who identified themselves as one race grew numerically from 194.6 million to 196.8 million. *Id.* However, the proportion of this group in relation to the total population declined from 69 percent to 64 percent. *Id.*

In 2010, Blacks who identified themselves as one race totaled 38.9 million, 13% of the total population. *Id.* at 5. The Black population increased 12%, from 34.7 million in 2000. *Id.* In 2000, Blacks made up 12% of the total population. During the same time period, the Asian population grew by 43%, growing from 10.2 million in 2000, to 14.7 million in 2010. *Id.* In 2010, the Asian population was 5% of the total population, up from 4% in 2000. *Id.* From 2000 to 2010, the population of American Indians and Alaskan natives grew 18%, from 2.5 million to 2.9 million, and maintained its proportion of the total population, 0.9%. *Id.*

California, the District of Columbia, Hawaii, New Mexico, and Texas have majority – minority populations. Arizona, Florida, Georgia, Maryland, and Nevada have minority populations over 40%. *Id.* at 19. Further, states with traditionally non-Hispanic White populations experienced a sharp growth in minority population from 2000 to 2010; the minority population grew by 66% in Maine, by 68% in New Hampshire, by 52% in Vermont. *Id.*

Projections regarding future demographics indicate continued growth in the minority population. As of Fall 2006, first-grade students were 56.5% White, 17.1% African-American, 20.5% Hispanic, 4.7% Asian-Pacific Islander, and 1.2% American Indian-Alaskan Native. Sarah E. Redfield, *Diversity Realized, Putting the Walk with the Talk for Diversity in the Legal Profession 37* (2009) [hereinafter Redfield, *Diversity Realized*] (citing Nat'l Center for Educ. Statistics, U.S. Dep't of Educ., *Digest of Education Statistics 2008*, Table 41 at 74. Percentage distribution of enrollment in public elementary and secondary schools, by race/ethnicity and state or jurisdiction: Fall 1996 and Fall 2006, <http://nces.ed.gov/pubs2009/2009020.pdf>). In 2050, the country will be 54% people of color: 46% White, 30% Hispanic, 15% African American, 9% Asian-Pacific Islander, and American Indian-

overwhelmingly white.<sup>2</sup> The lack of diversity in the profession raises numerous concerns, among them whether our leadership and laws will reflect the magnificence and splendor of our heterogeneous population.<sup>3</sup> The academic community has acknowledged this concern,<sup>4</sup> as has the Supreme Court.<sup>5</sup> Law schools, the gatekeepers of the legal profession, have not effectively confronted the issue.<sup>6</sup> Race-conscious admissions policies have marginally increased the number of ethnic minority students entering the profession.<sup>7</sup> However, these policies are inadequate<sup>8</sup> and appear to be

Alaskan Native. *Id.* (citing Press Release, U.S. Census Bureau, An Older and More Diverse Nation by Midcentury (Aug. 14, 2008), <http://www.census.gov/newsroom/releases/archives/population/cb08-123.html>).

<sup>2</sup> Elizabeth Rindskopf Parker & Sarah E. Redfield, *Law Schools Cannot be Effective in Isolation*, 1 BYU EDUC. & L.J. 2 (2005) (citing Elizabeth Chambliss, *Miles to Go: Progress of Minorities in the Legal Profession*, American Bar Association Commission on Racial and Ethnic Diversity in the Legal Profession 2004, at 2 Table 1 (Miles to Go 2004)); William Malpica & Mauricio A. Espana, *Expanding Latino Participation in the Legal Profession: Strategies for Increasing Latino Law School Enrollment*, 30 FORDHAM URB. L.J. 1393–94 (2003); John Nussbaumer & Chris Johnson, *The Door to Law School*, 6 U. MASS. ROUNDTABLE SYMP. L.J. 1, 2 (2011); Michelle J. Anderson, *Legal Education Reform, Diversity, and Access to Justice*, 61 RUTGERS L. REV. 1011, 1011–12 (2009).

“What’s happening, as the American population becomes more diverse, is that the lawyer corps and judges are remaining predominately white,” said John Nussbaumer, Associate Dean of Thomas M. Cooley Law School. Tamar Levin, *Law School Admissions Lag Among Minorities*, N.Y. Times, Jan. 7, 2010, <http://www.nytimes.com/2010/01/07/education/07law.html>.

<sup>3</sup> *Gutter v. Bollinger*, 539 U.S. 306, 333 (2003). The Supreme Court notes that “[i]ndividuals with law degrees occupy roughly half the state governorships, more than half the seats in the United States Senate, and more than a third of the seats in the United States House of Representatives. The pattern is even more striking when it comes to highly selective law schools. A handful of these schools account for 25 of the 100 United States senators, 74 United States Courts of Appeals judges, and nearly 200 of the 600 United States District Court judges” *Id.* (citations omitted); see also Parker & Redfield, *supra* note 2, at 2–3. Parker and Redfield add to the list: almost all of our judges, and three of the last seven presidents held law degrees. *Id.*

<sup>4</sup> See generally DOROTHY H. EVENSEN & CARLA D. PRATT, *THE END OF THE PIPELINE, A JOURNEY OF RECOGNITION FOR AFRICAN AMERICANS ENTERING THE LEGAL PROFESSION* (2012) [hereinafter EVENSEN & PRATT, *THE END OF THE PIPELINE*]; REDFIELD, *DIVERSITY REALIZED*, *supra* note 1; Linda F. Wightman, *The Threat to Diversity in Legal Education: An Empirical Analysis of the Consequences of Abandoning Race as a Factor in Law School Admission Decisions*, 72 N.Y.U. L. REV. 1 (1997); Laura Rothstein, *Shaping the Tributary: The Why, What, and How of Pipeline Programs to Increase Diversity in Legal Education and the Legal Profession*, 40 J.L. & EDUC. 551 (2011). Professor Rothstein writes: “A century of legalized racism, followed by decades of institutionalized racism, has resulted in the underrepresentation of minorities, particularly African-Americans, in the legal profession.” *Id.* at 553; Michael A. Olivas, *Affirmative Action: Diversity of Opinions: Constitutional Criteria: The Social Sciences and Common Law of Admissions Decisions in Higher Educations*, 68 U. COLO. L. REV. 1065 (1997).

<sup>5</sup> *Gutter*, 539 U.S. at 329–34. The Court emphasized the many benefits of a diverse student body including a vigorous exchange of ideas, “cross-racial understanding,” eliminating racial stereotypes, encouraging a better understanding of persons of different races, preparing “students for an increasingly diverse workforce and society,” and insuring the “[e]ffective participation by members of all racial and ethnic groups in the civic life of our Nation.” *Id.*

<sup>6</sup> Cruz Reynoso & Cory Amron, *Diversity in Legal Education: A Broader View, A Deeper Commitment*, 52 J. LEGAL EDUC. 491, 505 (2002). Professor Reynoso and Mr. Amron write: “The law school will need to look outside itself and down the pipeline, and to take a leadership role in alliances with undergraduate colleges and universities, secondary schools, and even elementary schools.” *Id.*

<sup>7</sup> EVENSEN & PRATT, *THE END OF THE PIPELINE* xxv, *supra* note 4.

<sup>8</sup> See e.g., A DISTURBING TREND IN LAW SCHOOL DIVERSITY, <http://blogs.law.columbia.edu/salt>

short-lived.<sup>9</sup> Pipeline programs are the current law school admissions' response.<sup>10</sup>

Actually, our society has a deep-rooted attraction for pipeline programs as a means toward diversity.<sup>11</sup> There are successful educational pipeline programs; however, these programs have not met the demand for diversity: there are not enough pipes, the pipes are not large enough, both the entry and the exit of the pipelines are measured, there are too many leaks, and the pipe is often crimped at the end of the line.

The legal education pipeline is crimped at the law school door.<sup>12</sup> This Article assumes that the evidence reflecting the legal profession's lack of diversity is sufficient; we will not write about what others have done so skillfully.<sup>13</sup> We also assume that our profession, and that law schools particularly, bear primary responsibility for insuring that the laws and the legal profession represent and serve our population. We have two goals; first, to describe educational pipeline programs that we have personally experienced, highlighting characteristics that, we believe, contribute to the programs' success; we include our personal narratives. Second, we propose a 3 + 3 BA/JD curriculum, modeled after a successful BA/MD medical school program, which will place qualified ethnic minority students at the door of law school admissions offices in three years.

(last visited Oct. 18, 2013). Focusing on "shut out rates," Conrad Johnson and others argue that, even though numerous factors indicate that the relative number of African-American and Mexican-American should be increasing, the percentage representation of these groups "has actually trended downward" from 1993 to 2008. In terms of "shut out rates," a higher percentage of African-Americans, 61%, and Mexican-Americans, 46%, were denied admission to all the law schools to which they applied compared with 34% of Caucasian candidates. Further, "there was a 7.5% decrease in the proportion of African-Americans in the 2008 class as compared with the 1993 class. There was an 11.7% decrease in the proportion of Mexican-Americans in the 2008 class as compared with the proportion entering law school 15 years ago." *Id.*

<sup>9</sup> *Id.*; see also Grutter, 539 U.S. at 343 (Justice O'Connor suggesting that "25 years from now, the use of racial preferences will no longer be necessary.").

<sup>10</sup> See ABA PRESIDENTIAL ADVISORY COUNCIL ON DIVERSITY & LAW SCHOOL ADMISSION COUNCIL, PIPELINE DIVERSITY DIRECTORY, [http://www.americanbar.org/groups/diversity/diversity\\_pipeline/resources/pipeline\\_diversity\\_directory.html](http://www.americanbar.org/groups/diversity/diversity_pipeline/resources/pipeline_diversity_directory.html). See also Laura Rothstein, *Shaping the Tributary: The Why, What, and How of Pipeline Programs to Increase Diversity in Legal Education and the Legal Profession*, 40 J.L. & EDUC. 551, 601-08 (2011).

<sup>11</sup> See, e.g., Grutter, 539 U.S. at 331. The military is, perhaps, the best example of an organization that depends on pipeline programs that use race and ethnicity as a factor for admissions. "The primary sources for the Nation's officer corps are the service academies and the Reserve Officers Training Corps (ROTC) . . . . At present, the military cannot achieve an officer corps that is *both* highly qualified and racially diverse unless the service academies and the ROTC used limited race-conscious recruiting and admissions policies." *Id.* (citations and quotation marks omitted).

<sup>12</sup> A DISTURBING TREND IN LAW SCHOOL DIVERSITY, *supra* note 8.

<sup>13</sup> See *supra* notes 2 and 4.

## I. PIPELINE PROGRAMS

The term "pipeline" is well recognized among educators and other professionals as the route, or even the conduit, that carries people from where they are to a desired location.<sup>14</sup> An education pipeline brings someone to a desired location, usually college, professional school, or a job. A diversity education pipeline carries diverse students, hopefully quickly and efficiently, to colleges, universities, professional schools, and, eventually, into the work force. Michael Olivas has urged the use of the "river" as a metaphor for the law school admissions process, and he has a point.<sup>15</sup> A pipeline is artificial, rigid, ugly, and susceptible to rust and leaks. The river is natural, nourishing, powerful, adaptable, flexible, fed by many sources, and often branches off into tributaries. The river's attributes metaphorically reflect the characteristics of quality pipeline programs.

An effective pipeline programs will reach out to students early in their

<sup>14</sup> EVENSEN & PRATT, THE END OF THE PIPELINE xxiii, *supra* note 4.

<sup>15</sup> Olivas writes why the "river" is the preferred metaphor to "pipeline" or "pool:"

... think of the pipeline in its quotidian, oil-industry meaning. It is a foreign mechanism introduced into an environment, an unnatural device used to leach valuable products from the earth. It requires artificial construction; ... It cuts through an ecosystem and can have unintended and largely uncontrollable, deleterious effects on that environment. It can, and inevitably does, leak, particularly at its joints and seams. It can also rust prematurely, and if any part of it is blocked or clogged, the entire line is rendered inoperative.

