

**LEGAL PREP**

**CHARTER ACADEMY**

Educating The Next  
Generation Of  
**Lawyers & Leaders**

# LEGAL PREP AT-A-GLANCE

Founded in 2012, Legal Prep Charter Academy offers a free, legal-themed college preparatory education for students in West Garfield Park and Chicago's West Side. Through a rigorous curriculum and culture of high expectations, Legal Prep empowers its students to achieve their full potential.

Legal Prep's unique law-themed curriculum cultivates compassion, self-motivation, and reflection in our young adults. These students will use their academic and civic education to grow in their professional careers, be advocates for disadvantaged communities, and positively impact our society.

Students at Legal Prep develop the skills that all great lawyers possess: excellent written and oral communication, critical thinking, problem solving, and advocacy. Whether students go on to pursue a career in law or in another field, the skills that they learn at Legal Prep prepare them for success in college, career, and beyond.

**Open Enrollment  
College Prep  
Legal-Themed High School**

**M, T, R, F:**  
8:00 AM to 3:11 PM  
**Wednesday:**  
8:00 AM to 2:10 PM

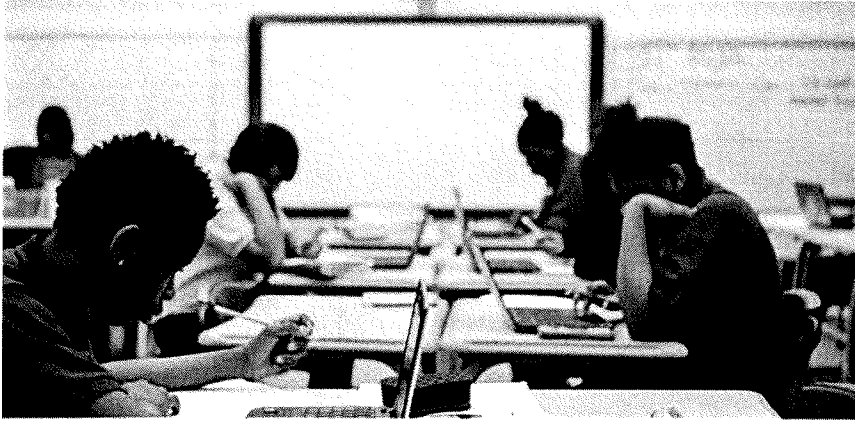
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# WHO WE ARE

Legal Prep is a unique incubator of high academic achievement in West Garfield Park on the West Side of Chicago, an area where prior to Legal Prep's inception, high quality education options were lacking. While local high schools struggle with low percentages of students exceeding standards on state tests and high dropout and truancy rates, Legal Prep has reversed that trend. Legal Prep is the highest rated high school in a two mile radius according to CPS' SQRP school performance rating system.

While 36% of the United States population is of diverse background, only 13% of attorneys are diverse. By rewriting the education trend on the West Side of Chicago, Legal Prep also serves to increase the pipeline of diverse students to the legal profession.



## DID YOU KNOW...

Legal Prep is one of **103 free, open enrollment** charter schools in Chicago.

Charter schools outperform their comparative neighborhood schools *(on average, in Illinois)*

Legal Prep is Chicago's **first and only** legal-themed high school

# HOW WE DO IT

**MORE TIME IN SCHOOL** - Legal Prep's school day begins at 8:00 and ends at 3:11. Students have the option to stay after school for teacher office hours, activities, mentoring, clubs and sports. More time in school, and more access to great teachers and content leads to better scholars and thinkers.

**MORE TIME ON TASK** - Legal Prep's strict discipline has one purpose - to create a safe learning environment that provides students with the opportunity to focus on getting a quality education.

**RIGOROUS INSTRUCTION** - Every teacher on the esteemed staff at Legal Prep believes that success in college is dictated by outstanding preparation in high school.

**STUDENT SUPPORT** - In order to guarantee success, students are provided one-on-one attention in subject office hours, as well as being assigned an academic advisor to guide them through high school.



# WHAT WE DO

**LAW PROGRAMS** - Negotiations and Mock Trial law programs pair Legal Prep students with an attorney or law student mentor. Over the course of the school-year-long program, students and volunteers will work through a series of structured lessons and activities which will provide students with basic understanding of dispute resolution, trial procedures, legal reasoning skills, as well as unparalleled experiences and exposures to legal professionals. Participating firms provide sponsorship, attorneys, and are encouraged to join with a client or other partner, providing a unique opportunity to collaborate with colleagues and the community.

**PARENTAL & COMMUNITY ENGAGEMENT** - Students need support from parents and families to make it to college. Legal Prep expects families to support our discipline system, academic standards, and attendance policies. We are also very involved in our community and regularly engage with our neighborhood partners to offer programs that benefit students and families. One example of Legal Prep's outreach is our free monthly legal clinic as a support for our community.

**SOCIAL & EMOTIONAL SUPPORT** - Legal Prep has a strong Social Work Department that addresses students' social and emotional needs. Students are taught strategies for conflict resolution and are involved in peace circles, mediation, and restorative discipline policies.



Legal Prep outperformed local high schools in individual student growth by over **77%** last year

Legal Prep has partnered with law firms, corporate legal departments, law schools, and bar associations to **expand the pipeline** of diverse attorneys entering the legal profession

## HOW TO SUPPORT LEGAL PREP

### BECOME A CORPORATE PARTNER

If you are a lawyer or business professional, please consider enlisting your firm or business as a partner for the upcoming school year. Corporate partners provide essential support for students in the classroom and also are key contributors to our law programs. There are a number of programs for which firms are uniquely suited to provide support and guidance to our students. Partnership opportunities are mutually beneficial as firms often have the chance to interact with clients while serving to improve our communities.

### DONATE

Given our ever-growing hopes and goals for Legal Prep scholars, LPCA needs and utilizes your financial support for a number of program and educational improvements. All contributions will be dedicated to improving the resources, opportunities, and education of the next generation of great lawyers and leaders.

### SERVE AS A MENTOR

Those interested in partnering with and guiding one student through their high school career are encouraged to take part in Legal Prep's mentorship program. Mentors communicate and meet with Legal Prep students on a regular basis and provide advice on college, career, and the future.

### BECOME A LAW ACADEMY INSTRUCTOR

Members of the legal community are encouraged to provide law-themed instruction to students on a one time or on-going basis. Students benefit and greatly appreciate the insights and perspective that outside professionals bring.

## CONTACT US



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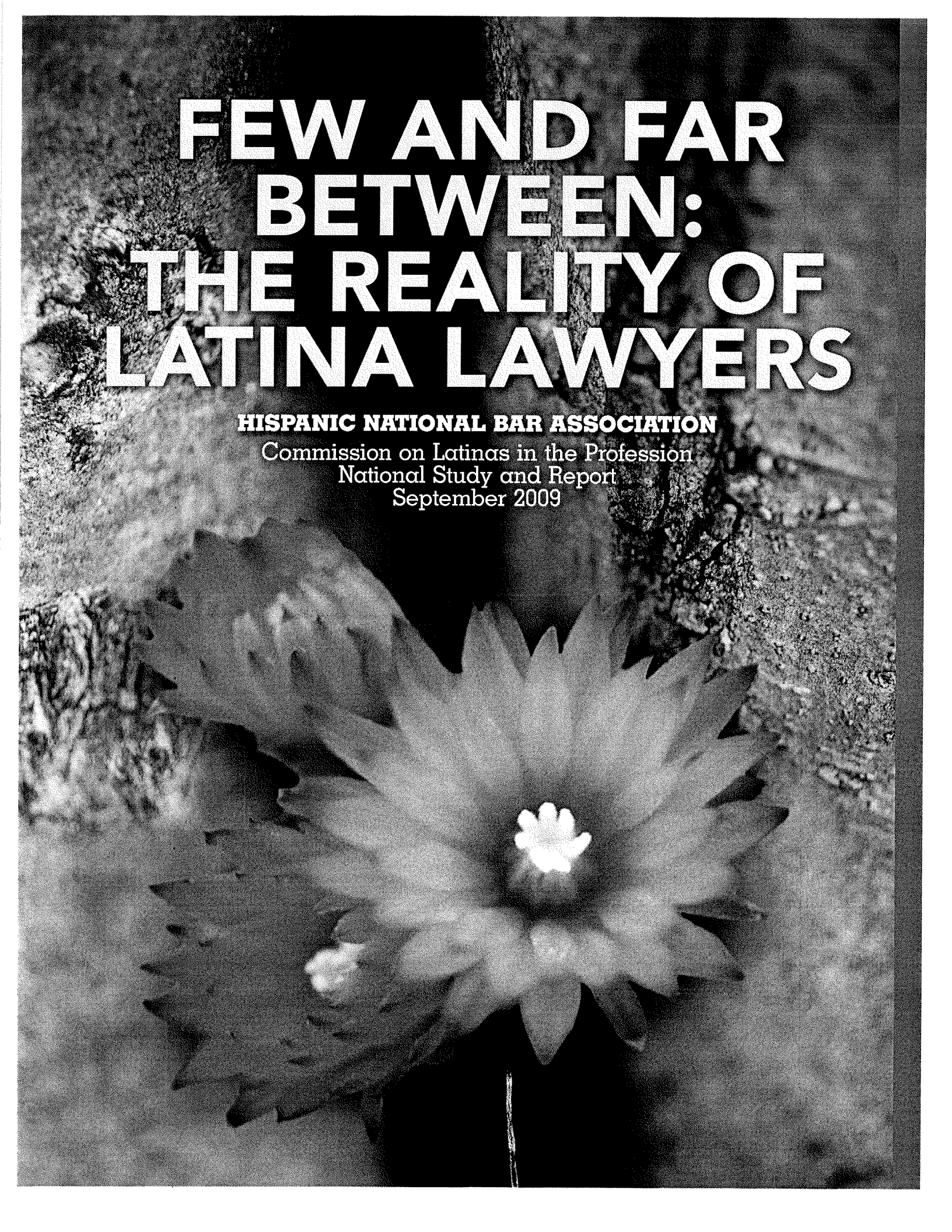
**"LEGAL PREP TEACHES YOU THE SKILLS TO THINK LIKE A LAWYER, SO THAT CAN HELP YOU IN ANY PROFESSION. THEY TEACH YOU HOW TO ADVOCATE FOR YOURSELF, HOW TO BE A LEADER, HOW TO SHOW CHARACTER, AND HOW TO PERSERVERE. YOU HAVE TO BELIEVE IN THE LEGAL PREP SYSTEM."**