For the admissions process, I prefer the metaphor of the "river." It is an organic entity, one that can be fed from many sources, including other bodies of water, rain, and melting snow. It can be diverted to create tributaries without altering its direction or purpose, feeding streams, canals, and fields; it can convey goods, drive mills and turbines, create boundaries, and irrigate land—all without diminishing its power. Although it can be fouled by unnatural pollutants, it has a natural filtration system to slough off impurities. It can adapt to new flows and can even be reversed or altered by engineering and hydraulic interventions. Its surface can be frozen, yet its power will be undiminished beneath the floes.

This is the image I want to convey, rather than those conjured by pipelines or pools, neither of which has a river's power, purpose, potential, fecundity, or majesty. ...

The metaphor chosen to describe the admissions process is important for its characterization of the problem, for the evidence mounted to measure the problem, and for the solutions proffered to resolve the problem ... The pipeline metaphor ... suggest[s] that minority enrollment is simply a delivery glitch, or that admissions committees would admit minorities if only they used better conveyances. After all, pipelines do not produce anything of value; they only carry or convey products. ...

A river, in contrast, provides nutrients and conveys resources, unlike its more static counterparts that do one or the other, but not both. Finally, a river also creates demand through its dynamic flow and natural, organic properties. It constantly changes form, seeking new flows and creating new boundaries. It can even wear down rock, as observers of the Rio Grande Gorge and Grand Canyon can attest. This is what I wish to convey; that demography and efforts by schools to do the right thing will inevitably lead to improvement over time.

Michael A. Olivas, *Law School Admissions After Grutter: Student Bodies, Pipeline Theory, and the River*, 55 J. LEGAL EDUC. 16, 16–18 (2005).

educational development a long way;<sup>16</sup> these programs are absorbent, and students can enter at any point.<sup>17</sup> Quality programs are grounded in community; they resist belaboring deficits in favor of acknowledging community strengths.<sup>18</sup> Successful programs leave participants culturally intact; they utilize the knowledge base of participants, and respect and reinforce cultural ties. Finally, superior programs develop and evolve because they involve passionate, creative, community-based people. These are the pipeline programs, and a few of the people, responsible for our success and the success of many others like us.

## II. TRIO PROGRAMS

### A. Talent Search

Talent Search and Upward Bound are two of the eight programs under the TRIO umbrella designed “to assist low-income individuals, first generation college students, and individuals with disabilities to progress through the academic pipeline from middle school to postbaccalaureate programs.”<sup>19</sup> Created in the 1960s and federally funded, Talent Search, Upward Bound and Special Services for Disadvantaged Students were dubbed “TRIO Programs.”<sup>20</sup> Currently, the Office of Postsecondary Education, United States Department of Education awards TRIO grants to “institutions of higher education, public and private agencies and organizations including community-based organizations with experience in serving disadvantaged youth and secondary schools” or combinations of these institutions.<sup>21</sup>

Talent Search is a low-intensity,<sup>22</sup> early intervention program<sup>23</sup>

<sup>16</sup> Cruz Reynoso & Cory Amron, *Diversity in Legal Education: A Broader View, A Deeper Commitment*, 52 J. LEGAL EDUC. 491, 505 (2002); EVENSEN & PRATT, THE END OF THE PIPELINE xxiii, *supra* note 4.

<sup>17</sup> E. Christopher Johnson Jr., *Diversity and Inclusion in the Legal Profession, Pipeline Programs, Increasing Diversity and Creating Responsible Citizens and Leaders*, 91 MICH. B.J. 32, 33 (2012), available at <http://www.michbar.org/journal/pdf/pdf4article1973.pdf>.

<sup>18</sup> EVENSEN & PRATT, THE END OF THE PIPELINE xxii–xxiii, *supra* note 4.

<sup>19</sup> *Federal Trio Programs – Home Page*, OFFICE OF POSTSECONDARY EDUC., U.S. DEP’T OF EDUC., <http://www2.ed.gov/about/offices/list/ope/trio/index.html> (last modified Aug. 27, 2013).

<sup>20</sup> *History of the Federal TRIO Programs*, OFFICE OF POSTSECONDARY EDUC., U.S. DEP’T OF EDUC., <http://www2.ed.gov/about/offices/list/ope/trio/triohistory.html> (last modified Sept. 9, 2011). Upward Bound was created by the Economic Opportunity Act of 1964 in response to the war on poverty. Talent Search surfaced in 1965 as part of the Higher Education Act. Special Services for Disadvantaged Students, the predecessor of Student Support Services, was authorized by the Higher Education Amendments in 1968. *Id.*

<sup>21</sup> *Federal TRIO Programs – Home Page*, *supra* note 19.

<sup>22</sup> The term “low-intensity” refers to the relatively low amount of funds spent per participant.

providing “academic, career, and financial counseling to . . . individuals from disadvantaged backgrounds who have the potential to succeed in higher education.”<sup>24</sup> For the 2012 funding year, 454 programs served 313,641 participants. The combined budget for all programs totaled almost \$136 million.<sup>25</sup> The program’s focus is to encourage disadvantaged youth to complete high school and pursue a postsecondary degree.<sup>26</sup> Talent Search offers a variety of services including assessment, tutoring, counseling, mentoring, and workshops designed to assist high school students and others with the college application process.<sup>27</sup>

Program participants include students from groups traditionally underrepresented in postsecondary education, and students who are homeless, in foster care, or otherwise disconnected from the traditional education system.<sup>28</sup> Historically Black colleges and universities (HBCUs) and Hispanic Serving Institutions (HSIs) were well-represented as hosts of Talent Search programs.<sup>29</sup>

Dr. Eric Romero:

I personally benefited from the outreach projects triggered by 1960’s civil rights demands.

Talent Search outreach programs extended into the rural areas of Colorado, particularly those areas neglected by the large university recruiters. I attended a college awareness and financial aid workshop sponsored by Talent Search: Centro Emiliano Zapata de Aztlán based in Alamosa Colorado. The Talent Search counselors were sensitive to rural livelihoods and helped me understand the connection between rural Chicano culture and the need for continued educational pursuits.

MAGGIE CAHALAN ET AL., MATHEMATICA POLICY RESEARCH, INC., IMPLEMENTATION OF THE TALENT SEARCH PROGRAM, PAST AND PRESENT – FINAL REPORT FROM PHASE I OF THE NATIONAL EVALUATION iii (2004), <http://www2.ed.gov/rschstat/eval/highered/talentsearch/execsumm.pdf>. In the 2011 and 2012 funding cycles, Department of Education funding was at about \$434 per participant. *Talent Search Program: Funding Status*, OFFICE OF POSTSECONDARY EDUC., U.S. DEP’T OF EDUC., <http://www2.ed.gov/programs/triotalent/funding.html> (last modified Dec. 27, 2012).

<sup>23</sup> Students as young as eleven years old are eligible for Talent Search services. See CAHALAN ET AL., *supra* note 22, at iii.

<sup>24</sup> *Talent Search Program*, OFFICE OF POSTSECONDARY EDUC., U.S. DEP’T OF EDUC., <http://www2.ed.gov/programs/triotalent/index.html> (last modified Dec. 27, 2012) [hereinafter *Talent Search Program*].

<sup>25</sup> *Talent Search Program: Funding Status*, OFFICE OF POSTSECONDARY EDUC., U.S. DEP’T OF EDUC., <http://www2.ed.gov/programs/triotalent/funding.html> (last modified Dec. 27, 2012).

<sup>26</sup> *Talent Search Program*, *supra* note 24.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> POLICY AND PROGRAM STUDIES SERVICE, U.S. DEP’T OF EDUC., IMPLEMENTATION OF THE TALENT SEARCH PROGRAM, PAST AND PRESENT – FINAL REPORT FROM PHASE I OF THE NATIONAL EVALUATION iii (2004), <http://www2.ed.gov/rschstat/eval/highered/talentsearch/execsumm.pdf>.

I felt very comfortable that the counselors understood my language, culture, and the concerns I had about leaving the small town I knew so well for the big university.

The counselors suggested that I begin during the summer session at the University of Colorado; then I could receive academic skills assistance as well as content knowledge relevant to my ethnic heritage. The overall message that I internalized was that I had opportunity in college and that my cultural identity would be respected. This latter concept is a very powerful motivation for ethnic minority students. The transition from a cultural identity to an academic identity depends much on the flexibility of the canon, the integrity of the individual, and the support of peers and programs.

I had originally enrolled at the Colorado University Boulder campus with aspirations to participate in athletics. Although I am originally from a small southern Colorado town, I had done well in high school and my test scores were more than adequate to guarantee me admission to the big school. As a high school All-American I felt that I was equipped to walk on to the wrestling team and advance accordingly. However, the coach was not interested in my skills or conviction and consequently I dedicated myself to the academic challenges of a large state university.

The first year was tough; I felt alienated by the affluence of the many students on the CU campus. At times I was intimidated by their access to resources. The son of a custodian, I was raised with a strong work ethic. I also had a strong, self-determination attitude earned from my athletic past. However, I was lacking in financial resources and cosmopolitan insights.

After the first year I gravitated to the Chicano Studies Program and the United Mexican American (UMAS) EOP offices where I was welcomed and recognized as a person of substance with abilities and virtues. I graduated in my fourth year with a major in Anthropology and a minor in Mexican-American Studies. Coursework in the Anthropology program was insightful, but not necessarily meaningful. The Mexican American Studies courses provided me with a structure for learning and a forum for developing academic discourse. There was a direct relationship between my major and minor areas of emphasis, but a world of difference in the pedagogy of the courses and consequently in the learning curve of the programs. The Mexican American Studies program articulated directly with my ethnic and rural sensibilities and provided me with opportunity to research areas of practical and immediate interest. I became comfortable and confident. I was active in UMAS and grew and grew exponentially



from insights, skills and confidence.

The mid 1970s Boulder campus was aligned with national civil rights and cultural nationalism movements. Community issues were areas of emphasis with the student body and progressive instructors facilitated real-world problem-solving. Networking with other student organizations, community organizations and national advocacy groups created learning opportunities that complemented academic course work. Some of the most significant learning at the Boulder campus was extracurricular, and had consistent underpinnings for civic engagement and commitment to home communities.

I felt that my learning experiences on Boulder campus, both academic and extracurricular, provided me with abilities, insights and the confidence to continue with the next stage of my education. Soon after graduation, I was awarded a scholarship from the Mexican Government (Becas Para Aztlan) to pursue a Master's Degree in Social Anthropology. I spent six years in Mexico City completing a Master's Degree and teaching at the Escuela Nacional de Antropología E Historia. The programmatic and curricular trajectories of the school emphasized activist research and the moral obligation to assist disenfranchised populations and communities.

During my current tenure at New Mexico Highlands University I have had the opportunity to "pay-it-forward." Through my teaching, research and community-service I have had the opportunity to continue to participate in many of the programs that contributed considerably to my own educational success. I contribute to the Upward Bound as a guest lecturer and as an education consultant. My contributions focus on discussions of cultural identity, scholarship and dedication to personal growth and academic commitment.

At New Mexico Highlands University I teach in the Native American/Hispano Cultural Studies Program (NAHS). Much of our content delivery and heuristics skills development emphasize practical community-based concerns and problems. The program exercises several of the pedagogical strategies outlined above including; service-learning, civic-engagement, experiential learning and action-research. All students finalize their program with a capstone research experience focused on locally relevant projects.

I can attest, without restraint, to the effectiveness of these different school experiences. Not only have I personally benefitted from the programs but the evaluation of contemporary projects produce similarly effective results. These programs and projects all emphasize pragmatic application of academic content complemented

with a facilitated dedication to assisting communities.

## II. UPWARD BOUND

Upward Bound is the oldest of the TRIO programs. Currently, the Department of Education awards a total of over \$305,000,000 to 951 Upward Bound projects serving more than 64,000 students.<sup>30</sup> The prototype Upward Bound program includes two components: first, most programs bring high school students to a college campus for a rigorous six-week summer session that includes courses in mathematics, science, composition, literature, and languages; and secondly, during the academic year, the program brings students to campus after school or on weekends for classes and other activities including tutoring, counseling and cultural enrichment.<sup>31</sup>

Recent studies indicate that both Talent Search and Upward Bound successfully bring first generation students and students with disabilities into the postsecondary-bound pipeline.<sup>32</sup> A 2006 study focusing on Texas, Florida, and Indiana by Mathematica Policy Research, Inc. indicates that students who participated in Talent Search were more likely to enroll in postsecondary education and apply for financial aid.<sup>33</sup> Similarly, a recent national study indicates that Upward Bound participants were more likely to enroll in college, complete a college degree, and apply for student financial aid.<sup>34</sup>

<sup>30</sup> *Upward Bound: Funding Status*, OFFICE OF POSTSECONDARY EDUCATION, U.S. DEP'T OF EDUC <http://www2.ed.gov/programs/trioupbound/funding.html> (last modified Nov. 30, 2012).

<sup>31</sup> PELL INST. FOR THE STUDY OF OPPORTUNITY IN HIGHER EDUC., NATIONAL STUDIES FIND TRIO PROGRAMS EFFECTIVE AT INCREASING COLLEGE ENROLMENT AND GRADUATION 5, [http://www.pellinstitute.org/downloads/publications-Studies\\_Find\\_TRIO\\_Programs\\_Effective\\_May\\_2009.pdf](http://www.pellinstitute.org/downloads/publications-Studies_Find_TRIO_Programs_Effective_May_2009.pdf) (last visited Sept. 8, 2013). "Upward Bound is unique in that it provides first generation, low-income high school students the opportunity to experience a college environment. I believe that once a student feels that he belongs in a college environment, with the help of dedicated Upward Bound staff and other support systems, the possibility becomes a reality." Telephone interview with Mike Garcia, Director, Upward Bound, Adams State Coll., 1973-2008, Director, TRIO Programs, Adams State Coll., 2003-08 (Mar. 2, 2012).

<sup>32</sup> *Id.*

<sup>33</sup> JILL M CONSTANTINE, ET AL., MATHEMATICA POLICY RESEARCH INC., STUDY OF THE EFFECT OF THE TALENT SEARCH PROGRAM ON SECONDARY AND POSTSECONDARY OUTCOMES IN FLORIDA, INDIANA AND TEXAS – FINAL REPORT FROM PHASE II OF THE NATIONAL EVALUATION xvii (2006), <http://www2.ed.gov/rschstat/eval/highered/talentsearch-outcomes/index.html>. The report indicates that Talent Search participants in Florida, Indiana, and Texas were more likely than non-participants from similar backgrounds to be first-time applicants for financial aid, and to enroll in a public college or university in their state. *Id.*

<sup>34</sup> PELL INST. FOR THE STUDY OF OPPORTUNITY IN HIGHER EDUC., NATIONAL STUDIES FIND TRIO PROGRAMS EFFECTIVE AT INCREASING COLLEGE ENROLMENT AND GRADUATION 4 n.5, [http://www.pellinstitute.org/downloads/publications-Studies\\_Find\\_TRIO\\_Programs\\_Effective\\_May\\_2009.pdf](http://www.pellinstitute.org/downloads/publications-Studies_Find_TRIO_Programs_Effective_May_2009.pdf) (last visited Sept. 8, 2013) (citing MARGARET CAHALAN, PELL INST. FOR THE STUDY OF OPPORTUNITY IN HIGHER EDUC., DO THE CONCLUSIONS

Hermelinda L. Alvarez:

I am the daughter of immigrant parents and the first person in my family to attend middle school. I was raised in Southern California by parents who were members of the United Farm Workers (UFW). One of my earliest memories is of sitting on my father's shoulders, proudly waving the UFW red flag with the black eagle during the California table grape boycott. I was four years old when my father, then the president of the local UFW chapter, introduced me to César Chávez with the words, "Look, César, a future secretary for the union!" César quickly retorted, "No, Fidel, she will become a lawyer and will fight for the rights of the campesinos!" That story, often repeated to me in childhood, helped inspire me to set and surpass my family's standard educational goals; in my mind I was college bound.

During high school, my counselor pulled me aside and asked me if I had heard of the Upward Bound program. I quickly responded, "no." She explained that Upward Bound was a program for students whose parents did not attend college. Today I understand Upward Bound was a pipeline effort.

As part of the application process for Upward Bound my parents and I signed a contract agreeing to support each other with the requirements of the program. My first requirement was to attend tutoring in Palm Desert every Saturday. Upward Bound provided the bus passes and my parents agreed to encourage me and support my prioritizing academic excellence. Prior to being accepted to Upward Bound, I had not set foot in Palm Desert. We lived in Coachella - a neighboring town where people were hardworking but economically poor and with low educational attainment.

CHANGE? THE CASE OF UPWARD BOUND, CORRECTING FOR STUDY ERROR IN THE 1992-2004 NATIONAL EVALUATION OF UPWARD BOUND). Dr. Cahalan's study found that, compared to control group participants, Upward Bound students were 22% more likely to apply for financial aid, 50% more likely to earn a bachelor's degree, 19% more likely to earn any postsecondary degree or credential. *Id.* The study was a reanalysis of a previous report completed by the Department of Education. See N.S. SEFTOR, ET AL., MATHEMATICA POLICY RESEARCH INC., THE IMPACTS OF REGULAR UPWARD BOUND ON POSTSECONDARY OUTCOMES 7-9 YEARS AFTER SCHEDULED HIGH SCHOOL (2009); see also *Report Highlights: The Impact of Regular Upward Bound Results from the Third Follow-up Data Collection* (2004), POLICY AND PROGRAM STUDIES SERV., U.S. DEP'T OF EDUC., <http://www2.ed.gov/rschstat/eval/highered/upward/upward-3rd-report.html> (last modified Apr. 29, 2004). The Mathematica Policy Research report had found that "Upward Bound had no effect on enrollment at postsecondary institutions . . . overall [and that] Upward Bound has limited overall impact on students' academic preparation for college." *Id.* Dr. Cahalan, the Project officer for the Department of Education who managed the technical competence of the Mathematica report, "found fatal methodological flaws" in the original study. PELL INST. FOR THE STUDY OF OPPORTUNITY IN HIGHER EDUC., NATIONAL STUDIES FIND TRIO PROGRAMS EFFECTIVE AT INCREASING COLLEGE ENROLLMENT AND GRADUATION 5, [http://www.pellinstitute.org/downloads/publications-Studies\\_Find\\_TRIO\\_Programs\\_Effective\\_May\\_2009.pdf](http://www.pellinstitute.org/downloads/publications-Studies_Find_TRIO_Programs_Effective_May_2009.pdf) (last visited Sept. 8, 2013).

My commitment to Upward Bound was strong and consistent. I remained enrolled for three years. Every Summer Program was different. On one occasion, my counselor, Maria Jasso, drove about 20 of us to visit different Universities in California. Thanks to Upward Bound I was able to visit campuses like the University of California, San Diego, the University of California, Los Angeles and Stanford. The Upward Bound staff addressed my insecurities about going to college. I felt appreciated and loved. Thus, my doubts were transformed into inspiration, ensuring I would have the courage and self-esteem to leap into college.

However, shortly after finishing my junior year in high school, my parents, siblings and I moved to Ciudad Morelos, Mexico, bordering Yuma, Arizona. My parents expected me to navigate the cross-border educational system. I enrolled in a new high school in the United States. This high school did not have an Upward Bound Program. As United States citizens, my siblings and I were able to commute from Mexico daily, across the border to attend school on the Quechan Native American reservation. I graduated from high school in the top two percent of my class; thanks to the lessons I had learned while part of Upward Bound I *knew* I was college bound. After high school I enrolled in the local community college. I was the only one in my high school graduating class to attend college that year.

Today I am a law school graduate. I have also earned degrees in Psychology and Public Health. My formal and informal education has taught me the importance of remaining grateful for the sacrifices others made to give me the opportunity to succeed. One thing is really telling – I still reach out to my Upward Bound counselor for friendship and guidance.

Upward Bound was a pipeline effort that essentially worked to build my integrity and support my social consciousness. As a result of my commitment to social justice, I co-founded Citizens for a Better Arizona and served as fundraising director for the successful recall of Russell Pierce – the former Arizona senate president and author of the anti-immigration legislation SB 1070. Since law school graduation, I also ran for a position on the Maricopa County Board of Supervisors.<sup>35</sup> Currently, I co-founded and direct the effort to recall Sheriff Joe Arpaio.

Often I think to myself “where does my confidence come from?”

<sup>35</sup> Michelle Ye Hee Lee, *Arpaio Critic and Activist Alvarez Files to Run for County Supervisor*, THE ARIZONA REPUBLIC, Feb. 17, 2012, at B1.

After all, I am female, Latina, 5 feet tall, and gentle in speech.

The answer is simple; it comes from the sum of my experiences, including Upward Bound, that continue to show me the real meaning of success. Today I feel successful because I am a bridge of communication between community members and stakeholders. I am one voice with a clear message. I am an educated Latina and I will contribute to the livability and dignity of my community. Thank you Upward Bound for making an investment in me.

### III. COLLEGE ASSISTANCE MIGRANT PROGRAM (CAMP)

Both the College Assistance Migrant Programs (CAMP), and its sister program, the High School Equivalency Programs (HEP),<sup>36</sup> are funded by the Department of Education, Office of Migrant Education.<sup>37</sup> CAMP annually serves more than 2,400 migrant and seasonal farm workers and their children. The program provides “academic, personal, and financial support” throughout students’ first year in college.<sup>38</sup> Initially funded by the Department of Education as part of the Elementary and Secondary Act in 1972, the number of CAMP programs has increased from four programs to forty-three programs in 2007.<sup>39</sup> In 2007, the CAMP budget totaled \$15.3 million.<sup>40</sup> Currently, the Department of Education funds thirty-nine programs in sixteen states.<sup>41</sup>

The HEP – CAMP pipeline addressed a challenging concern: migrant education. Following the crops requires students move from school to school. Severely marginalized, migrant families are not considered by

<sup>36</sup> The HEP CAMP relationship illustrates coordination among pipeline programs. “The programs were designed to complement each other. HEP recruited migrant and seasonal farmworkers and help them earn a GED; the students could then move right into their first year in college through CAMP.” Telephone interview with Herman Martinez, Director of CAMP Project ALMA, Adams State Coll. 1976-1981, Director, HEP CAMP Nat’l Ass’n, 1979-1981 (Mar. 2, 2012).

<sup>37</sup> NAT’L HEP CAMP ASS’N, <http://www.hepcamp.org/> (last visited Sept. 8, 2013) [hereinafter NAT’L HEP CAMP ASS’N]; see also *Migrant Education – College Assistance Migrant Program*, OFFICE OF MIGRANT EDUC., U.S. DEP’T OF EDUC., <http://www2.ed.gov/programs/camp/index.html> (last modified Nov. 12, 2009).

<sup>38</sup> NAT’L HEP CAMP ASS’N, *supra* note 37; see also Scott Willison & Bong Seok Jang, *Are Federal Dollars Bearing Fruit? An Analysis of the College Assistance Migrant Program*, 8 J. HISPANIC EDUC. 247, 247–48 (2009). Along with providing resources to cover all or part of a student’s tuition, CAMPs recruit students to attend an IHE, assist them with application materials, provide students housing or commuter expenses, provide students academic support such as tutoring and English language Learner assistance, provide personal counseling services, assist students in securing internships, scholarships, and other forms of support. *Id.* at 247.

<sup>39</sup> Willison & Jang, *supra* note 38, at 247–48.