**- ZION GILMORE CLASS OF 2017**

**"THIS IS A PLACE WHERE WE ARE ALL TRYING TO CHANGE THE SYSTEM FROM THE INSIDE OUT. IF YOU TRULY WANT TO MAKE A PERMANENT IMPRINT ON THE LIVES OF CHILDREN, THEN I WOULD SAY LEGAL PREP IS THE PLACE TO BE."**

**- LANORRA DENNIS DEAN OF CULTURE**





# FEW AND FAR BETWEEN: THE REALITY OF LATINA LAWYERS

**HISPANIC NATIONAL BAR ASSOCIATION**

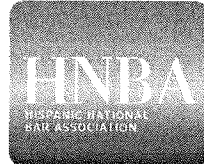
Commission on Latinas in the Profession  
National Study and Report  
September 2009

# **NATIONAL STUDY ON THE STATUS OF LATINAS IN THE LEGAL PROFESSION**

## **FEW AND FAR BETWEEN: THE REALITY OF LATINA LAWYERS**

**BY**

**JILL L. CRUZ AND MELINDA S. MOLINA**



**COMMISSION ON THE STATUS OF LATINAS IN THE PROFESSION**

group participant was told in a remarkably candid remark that a male colleague “was paid significantly more because she was [a] woman [and was] ‘probably going to take more time off to go be with your children, so we’re investing more in him because we know he’s going to give us more of his time.’”

## **Isolation and Invisibility**

*“Latinas are practically non-existent...I’m still the only Latina.”*

Many focus group participants were keenly aware that their workplaces employed very few Latina attorneys. These Latinas also spoke about being viewed as outsiders and feeling “isolated” and “invisible.”

In addition, many were often regarded as foreigners (i.e., non-citizens) within their workplace, which further alienated them from their colleagues. One focus group participant recalled being “asked at a cocktail reception, ‘Are you an American?’ [W]hat kind of question is that? And does that color what you think about me because I was born outside the United States?” This treatment adds another level of complexity to what Latinas encounter.

This treatment included anti-immigrant sentiments, especially in the Southwest, where these sentiments are historic and popular. One focus group participant from this region of the country indicated that addressing these issues is particularly difficult:

There’s trepidation even in our legal community among Latinos here, where do we stand on this immigration issue, because we’re targeted when people look at us...[and] fighting that kind of stigma on one hand and trying to separate ourselves...I was born here and I’m very educated.

As a result of this alienation and isolation, focus group participants felt that they did not have access to the same mentoring opportunities and social networks as their White counterparts. “White male partners are more likely to go down the hall and grab a White male associate for a project or for a client meeting because it’s bred on familiarity.”

Because of this lack of commonality, many found it difficult to form relationships with colleagues and superiors. For example, only half of the Latinas surveyed feel that they are given ample opportunities to network and socialize with senior attorneys and supervisors, in both formal and informal gatherings. Only 43% of those surveyed feel that they are given opportunities to work directly with or develop relationships with clients. The women viewed these relationships and networking opportunities as critical to their career development and advancement. Lack of access to mentors and influential individuals underlies many of the barriers and career-limiting obstacles these women identified that may contribute to their underrepresentation.

## **Tokenism**

*“It’s an irony and a dichotomy that you always have to balance...the way you’re either tokenized or that you’re not who you’re supposed to be and not capable.”*

Many of the focus participants feel they often serve as “tokens” or symbols of what Latinas do or feel. They attributed this to Latinas’ underrepresentation, which created the exhausting responsibility

to either be the “representative for all Latinas” or to educate others about their culture and ethnicity. For some, it was a delicate balancing act of “fielding questions about your hair and your accent and your immigration status....” One focus group participant opined:

Most people don’t have, I think, that extra task that when you take up a job, you have to educate people about the fact that you are a Latina, or where you’re from, and...just educating the people around you, and making them feel comfortable, because they’re not used to seeing Latinas. Some of them don’t know how to react to it, which is...part of the 10 other things that you’re trying to do with your day job, having to deal with that extra layer of sensitivity.

On the other hand, the focus group participants also reported that their status as Latinas afforded them unique opportunities to network and develop client relationships with Hispanic clientele because of their unique bilingual and bicultural skills. One participant commented on this:

I believe being bicultural and bilingual is an advantage in being a Latina in the profession, because at least in terms of my experience, I think it’s opened doors of opportunities.... There are definitely cases that I’ve worked on that I wouldn’t have been staffed unless I was fluent in Spanish and bicultural.

Although focus group participants recognized the advantages of these relationship skills, they indicated that these opportunities were not always beneficial. Several recalled how they often serve as window dressing to potential clients without fulfilling a more substantive role. Another recalled, “meeting a deadline” one evening at work and being asked by a partner “to go to an event on behalf of the firm, because the contact for that event was a Latino, and they wanted the diversity representative.” Overall, the women felt that this contributed to their feelings of tokenism and added an additional burden to their already exhaustive schedules. Sometimes non-Hispanic colleagues were resentful because they believed these were unfair affirmative action opportunities, as opposed to being merit-based.

Some Latinas were wary about being pigeonholed into practices or assignments that were perceived as gender- and ethnic-oriented attorney roles, such as providing translations or practicing in areas such as family or immigration law. One survey respondent commented: “Just because we are Latinas does not mean we should only handle cases dealing with Spanish-language or Hispanic issues.... Why does the legal profession still think all Latinos are alike?”

## **Conforming to the Dominant Culture**

*“It’s what you have to do to be successful at a large law firm. You have to bridge that gap and make them almost forget you’re Hispanic.”*

Nearly half of the Latinas surveyed and many of the focus group participants reported that they adjusted their appearance or behavior in order to fit in or establish credibility in their organizations because of their “otherness.” One focus group participant poignantly commented: “It’s what you have to do to be successful at a large law firm. You have to bridge that gap and make them almost forget you’re Hispanic...the same way I have to make them forget I’m a mother.” This behavior change also included acting more assertively or being less outspoken. After overhearing a demean-



ing comment about Hispanics, one Latina “made a choice [to] say nothing” and not share an aspect of herself, so as not to “rock the boat or, in some extreme cases, shutting up, especially if I’m being told something racist.”

As a way to downplay their ethnicity, many focus group participants believe they have to pay closer attention to how they speak and present themselves. They also believe that they have to dress more conservatively and professionally than their White counterparts, such as “not wearing open-toed shoes” or needing to “straighten their hair” to avoid being sexualized or subjected to ethnic stereotypes such as the “fiery Latina.”