<sup>40</sup> *Id.*

<sup>41</sup> HEP CAMP Locations, NAT’L HEP CAMP ASS’N, [http://www.hepcamp.com/index.php?option=com\\_content&view=article&id=47&Itemid=37](http://www.hepcamp.com/index.php?option=com_content&view=article&id=47&Itemid=37) (last visited Sept. 8, 2013).

colleges and universities to be architects of successful students.<sup>42</sup> Migrant students themselves often wear “a deficit lens . . . causing low self-efficacy, self-doubting, and lack of academic confidence.”<sup>43</sup>

One study indicated that CAMP students complete their first year of postsecondary education and return for a second year at a higher rate than state averages.<sup>44</sup> The study noted that “factors such as having a supportive family, having a mentor, having a sense of belonging, and having a supportive academic environment all contribute to the academic success of Mexican Americans.”<sup>45</sup>

“We consistently out-performed the traditional college population regarding retention and reenrollment rates of first-year students,” said Herman Martinez, director of CAMP at Adams State College in Alamosa, Colorado. “We had strong students and we built a community within the college using *la familia* as a model. Our academic program was rigorous, but we also were committed to sponsoring various cultural activities. We forced the college community to expand its perspective to one that included us.”<sup>46</sup>

The Adams State College CAMP institutionalized several programs focusing on the educational needs of underserved people. Among these programs is the Summer Health Careers Institute (Summer Institute). Created in 1979, the Summer Institute initially responded to a realization that many CAMP students could not compete in a college-level health science curriculum because they had not been exposed to rigorous science courses in high school.<sup>47</sup> The Summer Institute recruited students from the dozen or so rural high schools in southern Colorado’s San Luis Valley, and brought them to Adams State for a two-week residential program.<sup>48</sup>

<sup>42</sup> Willison & Jang, *supra* note 38, at 250.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 250–57. Willison and Jang report that of the 7,903 students enrolled in CAMP during the four academic years 2002 through 2005, 86% completed their first year of college in good standing and 81% continued to attend school the following year.” *Id.* at 257. Willison and Jang noted that in 2002, for example, “retention rates for first-year students in 4-year institutions varied from 65.2% to 85.3% . . . [and] the retention rates in 2-year colleges varied from 42.8% to 70.2%.” *Id.* at 250.

<sup>45</sup> *Id.* at 250.

<sup>46</sup> Telephone interview with Dr. Herman Martinez, Director CAMP Project ALMA, Adams State Coll., 1976–1981 (Mar. 2, 2012). Dr. Martinez expressed some concern with what he saw as attempts to direct the HEP-CAMP pipeline in an inappropriate direction: “Our goal was to take people from the fields to a high-paying job. One thing that always concerned me was that there seemed to be quite a few postings for job opportunities in the nuclear clean-up industry. I was never comfortable with that and we fought it.” *Id.*

<sup>47</sup> Telephone interview with Al Kelly, former Director of the Area Health Educ. Ctr. (Feb. 15, 2012).

<sup>48</sup> SAN LUIS VALLEY HEALTH EDUC. CTR., FROM HIGH SCHOOL TO HEALTH CAREERS: A SURVEY OF TWO HUNDRED FORTY THREE HIGH SCHOOL STUDENTS WHO PARTICIPATED IN THE SAN LUIS

## IV. TEACHER CORPS

Title V of the Higher Education Act of 1965<sup>49</sup> established the Teacher Corps Program in the Office of Higher Education, Department of Health Education and Welfare.<sup>50</sup> The objectives of the program were “to strengthen educational opportunities for children in areas having concentrations of low income families and to encourage colleges and universities to broaden their programs for training teachers.”<sup>51</sup> To accomplish these objectives, Teacher Corps recruited and trained both experienced teachers, who would serve as team leaders, and prospective teachers, who would work as interns.<sup>52</sup> Programs assigned teams consisting of a team leader and several interns to individual schools.<sup>53</sup> Interns taught three or four days a week in the target school district, and attended courses one or two days a week, leading to a college degree and a state teaching certificate.<sup>54</sup>

Generally, the Department funded Teacher Corps programs in two-year cycles,<sup>55</sup> targeting both urban<sup>56</sup> and rural<sup>57</sup> school districts.<sup>58</sup> Each program

VALLEY AREA HEALTH EDUCATION CENTER “SUMMER HEALTH CAREERS INSTITUTE” FROM 1982 TO 2007 (June 30, 2008). A survey of 243 high school students who participated in the institute indicated that 100% graduated from high school, 71% pursued post-secondary education or specialized training, and 44% were employed in a health-care profession.” *Id.* at 32.

<sup>49</sup> Pub. L. 89-329, 79 Stat. 1219 (codified as amended at 20 U.S.C. § 1101) (2011).

<sup>50</sup> U.S. GENERAL ACCOUNTING OFFICE, OFFICE OF EDUC., DEP’T OF HEALTH, EDUC. AND WELFARE, ASSESSMENT OF THE TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA AND PARTICIPATING SCHOOLS IN LOS ANGELES AND RIVERSIDE COUNTY 1 (1971) [hereinafter TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA]; *see also* U.S. GENERAL ACCOUNTING OFFICE, OFFICE OF EDUC., DEP’T OF HEALTH, EDUC. AND WELFARE, ASSESSMENT OF THE TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY AND PARTICIPATING SCHOOL ON THE NAVAJO AND HOPI INDIAN RESERVATIONS 1 (1971) [hereinafter TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY].

<sup>51</sup> TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY, *supra* note 50.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, *supra* note 50, at 18.

<sup>55</sup> Teacher Corps programs existed from the mid-1960s until the early 1980s, when they were phased out in favor of block grants under the Education Consolidation and Improvement Act of 1981. SANDRA J. STEIN, THE CULTURE OF EDUCATION POLICY 55–56, 71 (2004). Each Teacher Corps Cycle lasted for two years. For example, Teacher Corps Cycle Six operated from 1971 until 1973 and included twenty projects serving both elementary and secondary school children. DAVID D. MARSH ET AL., PACIFIC TRAINING AND TECHNICAL ASSISTANCE CORP., FINAL REPORT. A STUDY OF TEACHER TRAINING AT SIXTH-CYCLE TEACHER CORPS PROJECTS 1 (1974).

<sup>56</sup> *See, e.g.*, TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, *supra* note 50. The University of Southern California had two Teacher Corps programs operating simultaneously. The urban program was focused in Los Angeles and Riverside County; the rural migrant program served rural school districts in Tulare County, California. *Id.* at 12.

<sup>57</sup> *See, e.g.*, TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY, *supra* note 50.

<sup>58</sup> Local districts contributed 10% of the salaries of administrators, team leaders and interns. *Id.* at 1.

was locally controlled and designed to meet distinct local needs.<sup>59</sup> For example, the University of California urban program addressed the unique educational needs of Mexican-American and African-American children in the Los Angeles metropolitan area.<sup>60</sup> Similarly, the Teacher Corps program at Northern Arizona University was designed specifically for schools on the Navajo and Hopi reservations;<sup>61</sup> the program at the University of Wisconsin-Madison associated with four Wisconsin tribes: the Menominee, Winnebago, Ojibwa, and Stockbridge-Munsee.<sup>62</sup>

Reports indicate that Teacher Corps programs successfully broadened educational opportunities for low-income children in both urban and rural school districts.<sup>63</sup> Programs trained teachers who were aware of, and could address, the unique concerns of low-income, minority populations.<sup>64</sup> Many Teacher Corps graduates taught in low-income school districts.<sup>65</sup> And, Teacher Corps encouraged colleges and universities to enrich their teacher

<sup>59</sup> TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, *supra* note 50, at 7.

<sup>60</sup> *Id.* at 2. The program strengthened educational opportunities of children living in the target schools by instituting individualized and small group instruction sessions. Interns also increased cultural awareness and improved children's self-image by planning field trips, developing ethnic studies courses, and sponsoring other special projects. One group of interns worked with parents to develop a library focused on Black history; another group established multiethnic learning centers. Schools in several of the targeted districts retained curricula and other special projects introduced by interns. *Id.* at 21-25.

<sup>61</sup> TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY, *supra* note 50, at 9-10. The Navajo-Hopi Teacher Corps targeted ten elementary schools operated by the BIA and two public elementary schools. The target schools were located in Arizona and New Mexico. Eleven schools were located on the Navajo reservation; one was on the Hopi reservations. Forty-two percent of the interns at the Northern Arizona Teacher Corps were Navajo or Hopi; many interns planned to teach on the reservation upon graduation. Interns successfully introduced innovative teaching techniques that were subsequently adopted by the target schools. *Id.* at 9-19.

<sup>62</sup> John M. Antes & Barbara J. Boseker, *Using an Indian Community in Social Studies Education*, 22.2 J. AMER. INDIAN EDUC. 28, 28 (1983), available at <http://jaie.asu.edu/v22/V22S2usi.html>.

<sup>63</sup> See TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY, *supra* note 50, at 15; TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, *supra* note 50, at 2, 17; see generally DAVID D. MARSH ET AL., PACIFIC TRAINING AND TECHNICAL ASSISTANCE CORP., FINAL REPORT. A STUDY OF TEACHER TRAINING AT SIXTH-CYCLE TEACHER CORPS PROJECTS 1 (1974).

<sup>64</sup> See generally, e.g., TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY, *supra* note 50; TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, *supra* note 51.

<sup>65</sup> See, e.g., TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, *supra* note 50, at 3. Of the 109 interns enrolled during the first three Teacher Corps cycles at the University of Southern California urban program, 72 (82%) were teaching or had contracts to teach on June 30, 1970, which was about a month after cycle three ended. Of these, 63 were teaching in school districts serving low-income families. Further, 21 of the 28 team leaders in the first three cycles were employed by the target school districts. Three of the former team leaders had become school principals at target schools, and three were in positions to integrate educational programs and activities that had been introduced by the Teacher Corps program and retained by the districts. *Id.* at 28. See also TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY, *supra* note 50. Of the thirty-five interns accepted into the first cycle of the Navajo-Hopi program, twenty-six completed the program and graduated in May 1970; seven of the graduates were Navajo or Hopi. In May 1970, nineteen had accepted teaching positions at reservation schools. Also as of May 1970, twenty-seven additional Teacher Corps interns, including seventeen Navajo or Hopi, had completed the first year of the subsequent cycle; at least twenty-three planned to teach on the reservation. *Id.* at 21.



training programs, particularly in the area of community-based education.<sup>66</sup> The teacher-training curriculum at host institutions became more relevant.<sup>67</sup> And, through the introduction of a self-directed, competency-based training program, Teacher Corps improved the teacher training process.<sup>68</sup>

## V. PRE-LAW PIPELINE PROGRAMS

### A. CLEO, PLSI, and DiscoverLaw Plus Programs

Both the Law School Admissions Council<sup>69</sup> and the American Bar Association<sup>70</sup> have embraced an active role developing law school pipeline programs. The Council on Legal Educational Opportunity (CLEO) was founded in 1968 as a project of the American Bar Association.<sup>71</sup> In 1998, the Higher Education Amendments Act created the Thurgood Marshall Legal Education Opportunity Program and placed the program under the auspices of CLEO.<sup>72</sup> Since its inception, over 8,000 CLEO students have joined the legal profession.<sup>73</sup> To accomplish its mission of diversifying the legal profession, CLEO administers numerous programs that provide “placement assistance, academic support and counseling, financial assistance, bar prep orientation, online tutoring programs and weekend

<sup>66</sup> John E. Mook, *Community-Based Education Component: A Rural Experience, Rural Eastern Kansas Teacher Corps Project, Emporia Kansas State College*, Presentation to the Ninth and Tenth Cycle Teacher Corps National Conference, July 20-24, 1975; see also David D. Marsh, *An Evaluation of Sixth Cycle Teacher Corps Graduates*, 26 J. OF TEACHER EDUCATION 139 (1975); DAVID D. MARSH ET AL., PACIFIC TRAINING AND TECHNICAL ASSISTANCE CORP., FINAL REPORT. A STUDY OF TEACHER TRAINING AT SIXTH-CYCLE TEACHER CORPS PROJECTS 1 (1974). See also, e.g., TEACHER CORPS PROGRAM AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, *supra* note 50, at 31-35; TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY, *supra* note 50, at 20-22.