## CRITICAL SUCCESS FACTORS

This section presents the factors that Latinas in this Study identified as critical to their success in the legal profession. Several are reminiscent of the factors that positively influenced Latinas throughout the formative stages of their lives and careers, and illustrate the singular importance of implementing programs for success early on.

### Family Support and Encouragement

*“If I have seen farther than others, it’s because I have stood on the shoulders of giants.... That’s why we are where we are, because we have stood on our family’s shoulder and they have allowed us that.”*

The value Latinas place on “familialism” is one of the most important and central characteristics of Hispanic culture.<sup>91</sup> Many of the women credit their success to their families’ support and encouragement. Familial support was a source of inspiration and strength because of the sacrifice their families made in order for them to pursue their educational and career goals. One focus group participant commented:

There’s a lot of sacrifice my family made for my education, and I am eternally grateful. They want to see you succeed, they want to see you go further than them. And that’s how you pay tribute to them.

### Mentoring

*“It is vital for attorneys and aspiring attorneys to have contacts they can trust to contact with questions, concerns, and problems. Mentors with similar experiences are vital.”*

Latinas in this Study overwhelmingly identified mentoring as a critical component of a successful legal career. However, only a third of the Latinas surveyed believe that formal mentoring within the workplace plays a critical role in their career development. Rather, a majority (72%) place greater emphasis on informal mentoring inside and outside their workplaces. Mentors are viewed as crucial to these women’s professional and personal development, providing information, offering emotional support, and boosting self-confidence. One Latina from the survey commented:

Female attorneys need female mentors, and those who are mothers need mentors who are mothers. I performed much better in law school and in employment when I had a trusted

mentor who understood me, my circumstances, my background, and my perspective. I was able to trust and confide in that person and ask important questions. When I lacked that resource, I didn't ask and therefore was not informed.

Many focus group participants have difficulty finding mentors because of the shortage of attorneys who are able to relate to them. “[S]o much of that requires that they see something of themselves,” which “requires some camaraderie between you and the [mentor].” Lack of commonality with potential mentors requires them to initiate this relationship, which participants sometimes viewed as a daunting task. One focus group participant recalled her experience:

It was difficult for me to try and find a mentoring relationship.... It's very much a struggle within myself to break out of that sort of limitation that I have on myself to ask for someone to mentor me, to ask for some kind of a leader who is going to be sympathetic and appreciative of the work that I can do.

### **Straight Talk and Real Feedback**

*“Latinas tend to go along in their careers, perhaps doing things wrong [when] no one wants to straight up tell you what's wrong.”*

Focus group participants emphasized the need for honest feedback as a critical factor in their professional development. Many believe they need explicit direction and guidance on how to succeed in their respective workplaces. This means more than receiving general advice about working on important assignments and finding mentors.

Many believe that if an assignment has mistakes or needs improvement, the assignor should address them directly; otherwise, the person will not build the right skills and competencies to succeed. They were prepared for candid feedback, but believe that their superiors and colleagues do not feel comfortable doing so. These women viewed feedback as essential to their career development, and the lack of frank feedback as a career-limiting obstacle.

Sometimes it's going to be incumbent upon us to ask these questions, to go get feedback. Because the earlier you can fix something, the better that person will succeed.

### **Perseverance and a Strong Work Ethic**

*“I think that where some people may have given up, given the circumstances, for better or worse, I just keep plugging at it with that survivor mentality.”*

Many of the Latinas believe that their strong work ethic and ability to persevere in their professional lives, despite adversity, is a key component to success in the profession. For these women, the ability to remain and continue in the legal profession is a direct testimony to their ability to “transcend” and overcome the obstacles they encounter.

The focus group women also attribute their success in large part to their strong work ethic, which resulted from their need to “work harder” than others as a way to prove themselves. “I feel that I have to work harder...than...the males who may be at my level...because I feel like I have some-

thing to prove...” This constant need to prove their capabilities drove many to prepare thoroughly and to anticipate the needs of their employers and clients—which at times greatly benefited their careers.

## **Self-Confidence**

*“It’s a sense of confidence, that the moment I walk into a room, two seconds, you hear me speak, nobody asks me if I’m the attorney.... It’s that air of confidence that you bring in.”*

The focus group women stated that Latinas in general struggle with self-confidence in terms of others’ perceptions of them and their assessment of themselves. However, those who attained their educational and career goals despite significant obstacles attributed their achievement to their strong sense of self-confidence in both their legitimacy and abilities as an attorney. Many focus group participants also believe that, although Latinas sometimes tend to avoid self-aggrandizement and do not demand the recognition and promotions to which they are entitled, they must exhibit more self-confidence and become better self-promoters of their abilities and contributions.

We don’t speak up for ourselves. They really don’t expect that from us. We don’t expect [it] from ourselves. We need to speak up regarding getting the increases that we deserve, getting the positions that we deserve, and getting the assignments and the cases that we deserve and are capable of.

## **Positive Valuation of Latina Ethnicity**

*“Latinas are particularly intuitive, and there is a way to use that talent in the workplace....when it comes to client development, understanding how to manage accounts, understanding what clients need...what their strengths and weaknesses are. You don’t learn this in law school.”*

Many focus group participants believe that the cultural skills and insights of Latinas are critical components of their success. This positive valuation is often viewed as a tool that legal and business employers should and do employ because of the advantage it offers to better serve Latina/o clientele. One focus group participant explained:

In certain industries I just get so much more out of witnesses when they know that you’re Latina, that you can speak their language culturally. Here it’s so much more of a nuance, and I find it makes me a lot more effective at witness interviews.

This ability comes from a deep understanding of Latina/o culture and values and a shared experience of growing up in similar communities. One focus group participant explained: “I found that [with] my perspective and my knowledge of the streets and what was really happening out there, I was able to keenly identify and analyze the case and say this is bullshit and this is real.”

Although building and better serving Latina/o clientele was the primary reason for this positive valuation, many participants also believed that it allowed Latinas to become “comfortable in their own skin.” This gave them the courage to overcome negative perceptions about Latina lawyers by utilizing their unique skill sets to provide excellent and valued legal service.

## 5. SUMMARY AND CONCLUSIONS

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The results from this Study provide insight into some of the factors that influence Latinas to pursue and achieve their educational- and career-related goals, as well as the obstacles many must overcome in their professional lives. Understanding these factors provides a basis to comprehend the unique barriers and issues Latinas face, and the key reasons so many have yet to realize successful careers in the legal profession.

### FACTORS INFLUENCING EDUCATIONAL ACHIEVEMENT AND CAREER CHOICE

The underrepresentation of Latinas in the legal profession may be rooted, in part, in the barriers that exist along the educational pipeline. Although research suggests that Latinas/os have similar educational and career goals and therefore do aspire to pursue higher education,<sup>92</sup> they are often disadvantaged in their quest by limited economic resources,<sup>93</sup> inadequate educational opportunities and preparation,<sup>94</sup> and different educational trajectories, such as their greater propensity to enroll in two- versus four-year colleges and less selective educational institutions.<sup>95</sup>

Some of the reasons Latinas in this Study have defied these odds and attained high levels of educational achievement and successful careers in the legal profession are related to their formative experiences. Although most of the Latinas in this Study were not exposed to the legal profession during their early years, the few who did have lawyers in their families acknowledged the positive influence this had on their decision to pursue a legal career. Regardless of their parents' educational level or professional background, what appears to be the key catalyst to their success is the fact that most of the women were raised to appreciate the value of being well-educated as a means to achieve self-reliance and a more promising future. This is consistent with other research suggesting that family aspirations tend to influence educational and occupational pursuits of Latinas.<sup>96</sup>

For many of the Latinas in this Study, the path to law school is the result of serendipitous timing and chance rather than the intentional pursuit of a legal career. This is reflected in the finding that many had little or no intention of pursuing law school before or after college. The goal of higher education—rather than a desire to pursue a legal career per se—served as the impetus for their high academic achievement and eventual career choice. Undoubtedly, some of the women's early childhood experiences—as advocates for others, interpreters, and witnesses of the social injustices occurring around them—influenced their career choices as well. Other research has found that Latinas/os are more likely than other groups to attend law school as an opportunity to change or improve society.<sup>97</sup> However, as evidenced by the fact that most participants did not know they wanted to become attorneys before college, it appears that, at least initially, they did not realize how the legal profession might fulfill their experienced-based aspirations.