<sup>67</sup> TEACHER CORPS PROGRAM AT NORTHERN ARIZONA UNIVERSITY, *supra* note 50, at 16-19, 23-24 (1971).

<sup>68</sup> *Id.*

<sup>69</sup> See LAW SCHOOL ADMISSIONS COUNCIL, DISCOVERLAW.ORG, <http://DiscoverLaw.org> (last visited Sept. 28, 2013).

<sup>70</sup> See COUNCIL ON RACIAL AND ETHNIC DIVERSITY IN THE EDUCATIONAL PIPELINE, AMERICAN BAR ASS'N, [http://www.americanbar.org/groups/diversity/diversity\\_pipeline.html](http://www.americanbar.org/groups/diversity/diversity_pipeline.html) (last visited Sept. 28, 2013).

<sup>71</sup> *What is CLEO?*, CLEO, <http://www.cleoscholars.com/index.cfm?fuseaction=Page.viewPage&pageId=482> (last visited Sept. 28, 2013) [hereinafter *What is CLEO?*]; see also REDFIELD, DIVERSITY REALIZED, *supra* note 1, at 127-28. “Over the years, CLEO has had a variety of strong partners. . . . [including] the AALS [American Association of Law Schools], the Hispanic National Bar Association, the Law School Admissions Council, the National Bar Association (NBA), the National Asian Pacific American Bar Association (NAPABA), the National Native American Bar Association (NNABA), and the Society of American Law Teachers (SALT). In addition, more than a hundred law schools are members and supporting institutions.” *Id.* at 128.

<sup>72</sup> *What is CLEO?*, *supra* note 71.

<sup>73</sup> *Id.*

seminars and workshops.”<sup>74</sup>

In 2007, the University of New Mexico School of Law celebrated the fortieth anniversary of the Pre-Law Summer Institute at its American Indian Law Center (“PLSI”).<sup>75</sup> The PLSI is an intensive, eight-week program that mirrors the first semester of law school.<sup>76</sup> Annually, the program recruits native students from across the country. Established law professors teach the substantive courses, which include Indian Law and two additional courses from the core curriculum, and a legal writing/advocacy course.<sup>77</sup> PLSI graduates have attended, among other elite law schools, Harvard, Cornell, and Stanford.<sup>78</sup> Alumni of the program include “many of the nation’s preeminent Native attorneys, judges, law school professors and deans, and tribal chairs.”<sup>79</sup> The American Bar Association’s Council for Racial and Ethnic Diversity in the Educational Pipeline honored the PLSI with the 2012 Raymond Pace and Sadie Tanner Mossell Alexander Award for Excellence in Pipeline Diversity.<sup>80</sup>

<sup>74</sup> *Id.*

<sup>75</sup> Press Release, UNM School of Law Co-Sponsors Pre-Law Summer Institute 40th Anniversary Celebration (Mar. 5, 2007), [http://www.unm.edu/news/07MarNewsReleases/07-03-05\\_AILC.htm](http://www.unm.edu/news/07MarNewsReleases/07-03-05_AILC.htm).

<sup>76</sup> AMERICAN INDIAN LAW CTR., INC., <http://ailc-inc.org/PLSI.htm> (last visited Sept. 28, 2013).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *American Indian Law Center’s Pre-Law Summer Institute Honored*, NATIVE NEWS NETWORK (Dec. 14, 2011, 7:10 AM), <http://www.native.newsnetwork.com/american-indian-law-center-pre-law-summer-institute-honored.html>.

<sup>80</sup> Matthew L.M. Fletcher, *American Indian Law Center’s “Pre-Law Summer Institute for American Indians and Alaskan Natives” Recognized by the American Bar Association*, TURTLE TALK: INDIGENOUS LAW AND POLICY CENTER BLOG MICHIGAN STATE UNIV. COLL. OF LAW (Dec. 16, 2011), <http://turtletalk.wordpress.com/2011/12/16/american-indian-law-centers-pre-law-summer-institute>.

The ABA’s Raymond Pace and Sadie Tanner Mossell Alexander Award for Excellence in Pipeline Diversity (“Alexander Award”) “recognize[s] exemplary leadership in pipeline work by an individual or organization.” Alexander Award, AMERICAN BAR ASS’N, [http://www.americanbar.org/groups/diversity/diversity\\_pipeline/projects\\_initiatives/alexander\\_award.html](http://www.americanbar.org/groups/diversity/diversity_pipeline/projects_initiatives/alexander_award.html) (last visited Oct. 18, 2013). “Raymond Alexander was Wharton’s first African American graduate, a multi-term president of the National Bar Association, and the first black judge on the Common Pleas Court of Philadelphia. In the early 1930s, he took two Chester County school districts to court in a racial segregation case. His victory ended de jure segregation in Pennsylvania schools. Sadie Alexander, Raymond’s wife, was the first African American woman to receive a Ph.D. in the United States, the first woman to receive a law degree from the University of Pennsylvania Law School, and the first national president of Delta Sigma Theta Sorority, Incorporated.” See Press Release, St. John’s Univ. School of Law, Ronald H. Brown Prep Program for College Students Receives ABA’s Alexander Award (Dec. 14, 2010), [http://www.stjohns.edu/pr\\_law\\_101214.news\\_item@digest.stjohns.edu%2facademics%2fgraduate%2flaw%2fpr\\_law\\_101214.xml?context\\_date=9/28/2013](http://www.stjohns.edu/pr_law_101214.news_item@digest.stjohns.edu%2facademics%2fgraduate%2flaw%2fpr_law_101214.xml?context_date=9/28/2013) [hereinafter *Press Release*]; see also *Pioneering Lawyer, Judge, and Civil Rights Leader, Raymond Pace Alexander, W’20, Influential People and Ideas*, Anniversary Issue, WHARTON ALUMNI MAGAZINE, <http://www.wharton.upenn.edu/125anniversaryissue/alexander.html> (last visited Oct. 18, 2013). “Raymond’s wife, Sadie Tanner Mossell Alexander, was the first African American woman to receive a Ph.D. in the United States, the first woman to receive a law degree from the University of Pennsylvania Law School, and was the first national president of Delta Sigma Theta Sorority.” See Press Release *supra*.

Native American Plus (NA-PLUS) is a DiscoverLaw.org PLUS Program sponsored by the Law School Admissions Council and administered by the University of New Mexico School of Law and the American Indian Law Center, Inc.<sup>81</sup> This four-week, residential program features three courses: Rhetoric, Reasoning, and Writing, Legal Topics, and Socratic Methods, designed to introduce native undergraduate students to the rigor of studying law.<sup>82</sup> The program also exposes students to a variety of native concepts and legal concerns, and introduces students to practicing native attorneys.<sup>83</sup>

BarbaraKaye Miller:

It started for me back in 1977; I was in the seventh grade. I can remember the excitement of moving onto the campus of Creighton University in Omaha, Nebraska for the Upward Bound Summer Program. My older sister was already in the program and I had heard many stories about the program and how much fun it was during the summer. Both I and another sister started the program at the same time. The thrill of moving onto campus and staying in the dorms for 6 weeks was exciting. In my mind, it made me feel like I was grown, like I was starting college in the seventh grade; never mind that I was taking high school courses and not college courses. A year later, my baby sister started in the program.

For me, Upward Bound wasn't about attending college. I always knew that I would be going to college. In all honesty, I didn't have a choice; it was expected. Instead Upward Bound was about giving me the tools to succeed while I was at college. The Upward Bound program surrounded me with other minorities who had a common focus of achieving a single goal: attend and graduate from college and perhaps graduate or professional school. Upward Bound taught us that it was okay to dream above and beyond what our parents did. We didn't have to settle for being in management, when we could run a company, or better yet our own company. You see, even though my parents and grandparents were educated, they at times had this mindset that would allow societal norms to limit themselves or their achievements or their possible achievements. For example, when President Obama was running for President, I distinctly remember my parents being proud; but also remember my

<sup>81</sup> Collaborators, *LSAC DiscoverLaw.org PLUS Program* (on file with authors).

<sup>82</sup> Courses and Faculty, *LSAC DiscoverLaw.org PLUS Program* (on file with authors).

<sup>83</sup> Program Information, *LSAC DiscoverLaw.org PLUS Program* (on file with authors).

stepmom saying that it would be a wasted vote if I voted for Obama. She thought a black man would never become president. Not now, maybe sometime in the not-so-distant future, but certainly not now.

Upward Bound allowed me to be comfortable living away from home for an extended period of time (6 weeks versus the unusual sleepover). Although we were allowed to go home on the weekends, you could not call home during the week. It forced me to get out of my comfort zone at an early age and get along with people from various backgrounds. Upward Bound exposed me to other minorities who were professionals. I had always been at schools where I was either the only black in a class, or with few other blacks. Even in high school, which was about 25% minority, I was usually the only black in a class. Until high school, I had been at schools where there was maybe one minority teacher or administrator; in high school, I can only recall four, two teachers (one was the football coach/P.E. instructor), an administrator and the school nurse.

Upward Bound exposed me to a rigorous schedule. Similar to basic training in the military, you had breakfast at a certain time, if you were late, you didn't eat. No more just grabbing something from the refrigerator, we lived in dorms and ate at the cafeteria on their time schedule. We were in classes from about 8 to 3, with lunch in between; from about 3:30 to 5:30 you studied, and dinner was from 5:30 - 6:30 pm. After dinner, there was more study time, and some free time. At 10:00 pm lights were out, no exception.

Upward Bound strengthened my ability to take standardized tests. While the schools I had attended incorporated test taking skills into their classes, Upward Bound took it further. Not only did we take classes especially designed for the ACT and SAT, we also were taught how to speed read. Moreover, the program paid for us to take the PSAT 2 to 3 times per year starting in the 8th grade. There is a reason I tested above the 90th percentile on my standardized tests. And, while I like to think it was because I was smart, I am smart enough to know that it was in fact due to all of the test preparation courses I took. We had heard about cultural biasness in standardized tests. However, in Upward Bound, you saw older black students doing well and knew that you could do well too. You knew that you could do even better because you learned from them and improved. We incorporated *kaizen* or "continuous improvement" principles before it became popular business management tools. We understood that to be black you

had to be twice as good to be noticed and double that to get ahead.

Lastly, Upward Bound exposed me to academic competition at a team level. We would attend college bowls down in Kansas City and compete against other Upward Bound programs. Here we were at a college campus on stage in their auditorium competing against other schools. I wasn't an athlete and didn't know about the adrenalin rush you could get from winning competitions. I was the cheerleader who would cheer for others. Now, I was hearing the chants of my classmates, cheering for me, for our team. Moreover, the cheers weren't because we were the fastest, this wasn't a track meet; the cheers weren't for our ability to shoot a basket or catch a ball, we weren't basketball or football players; the cheers weren't because we had the best dance moves, this wasn't a dance competition; the cheers were due to the fact that we were correctly answering questions on math, science, history, geography and any other academic subject you wanted to throw in the mix.

What was interesting about these competitions is that you were exposed to other minorities from different cities, all with the same goal: attend and graduate from college and perhaps a graduate or professional school. The world was even bigger than I could imagine; there were other smart minorities out there, many smarter than me. Somehow being on that stage allowed me to understand, realize and actualize that my dreams could become real. They were no longer dreams that were unobtainable, but goals that I was preparing for by being in Upward Bound.

Years later in college I again participated in the Upward Bound program by working as a youth counselor on the campus of University of Iowa. While the tenets of the program remained the same; the face of the program had changed. On the campus of Creighton University, the Upward Bound program I attended was 98% black. While at Iowa, Upward Bound had more White students than Black, Hispanic or Asian. Moreover, the majority of the students were bused in from neighboring cities.

Interestingly enough, I noticed this same trend regarding fewer minority students with the CLEO program. Back in 1988, University of Iowa School of Law was one of the host schools for the CLEO program. I worked for Dennis J. Shields, then Director of Admissions who ran the summer program at Iowa. Back in 1988, the majority of residents of the CLEO program were ethnic minorities. A few years ago, I had the opportunity to visit the

CLEO program at Thomas Jefferson School of Law and observed a cross mixture of students. Many of these federal programs, whether Upward Bound or CLEO, had changed their focus from helping minorities to helping lower socio-economic students.

Again in law school, I met up with the Upward Bound program; I returned to the program at Creighton University that I had participated in as a high school student, and became the dorm director. I worked as a law intern during the day and during the evening I lived on campus and worked as the dorm director. As dorm director, I tried to instill the same values and study habits that Upward Bound instilled in me. Years earlier, I had participated in the same program and now I was a law student. I was just another kid who realized her goal by taking full advantage of the Upward Bound program and all that it had to offer.

During my time in Upward Bound there were two teachers who had a profound impact on my life, Glen Mitchell, PhD and Ms. Rita Ryan. Dr. Mitchell taught Math in the Upward Bound Program. Dr. Mitchell was the first African American man I knew who had a Ph.D. I didn't realize a Ph.D existed. I assumed he was a medical doctor and wondered why he was teaching in the program and not practicing medicine. He chuckled and explained that he wasn't a medical doctor but had a doctorate's degree in Philosophy. He went on to explain the sequence of post graduate degrees, whether Ph.D, MD, JD, or DDS. That simple lesson suddenly opened up more possibilities for my life. I knew I was going to college, but didn't know that if I wanted to become a medical doctor I had to go through four years of undergraduate, four years of medical school and another three to five years of residency. When I look back on my experience, I realize the importance of exposure - exposing me and my classmates to the concept of a Ph.D just to know it existed and what it fully meant. Oftentimes we don't get opportunities simply due to lack of exposure.

Dr. Mitchell went above and beyond what was asked of him when he volunteered to teach a class for only two students, myself and Maria. Without him agreeing to teach that class, Maria and I would not have taken math that summer. During the course of that summer, Dr. Mitchell did more than teach us math. He would talk to us about our dreams and goals in life. He instilled in us a sense of purpose beyond just us. That is, he taught us about being the best not only for ourselves but for our race. Failure was not an option because failure meant that we let

not only ourselves down but other minorities who came behind us.

Dr. Mitchell also taught us about giving back to our community. Not only did he spend more time with us students than any other teacher. He also was very active in the community. Years later when I was in law school and went back to work with the Upper Bound program, Dr. Mitchell was still teaching in the program. Although Dr. Mitchell is now retired, he continues give back to the community by volunteering with various social organizations, many of them associated with helping youth.

Ms. Rita Ryan is the teacher who taught me Latin and Greek. Ms. Ryan was one of those teachers that all students loved. She was an older white woman who at first blush seemed frail and unassuming. Mentally she was tough, very powerful and effective as a teacher. She was so passionate about Latin that she made her students passionate about it as well. I talked about Latin so much that my younger sister took Latin in high school. We read both Homer's *Iliad* and *Odyssey* in Latin. Her teaching wasn't just limited to books; she brought in so much more than what books could ever do. She made it real, she made it fun. It was so much fun that I don't think any of us thought of it as a typical class; quite frankly it didn't even feel like we were learning. We knew about Roman culture, foods and yes we even had to know how to properly tie a bed sheet and make it into a toga.

Looking back on these two individuals, I now realize how they made learning fun for me. They exposed me to so much more than what was in the books. Not only were they teaching me a subject, but they were teaching me about life. They were teaching me about being the best, excelling in whatever I decided to do. They taught me about visualizing myself as a winner; if you can conceive it and believe it, you can achieve it. They prepared me mentally for the academic challenges that lie ahead. I understood there were people smarter than me, but I also knew that with practice and preparation, I could beat them. Dr. Mitchell and Ms. Ryan taught me to dream big, to win, and to give back to my community.

As a law school Admissions Officer, I have had several opportunities to become involved in pipeline programs. I have recruited students from both the Pre Law Summer Institute out of New Mexico as well as the CLEO program. I was part of a team that developed two other pipeline programs: the Diversity Law

Day program, geared towards college students interested in attending law school, and the High School Law Day, geared towards high school students interested in attending law school. I have also been involved with the Marshall Brennan Constitutional Literacy Program, another pipeline program geared to high school students. In the end, it is all about reaching back and pulling others up, like someone did for us.

## VI. STUDENT ORGANIZATIONS, MINORITY FACULTY AND ADMINISTRATORS, AND SUPPORT SYSTEMS

Although law school is stressful for most students, minority students face unique challenges.<sup>84</sup> Isolation, alienation, and racial tension often undermine the law school experience and overstress minority and other non-traditional students. Adequate financial aid,<sup>85</sup> minority student organizations, minority faculty and administrators, and other support systems are crucial to the effectiveness of the law school pipeline.<sup>86</sup>

<sup>84</sup> See Cruz Reynoso & Cory Amron, *Diversity in Legal Education: A Broader View, A Deeper Commitment*, 52 J. LEGAL EDUC. 491, 491–92 (2002):

many law students find that their school's hospitality seems to end with the last page of the recruitment brochure. . . . [law schools must ensure] that all students are truly welcomed. . . . Inviting a diverse group into an unyielding institution will not advance the goal of diversity, even if all those invited make an appearance. The quality of the interactions that these women and minority students, faculty, and administrators experience once inside is as much a part of achieving diversity as ushering them through the door.

*Id.*; see also EVENSEN & PRATT, THE END OF THE PIPELINE 103–19, *supra* note 4:

Legal educators have for some time argued that black law students . . . have unique challenges. . . . [including] a lack of financial resources, strain caused by entering an environment dominated by whites, role discontinuity, and the preference for whiteness inherent in the structure of legal education.

*Id.* at 103–04 (internal citations omitted).

<sup>85</sup> Although publically-funded race-based financial assistance is obsolete, fellowships such as the Graduate and Professional Opportunities Program (G\*POP) were remarkably successful. Anne S. Pruitt, *G\*POP and the Federal Role in the Graduate Education of Minorities*, 43 J. OF NEGRO EDUC. 106, 110–12 (1984); see generally Carole Katz *et al.*, *A University Evaluation of the Patricia Roberts Harris Fellowship Program for Traditionally Under-Represented Graduate Students*, 2 AM. J. SOC. MGMT. SCI. 108 (2011). From 1978 until they were phased out beginning in 1995, the Graduate and Professional Opportunities Program, which evolved into the Patricia Roberts Harris Fellowship Program, provided federal grants to universities to increase the number of women and minorities in graduate programs, including law, in which these groups were traditionally under-represented. Generally, the fellowships provided financial assistance, faculty mentoring and peer support.

<sup>86</sup> See Placido G. Gomez, *White People Think Differently*, 16 THURGOOD MARSHALL L. REV. 543, 544–45 (1991):

We must place minority students in an environment that encourages them to excel, not merely survive. . . . Minority student organizations, when they are supported, financially and otherwise, by the law school administration, create islands of empowerment. . . . Finally, the law schools must involve the minority community. Too often communication between minority communities and educational institutions are non-existent. Law schools are no exception. We pirate the best minds from minority communities, and often provide little in return.

*Id.*



Minority student organizations ground students in minority communities, limit isolation, and provide both a forum and a platform for experiments and ideas.<sup>87</sup> Minority faculty and administrators “are more than mere role models. They may contribute to minority students’ sense of belonging; a sense that the system may tolerate, or even appreciate, a different world view.”<sup>88</sup> And, perhaps most importantly, law schools must embrace the responsibility to create an environment that promotes the success of minority students without exacting an exorbitant price in terms of emotion, energy, and cultural isolation.<sup>89</sup> Our communities measure the true value of the law school pipeline by the number of minority lawyers who go beyond mimicking traditional legal actors, and work to alter the legal discourse and perception by including the minority experience.<sup>90</sup>

## VII. LL.M. PROGRAMS

Increasingly, advanced law degrees, the Master of Laws (LL.M.) and Doctor of Juridical Science (J.S.D. or S.J.D.), are becoming a segment of the law school pipeline. An advanced law degree can provide attorneys, both international and domestic, a conduit to exclusive legal specialties such as teaching, tax, and transnational practice.<sup>91</sup> Yale Law School’s

<sup>87</sup> Samuel D. Museus, *Using Cultural Perspectives to Understand the Role of Ethnic Student Organizations in Black Students’ Progress to the End of the Pipeline*, in EVENSEN & PRATT, *THE END OF THE PIPELINE*, *supra* note 4, at 162.

<sup>88</sup> Placido G. Gomez, *White People Think Differently*, 16 THURGOOD MARSHALL L. REV. 543, 545 (1991); see also Anne-Marie Nunez & Elizabeth Murukami-Ramalho, *The Demographic Dividend, Why the Success of Latino Faculty and Students is Critical*, 98 ACADEME No. 1, Jan.-Feb. 2012, <http://www.aaup.org/article/demographic-dividend#.UkcvyxTD-po.htm> (last visited Sept. 28, 2013).

<sup>89</sup> The University of New Mexico, for example, institutionalized a program focusing on the law and native peoples in the 1960s. Since then, the Indian Law program at New Mexico has evolved to include an Indian Law Certificate Program, the Southwest Indian Law Clinic, the Tribal Law Journal, the Native American Law Students Association and a significant number of courses addressing aspects of tribal law and Federal Indian Law. The University of New Mexico also houses the American Indian Law Center. *About Indian Law*, UNM LAW SCHOOL, <http://lawschool.unm.edu/indian/index.php> (last visited Oct. 18, 2013). The Center administers the Pre-Law Summer Institute for Native Americans and Alaskan Natives and encourages the development of tribal systems through policy analysis, training, and additional programs. *About the AILC*, AMERICAN INDIAN LAW CENTER, INC., <http://ailc-inc.org/aboutus.html> (last visited Sept. 28, 2013). See also Reynoso & Amron, *supra* note 6, describing the Akitsiraq Law School, a partnership effort of the University of Victoria, the Nunavut Artic College, and the Akitsiraq Law School Society. The law school delivered “a legal education to its students over four years in their own social, cultural, and geographic environment. . . . The curriculum cover[ed] standard law school courses that in some cases [brought] in relevant additional material, such as Inuit traditional law” as well as other classes in areas such as “community justice, the Nunavut Land Claims Agreement, and Northern resources law.” *Id.* at 501.

<sup>90</sup> Gomez, *supra* note 87, at 544.

<sup>91</sup> The University of Idaho publishes a comprehensive list of American and Canadian advanced degree programs indexed by law school and subject matter. *LLMs and Other Advanced Degree Programs, Academic Support*, UNIVERSITY OF IDAHO (on file with authors); see also LSAC *LLM/Graduate Law Program Guide*, <http://www.lsac.org/llm/choosing-a-law-school/llm-program>

LL.M. degree program, for example, focuses on students “committed to a career in teaching law.”<sup>92</sup> Financial assistance specifically directed at prospective law teachers is available.<sup>93</sup> Further, through programs like the James A. Thomas Lecture Series, Yale promotes the academic careers of minority scholars.<sup>94</sup>

The 2010 Annual Conference of the American Association of Law Schools in New Orleans illustrates the potential impact of a forum like the Thomas Lecture Series.<sup>95</sup> Each year at the Conference, the Minority Section recognizes two law professors at its lunch. The section presents the Clyde Ferguson Award to an outstanding law professor, who in the course of his or her career has achieved excellence in the areas of public service, teaching and scholarship. Professor Angela Davis of American University was the 2010 Clyde Ferguson Award winner. Each year the section also presents the Derrick Bell, Jr. Award to a junior faculty member who has made an extraordinary contribution to legal education, the legal system, or social justice activism, mentoring, collegueship, teaching and scholarship. Professor Melissa Murray, a Yale graduate, received the award in 2010.