Latinas share a unique set of cultural values that may influence their career choice and development. They are encouraged to adhere to more traditional gender roles, and to put the needs of their families above their own. Furthermore, they are socialized to show deference to authority figures, including parents and Latinos.<sup>98</sup> This may result in their choosing more traditional, female-oriented careers, or being inhibited in pursuing a career in the legal profession because it does not conform with these culturally determined ideals.

In addition to the importance of being well-educated, there is another key factor in their ability to overcome significant psychological and structural barriers related to their educational goals and career choice. This factor appears to be the fact that many had strong Latina role models, both in their early lives and at critical points along their educational paths. These strong role models provided support and encouragement and served as an example of what the Latinas could become and achieve. In essence, role models provide a source of vicarious learning, and thereby encourage and teach Latinas to develop self-efficacy beliefs about their ability to be successful in various male-dominated professions.<sup>99</sup> This finding is consistent with research on high-achieving Latinas and underscores the importance of having relational support in their lives, specifically mothers or other female role models, to encourage them in their pursuit of their educational goals. This type of support is critical to help them deal with the challenge of overt racism, sexism, environmental barriers, and the physical and emotional challenges they consistently encounter during their lives.<sup>100</sup>

As they pertain to educational achievement and career choice, these findings suggest that a critical first step for increasing the representation of Latinas in the legal profession is to provide Latina youth with visible role models and influential mentors, from both the legal profession and beyond, who can stand as a symbol of what they can attain, and who can support and guide them in navigating their educational development, especially in law school.

### **BARRIERS TO LAW SCHOOL**

Research suggests that Latina/o college graduates who aspire to attend law school have lower applications, enrollment, and graduation rates at U.S. law schools than all other major racial/ethnic minority groups.<sup>101</sup> For example, while White students made up nearly 65% of all applicants to ABA-accredited law schools in 2004, Latinas/os represented only 7.9% of this total.<sup>102</sup> The barriers women and minorities face in law school have been well-documented. Some authors suggest that underrepresentation of Latinas/os in law school is due to academic and financial difficulties,<sup>103</sup> whereas others emphasize the psychological barriers Latina law students face, including a lack of self-confidence and fear of failure.<sup>104</sup> What appears to be evident is that Latinas, as both women and ethnic and racial minorities, confront more stigmatization and difficulty throughout their legal education and that “the white-water rapids that all minority law students must navigate are not at all like the smooth currents that White law students enjoy.”<sup>105</sup>

These and other factors served as challenges to the Latina participants in achieving their goals. For some, it was the low expectations of educators and school counselors, who told them they would not succeed in accomplishing their educational objectives and, instead, suggested that they should consider less competitive paths. Many, however, reached for their dreams and were accepted into the law school of their choice. Many Latinas in this Study had difficulty adjusting as they struggled to compete with and also assimilate with their non-Latina/o classmates and assimilate into a culture of privilege and entitlement to which they were unaccustomed. They also experienced feelings of isolation and loneliness as they realized they were but one of a few Latinas in their law schools, and therefore lacked other Latina/o colleagues, role models, and mentors to guide and support them.

These findings suggest that, in addition to providing Latina youth with role models and mentors throughout their educational journey, it is imperative that educational leaders address and eliminate the gender and ethnic stereotyping that appears to be prevalent throughout institutions of higher learning. This includes the negative messages being directed toward Latina students that work to



undermine their self-confidence and ambition. Latinas should also be afforded mentoring opportunities with senior students and/or professors to provide them guidance and support with their academic needs in order to navigate their law school career more effectively. It is also critical that Latinas have opportunities to develop relationships with other Latinas, perhaps outside the college or law school environment, to combat the feelings of isolation they often feel as one of the few on their college and law school campuses.

## **BARRIERS TO CAREER RETENTION AND ADVANCEMENT**

Despite the negative perceptions and poor treatment they faced in the course of their legal careers, for the most part the Latinas in this Study appear to be relatively satisfied with their experiences in the legal profession.

This satisfaction exists despite the fact that Latinas in this Study are not well-represented in leadership positions across the legal profession, have relatively high attrition rates, and do not believe they have the same opportunities for career advancement as their non-Latina peers. This may be due to the fact that Latina attorneys appear to face a multi-layered glass ceiling based on the intersectionality<sup>106</sup> of gender, ethnic, and racial characteristics that act as a “triple threat” to their career advancement.<sup>107</sup>

While all three aspects of their identity are necessarily intertwined, Latinas consider gender-based discrimination and disparate treatment to be the most salient barriers they face in the legal profession. White women experience similar challenges, but for Latinas, and other women of color, the gendered aspects are closely integrated with ethnic and racial stereotypes.<sup>108</sup> This assessment is supported by the findings in this Study and is consistent with other research that supports the disparate impact of gender on perceived career prospects for Latina/o law students.<sup>109</sup> Latinas face both overt and subtle forms of gender bias and discrimination that work together to create inhospitable workplaces and limit opportunities for their career success and advancement. These can range from being subjected to overt sexism by male colleagues, including Latinos, to confronting gendered expectations and assumptions about the roles and qualifications of women in the workplace, especially regarding their appropriateness for leadership positions. As women working within a male-dominated profession, Latinas in particular are, by default, not part of their office’s “old boys’ network.” Therefore, they often lack access to influential mentors, client development opportunities, and occasions to network with significant individuals in their workplaces who are critical to career success and advancement. These findings underscore the need to assist Latinas in developing successful relationships with mentors and role models who serve as their advocates and are deeply invested in the Latinas’ career development. This includes providing candid and strategic career advice and feedback. Without these critical relationships, Latina lawyers will continually falter in their careers.

The dual role of being a mother and lawyer adds an additional gender-related barrier to Latinas in their legal careers.<sup>110</sup> This is consistent with research that suggests having significant child care responsibilities is one of the more critical barriers to career advancement facing women in the profession.<sup>111</sup> For Latinas, this challenge is aggravated by cultural and gendered expectations and assumptions about appropriate roles for women, especially mothers—namely, that their primary role is to support their families, and furthermore that their careers are viewed as secondary to those of

men.<sup>112</sup> Consistent with other research on women in the legal profession, which recognizes the impact of work and family issues on career goals,<sup>113</sup> this Study emphasizes the need to offer more flexible structures and schedules to retain Latinas in the legal profession.

In addition to the gender barriers that they face, many Latinas believe that others often question or devalue their legitimacy, qualifications, and abilities as attorneys, which they believe is due in large part because of their ethnicity. This experience has also been described by White women, but in the case of Latinas, like other women of color, ethnicity and race play undeniable roles in the undervaluation of their qualifications.<sup>114</sup> Many also believe that, in addition to having their qualifications as attorneys called into doubt, their acceptance into law school and even their existence in the legal profession are often perceived as being premised on affirmative action or diversity goals, rather than merit. Their careers often languish as their credentials and accomplishments are constantly undervalued and ignored.

Latinas also report being viewed as outsiders in their workplaces. Some even confront strong anti-immigrant sentiments, where they are viewed as foreigners and their legitimate presence in this country is questioned. These ethnic-related barriers contribute to feelings of isolation and otherness that further alienate Latinas from their colleagues and workplaces.

While most of the Latinas identified to some degree with the barriers related to gender and ethnicity, others reported experiencing racial bias as well. This is reflected in the perceptions related to the stereotypical Latina phenotype and the finding that those who believe they can pass as racially White, or who have a lighter skin color, often have better experiences and advancement opportunities in the profession.

Although ethnicity and race are sometimes conflated and treated as the same, even by the Latinas themselves, there does appear to be significant implications for considering them as separate but intersected constructs—constructs that contribute to the barriers they face and, when combined with gender, serve as a “triple jeopardy” to their careers. By examining their relative impact, it is possible to understand and compare the different experiences of Latinas—and other women of color, for that matter—who are of different origins and races.

In addition to the roles that gender, ethnicity, and race appear to have on their career advancement, the lack of Latina lawyers in the profession is a barrier to retention as well. Junior Latina lawyers lack attorney role models who mirror the cultural experiences, values, and norms of those within their Latina/o communities. There is also an enormous need for Latina mentors, especially informal ones, to help ease the isolation that many law students and new lawyers feel, by providing needed guidance and support throughout the education and professional development of the younger aspirants. Countless studies show that without access to these key relationships, legal institutions will continually fail to retain Latina attorneys within their ranks.<sup>115</sup>

This Study also shows how Latina underrepresentation places an enormous burden on Latina lawyers to take on additional responsibility to educate others about their ethnicity, participate in diversity-related programs and activities, and even to serve as representatives or tokens for the Latina/o community. In many respects, Latinas are often disadvantaged in the workplace because these added demands place undue burdens on them that their non-Latina colleagues do not necessarily share.