At the luncheon, Professors Davis and Murray spoke eloquently. Professor Murray’s presentation described a turning point in her professional career. She attended the 2000 Thomas Lecture at Yale; Angela

guide (last visited Oct. 18, 2013).

<sup>92</sup> *LL.M. Program*, YALE LAW SCHOOL, [http://www.law.yale.edu/graduate/llm\\_program.htm](http://www.law.yale.edu/graduate/llm_program.htm) (last visited Sept. 28, 2013). Yale’s program is one-year, full-time, and “students tailor their studies to their own interests”; “each LL.M. candidate is invited to use the resources of the Law School in whatever program of study will best prepare that individual for a career in research and teaching.” *Id.*

<sup>93</sup> For instance, the Joseph W. Beatman Fellowship Fund provides a preference to “those graduate students preparing for teaching careers in American law schools.” *Scholarship & Loan Forgiveness Funds*, YALE LAW SCHOOL, <http://www.law.yale.edu/givetoyls/scholarship&loanforgivenessfunds.htm> (last visited Mar. 11, 2012). *See also* Minority Doctoral Assistance Loan for Service Program Act, N.M. Stat. Ann. § 21-211-1 *et seq.* (West 2013) (enacting New Mexico’s Minority Doctoral Assistance Loan for Service Program). This unique program aims to increase the number of ethnic minorities and women faculty in academic disciplines in which ethnic minorities and women are demonstratively underrepresented. Through a partnership between the state, higher education institutions, and graduate students pursuing a terminal degree, this program provides up to \$100,000 over four years to students seeking teaching positions at New Mexico colleges and universities. Students who complete the program are guaranteed positions on the faculty of sponsoring institutions. *See id.* §§ 21-211-1-21-211-8.

<sup>94</sup> The purpose of the James A. Thomas Lecture has evolved since the first lecture in March 1989. Today, the annual lecture features “a scholar whose work addresses the concerns of communities or groups currently marginalized within the legal academy or society at large.” *Lectures & Fellowships*, YALE LAW SCHOOL <http://www.law.yale.edu/givetoyls/lectures&fellowships.htm> (last visited Sept. 28, 2013). Initially, the Thomas Lecture series was designed to “bring to the law school emerging minority scholars doing innovative work on the relationships among law, jurisprudence, and the minority community.” YALE LAW REPORT, 21 (Fall 1989).

<sup>95</sup> An aside, the AALS awarded the Triennial 2010 Award for Lifetime Service to Legal Education and the Law to the Honorable Guido Calabresi. Judge Calabresi was Dean of Yale Law School when the Thomas Lecture Series was institutionalized.

Davis was the 2000 Thomas Lecturer. Professor Murray described how it was the first time in her law school experience that someone who looked like her was “behind the podium.” Moreover, Professor Murray observed, Professor Davis was “completely in command . . . doing it on her own terms . . . writing and thinking about things that mattered to her and to her community.” It was during the 2000 Thomas Lecture, Professor Murray concluded, that she began to visualize herself as a law professor.

Placido Gomez:

I was educated as an elementary school teacher at Adams State College, a small state school in Alamosa, Colorado, through Teacher Corps, Cycle Eight. There were thirty-four of us in the program, each assigned to one of four rural school districts in southern Colorado’s San Luis Valley. Generally, we taught each morning in an elementary school classroom, and then drove to Alamosa to attend classes in the afternoon and evening. The skills I learned in Teacher Corps, provided a foundation for my thirty-plus years in academia, most of them as a law professor.

The Teacher Corps interns in Cycle Eight were mostly Latina/o, a bit older than the typical college student, and from similar backgrounds. The college would arrange courses for us and hire professors just to teach Teacher Corps courses. If we needed courses offered to the general student population, we attended en masse. As the two-year program evolved, we became pretty tight and developed a definite swagger. I recall one special education course, arranged by the program, taught by Rita Paronto, the football coach’s wife. At the beginning of the first class she distributed a fairly rigorous syllabus, including a twenty-page paper, ten abstracts reviewing substantial articles, and other significant assignments. By the end of the class we had cajoled her into agreeing that anyone who completed three, hand-written abstracts would receive an ‘A’ in the course. We knew what buttons to push, and when.

The next semester, the program hired a guy named Tom Witherill to teach a course to the group. Tom was a white guy, 6’1” or 6’2”, 220 pounds, with a deep voice – he looked and sounded tough. Mr. Witherill began the first class announcing that he had heard about our reputation as a disruptive group and that he “was not going to take any shit.” Within five minutes Mr. Witherill was headed out the door preceded by an intern, Mike Elias, who he had challenged to a fight. It would

have been interesting; Mike Elias was not quite as tall as Witherill, but almost as big, and a lot younger. Pete Cordova, another intern, convinced the two that fighting wouldn't resolve anything, and we all returned to the classroom. But Witherill had learned his lesson.

At the end of the semester, Witherill had missed several classes and insisted that we make them up. We argued that he was responsible for the missed classes, not us. We proposed, and he agreed, to convene the final class in the mountains south of Creede, Colorado, along the Rio Grande. Class was scheduled from 10 am until noon. Creede is a good two hour drive from Alamosa and a group of us agreed to go up the day before, set up camp, and prepare the campground for the class. Instead, we drank the night away. When the rest of the group began to arrive the next morning, we were either rafting on the river or laying around in the morning sun. We hurriedly put together a circle of logs and stumps, and found a few notebooks. Just as Witherill was getting ready to begin the class, a group of interns came down the river in a raft, hooting and hollering. The class laughed as the group beached the raft. The rafters were dripping wet and talking loud as they made their way over to the campsite classroom. One of the rafters, Mike Elias, stopped at a cooler and grabbed an armful of Bud Light cans. "Who wants one?" he asked the group. Mike tossed a beer to Witherill, who caught it and stared callously at Elias.

"Do I have to open it for you?" Elias asked, smiling. After a few tense moments, Witherill smiled, popped the tab, and took a long drink. It was a short class.

We had fun, but we also worked hard. We learned from each other and our communities. I was assigned to the South Conejos School District which included the small towns of Romeo, population about 300, and Manassa, population about 800. At the time, Romeo Elementary housed grades pre-K through 2<sup>nd</sup> grade, Manassa Elementary, grades 3 through 5. The district was plagued with racial, religious, and economic issues. The two towns combined were about 50% Hispanic and 50% white. Further, most of the Hispanic families were Catholic and poor; many of the white families were Mormon and not as poor.

This multiple bifurcation of the community caused numerous problems for students in the district. For example, I recall

when another intern and I were hauled into the principal's office. We had planned a basketball game between some sixth graders from our district and some sixth graders coached by Teacher Corps interns from San Luis, another site. The principal, a Mormon, refused to allow us use of the school gym. He claimed the students were exposed to enough competitive athletics through the Church. The principal, a lifelong resident of the area, knew that the Catholic Church did not have a gym. When we reminded him of that, he told us sneeringly, "The Mormon Church welcomes all children." The principal may have been speaking truthfully, but he was ignoring the history of conflict in the two towns.

I have many memories of my time as a Teacher Corps intern, most of them good, some of them heart-wrenching. I spent about four weeks with Angelo, a second grade special education student. I had an individual  $\frac{1}{2}$  hour teaching session with Angelo three days a week right before lunch. Angelo couldn't read, the second grade teacher told me; and, she said, he was hyperactive and disruptive. Angelo and I had some good times. He was savvy and a smooth manipulator. Although I prepared well and had extensive lesson plans for each of our sessions, more often than not Angelo would get me off track and we would talk about basketball, or football, or local and national politics.

It took me too long, but I finally realized that Angelo was more intelligent than most 2<sup>nd</sup> graders. The clincher came one day towards the end of the four weeks. One of the exercises the teachers had me work on with Angelo involved sets of five to ten, 3 x 5 index cards. One word was printed in large letters on each card, and students were to place the cards in an order that formed a sentence. Often I tried to complete this exercise towards the end of our daily sessions. And, often I would give up and leave the exercise unfinished when the lunch bell rang. On this particular day I must have been tired of being effectively manipulated by an 8 year-old, and I told Angelo that we were going to sit at our desk until he had arranged five sentences from the sets of index cards. Angelo was stubborn; he insisted that, since I wanted to eat lunch too, the stand-off would not last long. We sat and stared at each other for several minutes until he decided he was missing too much free time. Quickly, he grabbed the sets of cards and arranged them appropriately in perfect sentences. I was amazed. When I asked him to read the sentences, Angelo convinced me that he

couldn't read them. He then showed me that the back of each card had a small number, and when the cards were placed in sequential order, they would form an acceptable sentence.

After that incident, I met with our team leader, a twenty-year teacher in the district, and asked how a student with Angelo's intelligence couldn't read. Our team leader told me in confidence that Angelo had a brother, Ricky, who was several years older. Ricky was notoriously troublesome; no teacher could handle him. And, she suspected, that the first time Angelo didn't do exactly as he was told, he was tracked to special ed.

Several years later, I received a call from Mike Garcia, a Teacher Corps intern in Cycle Six, who was then the Director of the Upward Bound Program at Adams State. Angelo, then in high school, had applied to Upward Bound; Mike asked if I knew him. I told Mike the index card story; Angelo enrolled in Upward Bound. I know Angelo attended the program for a year or so, but I have lost track of him.

All thirty-four Teacher Corps interns in Cycle Eight graduated from Adams State College in 1975 with Bachelor of Arts degrees in Elementary Education and areas of concentration in bilingual education, school and community, and special education. Most went on to teach, many in the rural schools of southern Colorado. Mike Elias retired from teaching and is now the President of a private college in Pueblo, Colorado. Pete Cordova is a successful attorney in Salida, Colorado. The superintendent of the Sierra Grande School District, which serves the towns of Blanca, population about 350, and Fort Garland, population about 400, offered me a teaching job just before I graduated: I could teach math, and coach high school basketball and football. I owe that offer, and everything that subsequently came my way professionally, to Teacher Corps.

I turned down my dream job at Sierra Grande when a school board member informed me that his son would start on the Sierra Grande basketball team the following year. I was offered a graduate assistant counselor position with the College Assistance Migrant Program (CAMP) at Adams State College. I completed my MA degree in Guidance and Counseling in 1976, and worked with CAMP in various capacities until 1977 when I became the Associate Director.

I was the Associate Director of the College Assistance Migrant

Program, project ALMA, at Adams State College from 1977 until the program lost its funding in 1981. During that time the program at Adams State grew to serve over 150 migrant and seasonal farmworker students annually. We conducted a three-week summer orientation designed to help students transition to college life, and offered tutoring, counseling and other services during their freshman year. The program's annual budget reached over \$400,000; we became a force in the academic and political life of the college. We also developed other pipeline projects, including the Summer Institute for Health Careers.

The Reagan administration cut many CAMP programs, among them the program at Adams State. I worked several summers as an English instructor for the Upward Bound Program. Then, in 1982, I enrolled in the University of New Mexico School of Law; with the support of the Graduate and Professional Opportunities Program (G\*POP), I graduated three years later. I was active in the Mexican American Law Students Association. I taught in the CLEO program in summer 1987. Then, with considerable coaxing from Dean Fred Hart and Associate Dean Peter Winograd, Yale Law School accepted me into its LL.M. Program. A fellowship funded by Joseph W. Beatmen, a Yale Law alumnus, provided financial support.