In conclusion, Latinas are continually hampered in their careers by negative perceptions and treatment and burdensome pressures that serve to diminish their legal capabilities and limit their access to opportunities to advance their careers. They are further alienated by institutions that view them as outsiders; this often leads to feelings of inferiority and self-doubt. This further contributes to their need to work harder to prove their capabilities, or to mask or disavow their true identity in order to conform to the norms and values of the dominant culture. In light of these struggles, it is not surprising that Latinas are so underrepresented in the legal profession.

It is with great hope that the historic appointment of Justice Sonia Sotomayor to our nation's highest court will ignite a spark that propels more Latina youth to aim high and consider careers in the legal profession at an earlier age. Her triumphant story will also serve as an important example to the legal profession and to the nation that Latinas can overcome significant obstacles and barriers and can become successful attorneys. Only by exploring and analyzing the unique experiences of Latina lawyers can we begin to better understand and develop ways to obliterate those barriers, so that each Latina reaches her fullest potential.

### **FUTURE RESEARCH**

Future research is needed to expand upon and provide an even finer-grained analysis of the issues and barriers uncovered in this Study, and to examine and test its conclusions. For example, to better understand the relative role that gender, ethnicity, and race play in Latinas' careers, future research should compare their experiences with those of Latinos and with men and women of other races in the legal profession to examine the salience and intersection of these demographic characteristics. Future research should also examine the subgroup differences of Latinas from the different countries of origin (e.g., those who identify as Mexicans as compared with Cubans and Puerto Ricans) and their impact on educational and career development.<sup>116</sup> Finally, future research should more closely examine the experiences and barriers facing Latinas within each sector of the legal profession, and also those with low participation rates in this Study (e.g., public interest sector). Given the relatively low numbers of Latinas in some sectors, this may be a challenge. However, future research should continue to monitor and track their progress throughout the legal profession.

## 6. RECOMMENDATIONS

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### STRATEGIES TO INCREASE LATINA REPRESENTATION AND SUCCESS IN THE LEGAL PROFESSION

The following recommendations are based on the findings from both the focus group participants and survey respondents in the Study. The recommendations focus primarily on potential efforts by legal and business institutions to increase the presence and success of Latinas in the legal profession.

#### **1. Support and Sponsor Mentoring Programs and Opportunities for Latinas at All Phases of their Educational and Career Development**

The importance of mentoring has been well cited in the research of women of color in the legal profession.<sup>117</sup> However, it is apparent that legal institutions are still not providing Latinas with this all-important component for success. In particular, Latinas underscored the importance of having access to mentors who can provide critical information and emotional support throughout their legal careers.

Although most participants expressed a preference for having Latina mentors, most recognized that this may be difficult, given the current underrepresentation of Latinas in the profession. They believe that the most critical component for successful mentoring relationships is one where the mentor is invested in and can advocate for their mentee, not someone who is undertaking the role as just another administrative responsibility. Many of the women also expressed the need for mentors to provide straight and honest feedback so that they can develop the skills and make the necessary improvements to advance in the profession.

The benefits of having formal mentoring programs are undeniable, especially within the women's workplaces. However, it appears that the more effective and long-lasting mentoring relationships are often informal. Opportunities and programs should be created to allow mentoring relationships to develop naturally, such as sponsoring opportunities for Latinas to network with other attorneys inside and outside their workplace.

Legal institutions and business leaders alike also need to critically evaluate their current mentoring programs to determine their use and effectiveness. A candid dialogue with Latinas, and all women of color, should take place so that these programs can be assessed and, if necessary, adjusted to meet the mentees' needs. This process will not only promote accountability for the employer but can also provide opportunities for these women to communicate with their employers. These programs and initiatives should also be monitored on a regular and consistent basis to ensure that they are successful in achieving their intended goals. Furthermore, given the relatively low numbers of Latinas in legal academia, these institutions must take the necessary steps to increase the recruitment, retention, and advancement of Latina faculty who can serve as mentors and role models for Latina law students.

#### **2. Increase the Visibility of Latina Role Models to Inspire and Encourage Others**

Many Latinas stressed the value and importance of having visible and successful Latina role models for others to identify with and emulate. Several commented on how Latina attorney role models have influenced their own decisions to pursue a legal career, and they emphasized the need for all

Latina attorneys to actively serve as role models for others, especially young Latinas. These role models can provide young Latinas with guidance and encouragement, which appears to be especially important throughout their formative years.

The women believe that learning the stories of how other Latinas have achieved success in the profession is a critical way to help influence others to follow in their footsteps. Legal and business leaders should identify Latinas within their organization who are willing to reach out to and educate others about the legal profession, and its various opportunities and roles. Social networking tools (e.g., Facebook, Twitter, MySpace) are becoming increasingly popular with Latina/o youth and can be used as a cost-effective outreach effort with those who desire more information about possible careers within the legal profession, or in opening up a dialogue or mentoring relationship with a particular Latina attorney. To avoid creating another professional challenge to advancement for Latinas and to encourage participation in outreach efforts, employers should place a concrete, positive value on their serving as role models, including granting such service appropriate work credit.

Several Latinas commented that success in the legal profession is defined too narrowly and does not reflect the many roles in which Latinas can become successful attorneys in the profession. The women in this Study believe that Latina role models from a cross-section of the legal profession should be encouraged to serve as “faces of diversity” for all legal sectors.

### **3. Reach Out to Latina Youth At an Early Age**

Related to the need for visible Latina attorney role models, many of the women stressed the need for the legal profession to increase outreach programs to Latina youth to expose them at an early age to the many aspects of the legal profession, and to encourage and guide them in their pursuit of a legal career. Many believe that this type of intervention is necessary to counteract the gender and cultural inhibitors that dissuade Latina youth from considering careers in the legal profession, as well as the institutionalized discouragement to which these young women are routinely subjected.

This outreach will require the legal industry and business leaders to support and participate in educational pipeline programs in schools serving Latina/o communities. These programs work to expose children as early as elementary school, to models for success. Legal institutions should develop and sponsor programs and initiatives that incorporate lesson plans about careers in the law into curricula used by educational institutions and nonprofit agencies that educate and work with Latina/o youth. Finally, and perhaps most importantly, more Latina/o families need to continue and be further educated on the critical role they play in influencing their children’s education and career aspirations, by instilling the value of education.<sup>118</sup>

### **4. Encourage the Creation of Latina-Based Networks and Support Systems**

This Study clearly indicates that one of the greatest challenges Latinas face is feelings of isolation and a sense of being disconnected from their workplaces. This isolation bars many from developing critical professional relationships or benefiting from informal workplace networks that often lead to mentoring relationships, key assignments, and important opportunities for advancement.

Informal networking programs and affinity groups provide significant opportunities for Latinas to develop professional relationships, where they can receive emotional support, share best practices, and connect with other Latinas in the legal profession. In fact, the focus group sessions served as a



cathartic outlet and supportive network for many of the Latinas, who shared their experiences and connected with other Latinas in their legal communities. Several of the focus group members have continued to meet on a regular basis to network informally and socialize. The legal profession and its business leaders should support these types of informal networking opportunities by hosting and organizing panels and functions where Latinas and all women of color can build their social support networks.

## **5. Support Gender Neutral and Family Supportive Workplaces**

Just as the “glass ceiling” restricts advancement for women, the “maternal wall” continues to be one of the strongest forms of gender bias.<sup>119</sup> Many Latinas, both with and without children at home, identified the task of pursuing a legal career and motherhood as one of the biggest challenges to Latinas’ success in the legal profession. This Study seems to suggest that some Latinas may in fact be strategically delaying or not having children in order to advance their careers. Although women currently represent almost half of all law school graduates, the perception is that law offices remain relatively inhospitable to those with significant family-care responsibilities.

To retain women (and men) with significant child-care responsibilities, legal employers need to develop and implement institutional policies that are gender-neutral and family-supportive. Families no longer fit within traditional caregiver models; both male and female attorneys require more flexible work arrangements. Broadening the focus to include both gender neutral and flexible workplaces can help alleviate the negative stigma that women of color, in particular, encounter.

## **6. Support and Fund Continued Research and Data Collection on Latinas in the Legal Profession**

While this Study begins to fill the informational void that exists on the status and experiences of Latina attorneys in the United States, the legal profession must continue to support additional research in this area. Future research should conduct and test, a finer-grained analysis of the general conclusions advanced in this Study. This will allow the profession to keep pace with research that has been conducted on other groups to provide a deeper understanding of the complexity of these issues.