Yale is Yale; the atmosphere and the people are unique. I remember my first class at Yale, a seminar with a dozen or so students. I was the second student to respond to the icebreaker "Tell us a little bit about yourself and why you have enrolled in this course." I vomited my life story, not realizing until I was almost done that the Yale JDs were snickering at the obvious display of insecurity. At the time, Laura Underkuffler was studying at the law school and worked as the liaison between the LL.M. students and the rest of Yale. I recall her telling me, thoughtfully but directly, "You don't have to prove anything to anyone. You have earned a seat in that classroom; no one is going to take it from you." I have repeated that story and Laura's words on many occasions, most of the time to minority and other non-traditional students beginning their law school careers. Dozens have told me, sometimes years later, that the story was particularly timely and opportune, and helped them address issues of anxiety and self-doubt especially during their initial semester in law school.

I was involved developing the James A. Thomas Lecture Series. Pam Sanchez, then a Yale 2L, and I designed and

developed the concept of the lecture; our idea was to provide a podium for young, progressive minority law professors. We spent several months gathering the support of the minority student organizations and key faculty. We presented to Dean Calabresi in early spring 1988. He approved the proposal, created a fund for the lecture, and made a substantial personal contribution to the fund. Dean Calabresi appointed me to co-chair a committee of faculty and students charged to nominate the inaugural Thomas Lecturer; Professor Burke Marshall was co-chair. We nominated Patricia Williams, then an Associate Professor at CUNY. The Yale faculty approved Professor Williams and she presented the first Thomas Lecture in spring 1989.

I began my law teaching career in Houston at Thurgood Marshall School of Law, Texas Southern University; I earned tenure there. I have also taught law at St. Mary's School of Law in San Antonio and Phoenix School of Law. I was the Vice President for Academic Affairs and Provost at New Mexico Highlands University from 2005 until 2007. I have taught regularly in the Pre Law Summer Institute for American Indians and Alaskan Natives, and twice in the DiscoverLaw.org Native American Plus program.

### VIII. BA/JD, 3 + 3 PROGRAM

Medical professions have a history of developing effective pipeline programs designed to assist minority students who have the interest and ability to succeed as a health professionals.<sup>96</sup> Nevertheless, health care administrators realize that until we institutionalize fundamental reforms in our K - 12 educational system, adequate diversity will depend on affirmative action mechanisms.<sup>97</sup> BA to MD programs focusing on diversity have proved to be a valuable affirmative action tool.<sup>98</sup> We highlight the University of New Mexico Health Science Center's Combined BA/MD Degree Program,<sup>99</sup> and use it as a model for a BA/JD 3

<sup>96</sup> See REDFIELD, DIVERSITY REALIZED, *supra* note 1, at 119–24.

<sup>97</sup> *Id.* at 119. “The long-term solution to achieving adequate diversity in the health professions depends upon fundamental reforms of our country’s precollege educational system. Until these reforms occur, affirmative action tools in health professions schools are critical to achieving a diverse health care work force.” *Id.* (quoting Jordan J. Cohen, Barbara A. Gabriel & Charles Terrell, *The Case For Diversity In The Health Care Workforce* 21 HEALTH AFFAIRS (5) 90 (2002)).

<sup>98</sup> See Ira S. Rubin, M.D., Ph.D., *Dr. Rubin’s B.A. (B.S.)-M.D. Program List*, DR. RUBIN’S MINI MEDICAL PROGRAM, [http://www.minimedicalschool.com/BA\\_MD\\_Programs.html](http://www.minimedicalschool.com/BA_MD_Programs.html) (last updated Aug. 12, 2013).

<sup>99</sup> Combined BA/MD Program, UNM SCHOOL OF MEDICINE,



+ 3 curriculum.

The University of New Mexico's Combined BA/MD Program "is designed to help address the physician shortage in New Mexico by assembling a class of diverse students who are committed to serving diverse communities."<sup>100</sup> Specifically, enrolled students commit "to serving the healthcare needs of New Mexico's rural and/or medically underserved communities" when they complete their medical training.<sup>101</sup> The program recruits and enrolls students from throughout the state, focusing on ethnic minority students and students from rural areas.<sup>102</sup>

The Combined BA/MD Program features a customized curriculum attentive to rural health care, individualized advisement, tutoring and mentoring, a generous financial aid package, common housing with other BA/MD students, a MCAT prep course and a summer practicum during their sophomore year.<sup>103</sup> The curriculum includes five integrated health seminars.<sup>104</sup> A seat in the University of New Mexico's Medical School is reserved for students who complete the rigorous four-year curriculum.<sup>105</sup>

Currently, there are approximately forty accelerated programs in law schools nationwide; most require three years of undergraduate school and three years in law school.<sup>106</sup> Typically, the first year of law school will

<http://hsc.unm.edu/som/combinedbamd/> (last visited Sept. 28, 2013).

<sup>100</sup> *Id.*

<sup>101</sup> *Statement of Commitment, Combined BA/MD Program*, UNM Coll. of Arts & Sciences and Sch. of Med., <http://hsc.unm.edu/som/combinedbamd/docs/SOC.pdf> (last visited Sept. 28, 2013); see also Parisa Mortaji & Sergio Gonzales, *Another Perspective: Making Healthier Choices*, NEW MEXICO OPTIC, Aug. 5, 2013, at 4 (describing the work of two University of New Mexico BA/MD students in Las Vegas, New Mexico during June 2013. The students designed and implemented an early childhood intervention project focused on preventing obesity).

<sup>102</sup> *Applicant Data and Statistics, Combined BA/MD Program*, <http://hsc.unm.edu/som/combinedbamd/docs/BAMD%20WEBSITE%20Powerpoint%20MASTER%202013.pdf> (last visited Sept. 28, 2013). The cohort data indicate that from 2006 to 2013, 68% of the students enrolling in the program were from rural areas. *Id.* at 7. During the same period the program enrolled 56% women; enrolled students included 43% Hispanic/Latino, 14% Native American, 12% Asian/Pacific Islander, 5% African American, and 24% non-Hispanic White. *Id.* at 8.

<sup>103</sup> *Student Services and Curriculum, Combined BA/MD Program*, UNM SCHOOL OF MEDICINE, <http://hsc.unm.edu/som/CombinedBAMD/curriculum.shtml> (last visited Sept. 28, 2013).

<sup>104</sup> *Id.*

<sup>105</sup> *Combined BA/MD Program*, UNM SCHOOL OF MEDICINE, <http://hsc.unm.edu/som/combinedbamd/> (last visited Sept. 28, 2013). A sample curriculum is outlined at *Student Services and Curriculum, Combined BA/MD Program*, UNM SCHOOL OF MEDICINE, Table, <http://hsc.unm.edu/som/combinedbamd/docs/2012-2013%20Curriculum.pdf> (last visited Sept. 28, 2013). The program requires accepted students with a Math ACT below 26 to enroll in College Algebra the summer before starting their BA program. The course, Math 121, is designed to prepare students for Math 180, Calculus for the Life Sciences, a course designed for pre-health students that incorporated the biological applications of calculus. *Math Requirements Update, Admission and Application Requirements, Combined BA/MD Program*, UNM SCHOOL OF MEDICINE, <http://hsc.unm.edu/som/combinedbamd/docs/2014%20BAMD%20Math%20Info%20for%20Applicants.pdf> (last visited Sept. 28, 2013).

<sup>106</sup> *Accelerated Law School Programs*, COLLEGE GRID (on file with authors).

double as a student's senior year as an undergraduate.<sup>107</sup> Many accelerated programs accommodate an exclusive group of superior students who want to enter the job market with a law degree as soon as possible.<sup>108</sup> Our proposed program features a similar framework, but with an inclusive focus aimed at attracting students from underserved communities, particularly ethnic minority students.

The model program requires that students enroll in New Mexico Highlands University in Las Vegas, New Mexico.<sup>109</sup> The host law school will guarantee a seat in its entering class to students who complete the rigorous three-year program. The undergraduate curriculum includes courses designed and taught by law school professors;<sup>110</sup> it also features courses in ethnic and cultural studies, and legal externships during summer terms.<sup>111</sup> Effective pipeline programs are our models. Thus, individualized academic advising and personal counseling, a generous financial aid package including loan forgiveness paradigms, academic support, mentoring, and additional support services are critical components of the program.

Initially, we anticipate a small cohort of between five and ten students, drawn mostly from local high schools. However, a successful program could attract and accommodate a cohort of 25 to 30 students. The vision is to slowly expand the program, embracing small, outlying colleges and universities with significant minority student populations. We are confident a significant number of students will meet the challenge and earn a law school seat. We must assure that the pipe, or the river, flows up to and through the law school door.

<sup>107</sup> See, e.g., *BA/JD Dual Degree Program*, RUTGERS-CAMDEN: FACULTY OF ARTS AND SCIENCES, [http://www.camden.rutgers.edu/RUCAM/facinfo/BA-JD\\_program.html](http://www.camden.rutgers.edu/RUCAM/facinfo/BA-JD_program.html) (last visited Sept. 28, 2013).

<sup>108</sup> See, e.g., *id.* The Rutgers-Camden program requires undergraduate students to bring a minimum Critical Reading and Writing SAT of 600 each or combined Critical Reading, Writing and Math SAT of 1900 and a 3.75 high school grade point average. Students must earn an undergraduate grade point average of 3.4 and a LSAT score equal to the median score in the preceding year's entering class. *Id.*; see also *Dual Degree Programs, Undergraduate Bulletin 2012 – 2014*, FORDHAM UNIV., <http://www.fordham.edu/UndergraduateBulletin/> (last visited Sept. 28, 2013). Fordham's program is for students enrolled in Fordham's Gabelli School of Business. Requirements include "a superior grade point average" and a "very strong LSAT." *Id.*

<sup>109</sup> New Mexico Highlands is a Hispanic Serving Institution with a predominately Hispanic enrollment. Las Vegas is a small, predominately Hispanic, mountain village of about 10,000 people in northern New Mexico.

<sup>110</sup> See Model Undergraduate Curriculum, Appendix I, *infra*. Intro to American Legal System I and II, and Legal Writing and Advocacy I and II will be developed and taught by law professors. The program will take full advantage of distance learning technology.

<sup>111</sup> Model Undergraduate Curriculum, Appendix I, *infra*.

## Appendix I

### Model Undergraduate Curriculum

#### Freshman

##### Fall

Intro American Legal System I (3)  
 English 111 Freshman Comp (3)  
 Lang 101 Beginning Language (4)  
 Math 140 College Algebra (3)  
 Lab Science (4)  
 PE 154 Yoga I (1)

##### Spring

Intro American Legal System II (3)  
 English 112 Freshman Comp 2 (3)  
 Lang 102 Beginning Language (4)  
 Phil 100 Intro to Philosophy (3)  
 Lab Science (4)  
 PE 155 Yoga II (1)

summer, freshman – sophomore:  
 legal externship

#### Sophomore

##### Fall

MArt 124 Beginning Speech (3)  
 Psy 101 Psychology and Society (3)  
 Eng 305 Advanced Composition (3)  
 PolS 151 Amer Nat Government (3)  
 NAHS 124 Intro Nat/Hispanic Cultural  
 Studies (3)  
 PE 474 Stress Management (3)

##### Spring

AH 380 Art of the Americas (3)  
 PolS 251 Intro Political and Econc

##### Sys (3)

Eng 307 Writing as Advocacy (3)  
 Hist 301 Research Hist & Pol Sci  
 (3)  
 PolS 217 Ethnic Politics (3)  
 PolS 497 LSAT Prep & Legal  
 Logic (3)

summer, sophomore – junior: legal  
 externship

#### Junior

##### Fall

Legal Writing and Advocacy I (3)  
 PolS 316 State and Local Gov't (3)  
 PolS 499 Supervised Research (4)  
 PolS 410 The American  
 Constitution (3)  
 Eng 317 Intro to Modern Grammar  
 (3)  
 PE Activity (1)

##### Spring

Legal Writing and Advocacy II (3)  
 NAHS 375 NM Land Grant,  
 Acequia (3)  
 PolS 499 Supervised Research (4)  
 PolS 417 The Legislative Process  
 (3)  
 Eng 367 Technical Writing (3)  
 PE Activity (1)