Related to the need for pertinent data, the legal profession must also require bar associations and other groups to collect and report more detailed data on gender, racial, and ethnic groups, including Latinas/os, on a more systematic basis.<sup>120</sup> This includes disaggregating data on Latinas/os from other ethnic and racial groups, and allowing attorneys to self-identify their ethnicity and race separately rather than treating them as the same. It is hoped that this will help the legal profession better track and monitor the recruitment, retention, and advancement of Latinas in the profession.

## **7. Educate the Legal Profession about Latina Underrepresentation**

The Latina participants emphasized the need to increase awareness about the underrepresentation of Latinas in the profession. Many felt that continued education is warranted, with business and legal industry leaders sponsoring forums to address the experiences and barriers Latinas face. By doing so, legal industry and business leaders will better understand how these experiences and barriers contribute to the underrepresentation of Latinas and may serve to remove the negative stereotyping that Latinas encounter.

As the Latina/o population continues to grow, so does the need for legal institutions to serve and work within Latina/o communities. In order to capture this growing market, legal and business leaders need to understand the business case for supporting a more diverse attorney workforce that includes greater Latina representation. In order to do so, the legal profession and business industry should identify and communicate best practices for recruiting, retaining, and advancing Latinas in the profession.

## **8. Monitor Latina Progress**

Increasing the representation of Latinas across all legal sectors is a significant goal, which requires monitoring their career progression. Measuring their progress will promote accountability and awareness, not only within these organizations, but also to the larger legal community.

This Study provides a snapshot of where Latinas are at present. As an indicator, it suggests that they are not well-represented in leadership roles. Furthermore, while the results suggest that the Latinas are generally satisfied with their overall legal experience, they hold a dim view of their future opportunities for advancement. Therefore, these attorneys may leave their legal employers prematurely because of these lingering concerns. To address this obstacle to advancement, the hiring, attrition, and promotion rates of Latinas should be compared against White female colleagues and other ethnic and racial groups, and a comparative analysis should be done with assignment type and client development opportunities. The comparative results should be used to develop and adjust diversity initiatives.



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## Latino

# **'Where Are All the Latino Lawyers?': Hispanics Scarce in the Legal Profession**

by Raul A. Reyes / Oct.13.2017 / 7:51 AM CDT



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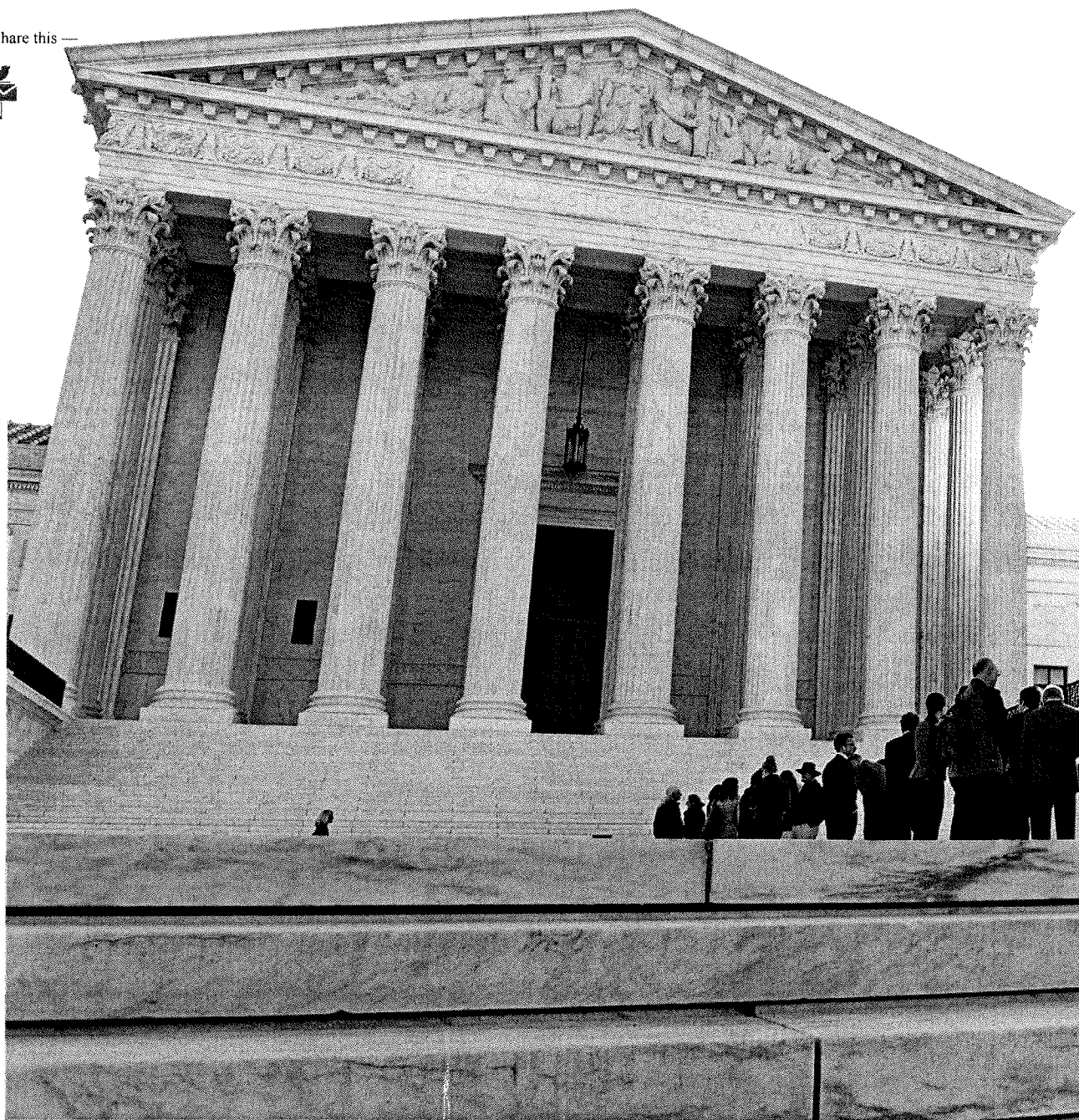
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People stand in line to go into the Supreme Court in Washington, Monday, Oct. 2, 2017, for the first day of the new term. Susan Walsh / AP

Even though the U.S. Latino population continues to grow, Hispanics remain disproportionately under-represented in the legal field.

While a law career can provide entrée into influential sectors of society, the academic requirements, long process, and high costs involved seem to be discouraging many Latinos from pursuing this career. As a result, say legal experts, educators, and professionals, the lack of Latino attorneys will impact the Hispanic community's advancement for years to come.



Members of New York's Metro Latin American Law Students Association at their annual conference. Courtesy Metro LALSA

In an airy Fordham University classroom overlooking Lincoln Center, a coalition of Latino law students and graduates recently met to discuss upcoming plans for New York's Metro LALSA (Latin American Law Students Association). Students representing schools like New York University School of Law, Brooklyn Law School, and St. John's University School of Law recounted how they spent their summer.

"I interned at MALDEF, in Los Angeles," one student said. "I worked in the District Attorney's office," said another. When a young woman announced that she had taken the bar exam, the room burst into applause.

These young Latinos seem like typical graduate students. The fact that they are pursuing legal careers, however, makes them very atypical.

According to statistics from the Hispanic National Bar Association (HNBA), Hispanics – who are 18 percent of the population – comprise about 4 percent of U.S. lawyers. For Latinas, these numbers are even smaller; Latinas account for less than 2 percent of American lawyers.

These low numbers are the "biggest concern" for Erica V. Mason, president of the HNBA.



Erica V. Mason is the 40th president of the Hispanic National Bar Association. Rodney Choice / Rodney Choice/Choice Photography

"It is a huge problem, and it has been a problem for a long time," she told NBC Latino. "Every single aspect of society is impacted in meaningful ways by attorneys, including lawmakers, politicians, judges, prosecutors, public defenders, and in-house corporate attorneys who make policies that companies follow."

Not only are Latinos in the legal field statistically rare, these numbers shrink when broken down by areas of specialization. Hispanics are 1.8 percent of law firm partners, and 4.5 percent of federal and state judicial positions. Such numbers matter, lawyers say, because corporate partners are highly influential, while federal prosecutors carry the full force of the law with them.

In particular, the lack of Latinos at the state judicial level holds implications for the criminal justice system. Prosecutors decide when to bring an indictment, what charges to seek, and what sentence to recommend for crimes. In California, where Latinos comprise about 40 percent of the population, a 2015 study found that only 9 percent of prosecutors were Latino.







Mason believes that the legal profession has an overall image problem. "People hate lawyers, they think we are liars and cheaters. People don't see the good that we do, they have lost sight of that," she said.

**RELATED: Hispanic National Bar Association President: We Need More Latino Lawyers**

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This image problem goes beyond anecdotal. Practicing attorneys regularly disparage their profession, and the legal field ranks high on surveys of job dissatisfaction.

Plus, with so few of us, many young Latinos have never met a Latino lawyer," Mason said. "So how could they want to be one?" She points to what she calls "the pipeline problem" in attracting Latinos into the legal profession.

Becoming an attorney usually requires a four-year college degree, taking the LSAT (examination), three years of law school, and passing the bar exam – all before settling into long-term employment. Though Latino college enrollment has hit a record high, Latinos tend to lag behind other racial and ethnic groups in graduating from four-year colleges. They also are less likely to take on debt and attend selective colleges than other students.

"This all starts with the structural disparities we still have in education and wealth," said Jennifer Rosato Perea, dean of DePaul University College of Law. "With more Latinos attending community colleges and proportionately fewer in the most selective institutions, that means the ranks of prospective Latino lawyers are thin. At the same time, since many of us are first-generation college graduates, there are issues of mentoring, preparation, and support."



Jennifer Rosato Perea, dean of DePaul University's College of Law, is one of a few Latina law school deans in the country. Courtesy DePaul University

Rosato Perea believes law schools ideally should start targeting potential Latino enrollees as young as middle school. "We need to help young Latinos see law school as a choice," she said, "and then help them get there." She cites DePaul's LegalTrek program, which teaches legal skills and helps undergraduates prepare for the LSAT, as an example of how law schools can recruit more diverse candidates.

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"Legal training is the best type of training you can have to succeed in the world as a problem solver," said Rosato Perea, "and we need to ensure that more young Latinos know that."

Many Latino undergraduates likely experience sticker shock when they research the cost of law school. A year in the juris doctorate program at Florida International University can run between \$21,000 (for in-state students) and \$35,000 (for out-of-state residents). At the University of California Los Angeles School of Law, yearly tuition and fees run between \$45,000 and \$52,000. One year at Yale Law School, including room and board, costs about \$82,000.





...ative Latino law students may not realize that scholarships and financial assistance can bring these costs down significantly.

This is why mentoring and outreach programs are important, explained Edith Castañeda, president of the [Latina Lawyers Bar Association](#). "Financing a legal education is the biggest obstacle," she said. "A lot of students are wary of incurring debt and they know there is no guarantee of a job. So we try to lessen that burden by providing

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The Latina Lawyers Bar Association offers [programs and events](#) designed to help Latinas navigate law school, learn about internships and interviewing skills, and connect with practicing attorneys. Still, Castañeda recalled a moment of discomfort she felt when she began her legal career. "I was younger and I was about to talk to a judge, and I looked around the courtroom, and it hit me that I was the only Latina in the room," she said. "You do feel like you are alone in the profession, in a way; but that speaks to the need for groups like ours to provide a support network for Latinas, to show we are not alone."



Hispanic National Bar Association (HNBA), 2017 Advocacy Days, May 17-18, 2017, Washington, D.C. Rodney Choice / Rodney Choice/www.choicephotogra

Lawyers and scholars generally agree that the under-representation of Latinos in the law impacts the community's overall image. One non-Hispanic attorney told NBC that, while [volunteering at JFK airport](#) in the aftermath of President Donald Trump's first proposed travel ban, she wondered, "Where are all the Latino lawyers? Why aren't they stepping up?" She was surprised to learn that there are simply not many Latinos in the profession.

Several [attorneys interviewed](#) by NBC mentioned deeply personal reasons for wanting to become a lawyer, such as wanting to help their families or to remedy injustice. Yet the legal world is not always hospitable to those Latinos who manage to make it there.



Members at a networking event held by the Latina Lawyers Bar Association. Courtesy LLBA

In 2011, Maria Chavez, department chair of politics and government at Pacific Lutheran University [surveyed Latino lawyers](#) in Washington state and found that 46 percent said that their ethnicity had caused them difficulties in their profession. The attorneys she interviewed reported experiencing stereotyping, micro-aggressions, unequal treatment, and presumptions of incompetence. One common denominator in their stories, Chavez found, was workplace episodes of marginalization and discrimination.

Chavez, author of [Everyday Injustice](#), believes that things have "unfortunately, not really changed" since her initial study.

This reality concerns Chavez. "It says that we have a problem accepting Latinos as full and equal members of society," she said. "It shows that, even for highly credentialed professionals like lawyers, there are macro-level barriers to equal treatment, based on ethnicity, accents, skin color, and what we look like."

At times, Latino lawyers experience a sense of isolation as they move between the more familiar worlds of home and family and their professional life; Supreme Court Justice Sonia Sotomayor wrote [about such feelings](#) in her memoir, *My Beloved World*.

These feelings are echoed by others, such as Robert T. Maldonado, equity partner at [Cooper Dunham](#) in New York City. "This is a grueling profession, it takes a lot out of you. You have to have your heart in it to do it."

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Despite the potential obstacles and effort involved, Maldonado would "absolutely" encourage young Latinos to enter the legal profession. "The most important thing about being a lawyer is that you are in a unique position to effect change," he said. "If you work on a case that changes the law, that has a wide effect. I work on patent cases, and the outcomes can change how businesses operate."



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Robert Maldonado is an attorney in New York City. John Boal / Rodney Choice/www.choicephotography.com

A law degree can open other doors professionally, Maldonado added. “That is something you don’t see in a lot of other career paths. Equally important, you can change people’s views, who might have preconceived ideas or prejudices, about what being a Hispanic attorney means. You can open people’s eyes to what we can accomplish.”

HNBA president Mason cited the crisis in Puerto Rico following Hurricane Maria as an example of why the country needs more Latino lawyers. The pro bono legal needs of those impacted on the island are expected to stretch over the next decade, she says. That means there are high school students today who could attend college, law school, pass the bar – and still have an opportunity to provide legal assistance to those affected by the disaster.

Mason remains optimistic about attracting more Latinos into the legal profession. “I have to be optimistic; we can’t give up,” she said. “It is a big issue, and our work starts with getting our message out. This problem exists – and we all have a role in fixing it.”

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DePaul Journal for Social Justice

Volume 2  
Issue 2 *Spring 2009*

Article 7

January 2016

## Si Se Puede? Chicago Latinos Speak on Law, the Law School Experience and the Need for an Increased Latino Bar

Juan Carlos Linares

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Juan C. Linares, *Si Se Puede? Chicago Latinos Speak on Law, the Law School Experience and the Need for an Increased Latino Bar*, 2 DePaul J. for Soc. Just. 321 (2009)  
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**SI SE PUEDE? CHICAGO LATINOS  
SPEAK ON LAW, THE LAW SCHOOL  
EXPERIENCE AND THE NEED FOR  
AN INCREASED LATINO BAR**

JUAN CARLOS LINARES\*

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When I arrived home that night, I found my mother sobbing uncontrollably on the floor. She collected herself enough to tell me that they had taken Augie, my younger brother, away in handcuffs; that he was a suspect in a murder. I was a freshman in college at the time. I didn't know what to do. I didn't know whom to turn to. We were powerless in enforcing our rights or Augie's rights, and we were at a complete loss for words.<sup>1</sup>

Latinos are invariably affected by many of the same legal issues that arise among the U.S. population at large. Indeed, in 1994, Augustin Torres-Linares was arrested and criminally prosecuted under procedures that most defendants and their families face in similarly-situated cases. Yet, the experience affects the Latino individual, and especially the Latino family, in ways it generally does not affect the American mainstream.

The legal system is currently being tested through its response to the growing needs of the Latino population, particularly in the Chicago metropolitan area, where there has been an unan-

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<sup>1</sup> Interview with Monica Torres-Linares, Staff Attorney, Legal Assistance Foundation of Metropolitan Chicago, President, Hispanic Lawyers Association of Illinois, in Chicago, Ill. (Mar. 10, 2008).

anticipated recent surge in immigration and Latino residency. For example, language barriers obstruct proper communication between officers of the law and Latinos in need of assistance. Similarly, deportation concerns frustrate well-intentioned immigrants from seeking various protections under the law.

Members of mainstream society, including those in law enforcement, the judicial system and the political process, remain unsympathetic to the unique problems facing the Latino community when it comes to legal issues. Accordingly, these real-world dilemmas present opportunities and challenges that are perhaps more capably, if not also more passionately, met by lawyers with Latino-ethnic backgrounds.

This article illuminates the need for significantly more Latino lawyers in the Chicago area by illustrating the increased population of Latinos and describing the unique circumstances they face within the legal system. Part I defines the “Latino” population and presents statistical evidence of a swelling Latino client-base. Part II of this article further examines the language barriers inherent in Latino interactions with the legal system and issues particularly consequential to Latinos, like immigration and criminal justice. Part III of this article highlights possible barriers to increasing the Latino Bar. Particularly, it scrutinizes the law school experience, which is, at times, foreign to students of all backgrounds, but is especially harrowing for Latino students for whom the circumscribed, institutional customs reflect a break from the expected norms and community-oriented behaviors of Latino cultures. Part III also describes conditions in law school, such as the lack of class discussion of Latino legal issues and the pressure for law graduates to choose careers with substantial earnings that deter Latino lawyers from addressing many of the problems inherent in the Latino community. Part IV concludes that increasing the presence of Latino lawyers in the Chicago area is a challenge that can and must be met in the near future.

## I. DEFINING THE POPULATION THAT NEEDS TO BE SERVED

In order to properly serve the population in question, we as lawyers and legal scholars must ask ourselves: Who or what exactly are Latinos? Are we defined by race or by the myriad of skin tones? Is it the Spanish language that bonds us as a community, or is it the Latin American countries from which we and our ancestors have traveled?

These questions are, and have always been, difficult to answer in short. What follows are my conclusions based upon historical analysis, statistical research and personal experience.

### A. *Latinos: Who Are We?*

The 1848 Treaty of Guadalupe Hidalgo, which ceded much of Mexico to the United States, guaranteed the first Mexican-Americans "the enjoyment of all rights of citizens of the United States and according to the principles of the Constitution . . . ."<sup>2</sup> Puerto Ricans were granted U.S. citizenship under the Jones Act of 1917, 19 years after initial U.S. conquest of the island via the Spanish-American war.<sup>3</sup> What ensued was the type of discrimination, intolerance and inequity that African-Americans experienced in the Jim Crow South.<sup>4</sup> Signs with slogans such as "No Mexicans or Dogs Allowed" were ubiquitous in the southwest.<sup>5</sup> Segregated Puerto Rican infantry groups served in World War II, only to return to poverty in the island or mainland enclaves.<sup>6</sup>

It was not until 1954 when the Supreme Court case *Hernandez v. Texas*, a key precursor to *Brown v. Board of Educa-*

<sup>2</sup> REYNALDO ANAYA VALENCIA ET AL., *MEXICAN AMERICANS AND THE LAW* 3 (Adela de la Torre ed. Univ. of Az. Press 2004).

<sup>3</sup> JUAN GONZALEZ, *HARVEST OF EMPIRE: A HISTORY OF LATINOS IN AMERICA* 60, 62 (Penguin Books 2000).

<sup>4</sup> VALENCIA, *supra* note 2, at 8.

<sup>5</sup> *Id.*

<sup>6</sup> GONZALEZ, *supra* note 3, at 86.

tion, held that Latinos, specifically Mexican-Americans, constituted an identifiable class under the Fourteenth Amendment of the U.S. Constitution, thus requiring protection under the law.<sup>7</sup> The plaintiff in the case sued the state of Texas, alleging that Mexican-Americans were systematically excluded from serving as jurors in the county where the plaintiff lived, despite the fact that there were fully qualified Mexican-Americans living in that county.<sup>8</sup> His initial burden was proving that Mexicans “constituted a separate class, distinct from whites.”<sup>9</sup> Although the state argued that the Fourteenth Amendment contemplated only two classes, “white and Negro,” the Court held that “[t]he Fourteenth Amendment is not directed solely against discrimination due to a ‘two-class theory’—that is, based upon differences between ‘white and Negro.’”<sup>10</sup> The Court’s reasoning was based, in part, upon a factual showing of the community’s own attitude toward persons of Mexican descent. County residents admitted to distinctions between the whites and Mexicans, whites and Mexicans were segregated into separate schools, and signs announced “Hombres Aqui” at the courthouse itself.<sup>11</sup>

A decade later, the Civil Rights Act of 1964 was implemented to ensure the rights of women and minorities against segregation and discrimination.<sup>12</sup> But then, in the 1970s, when the U.S. Census Bureau began counting the population by race, the controversy regarding the white-versus-black paradigm resurfaced.<sup>13</sup> The term “Hispanic” did not appear on the census form until 1980, and all people with Spanish surnames were deemed His-

<sup>7</sup> 347 U.S. 475, 480 (1954).

<sup>8</sup> *Id.* at 476.

<sup>9</sup> *Id.* at 479.

<sup>10</sup> *Id.* at 477-78.

<sup>11</sup> *Id.* at 479-80.

<sup>12</sup> Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 42 U.S.C.).

<sup>13</sup> Jana Kasperkevic, *Latino v. Hispanic: Battle of Synonyms?*, TICKER, Oct. 31, 2005, <http://media.www.theticker.org/media/storage/paper909/news/2005/10/31/News/Latino.Vs.Hispanic.Battle.Of.Synonyms-1781241.shtml> (last visited Nov. 7, 2008).

panic.<sup>14</sup> In its latest questionnaire for the year 2000, the U.S. Census form began its categorization by race or ethnicity at Page 1, Question 7.<sup>15</sup> It asks, "Is Person 1 Spanish/Hispanic/Latino?"<sup>16</sup> This can be interpreted both as respect by the U.S. government toward an increasingly important cultural group and as an admission that "Hispanic/Latino" does not fit into the customary racial paradigm. Indeed, it is the next question on the form, Page 1, Question 8, that subsequently asks "What is Person 1's race?"<sup>17</sup>

The language of the 2000 Census form may have been a response to the 1990s debate within the Latino community about its own identity. The term "Hispanic," a construct of the U.S. government, could be interpreted to include individuals of Spain, Spanish-speaking countries and even places with links to Spain, like the Philippines.<sup>18</sup> This seemed like a superficial, if not far-fetched, connection to peoples in established Chicago communities like Mexican-American Pilsen and Puerto Rican Humboldt Park, whose only tangible bond to Spaniards is the Spanish language. During this period, the term "Latino" gained strength as not only a more accurate description of the subgroup but also as an expression of self-determination such that today, "Latino" is defined by Webster's Dictionary as "a person of Latin-American origin living in the United States" and is the term used in this article.<sup>19</sup>

<sup>14</sup> *Id.*; see also Minnesota Population Center, IPUMS USA, 1980 Census: Instructions to Respondents, <http://usa.ipums.org/usa/voliii/items1980.shtml> (last visited Nov. 7, 2008)

<sup>15</sup> United States Census 2000, Form D-61A, <http://www.census.gov/dmd/www/pdf/d61a.pdf>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> RICHARD DELGADO & JEAN STEPHANIC, *THE LATINO CONDITION* 52 (New York University Press 1998); Luis Angel Toro, *A People Distinct From Others: Race And Identity In Federal Indian Law And Hispanic Classification In OMB Directive No. 15*, 26 TEX. TECH. L. REV. 1219, 1246-1252 (1995).

<sup>19</sup> Merriam-Webster Online, <http://www.merriam-webster.com/dictionary/Latino> (last visited Nov. 7, 2008).

Accordingly, for the purposes of this article, the term “Latino,” both in the individual and collective meaning, refers to immigrants or descendants of immigrants from the Spanish-speaking countries and territories of North, Central and South America and the Caribbean.<sup>20</sup> Included in this definition are Brazilians or descendants of Brazilians who, though Portuguese speakers, share many of the cultural, social and political values that Spanish-speaking Latinos accept as normative.

### ***B. The Surging Latino Population***

I’ve lived in Chicago since 1999, and when I arrived, I was surprised to see so many Latinos in so many established neighborhoods. Not only that, but when I do periodically return to the Quad Cities, I see a visible increase in the Latino population there as well.<sup>21</sup>

The above observations made by Monica Torres-Linares, a Chicago attorney and local Latino-rights advocate, are bolstered by statistics. According to the latest figures, Latinos account for 14.5% of the U.S. population, at 44.3 million people.<sup>22</sup> Latinos form the largest minority group in the country, a group that is still growing rapidly. In fact, projections show that Latinos will constitute nearly one-quarter of the U.S. population by 2050.<sup>23</sup>

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<sup>20</sup> These countries include Mexico, Guatemala, Belize, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Ecuador, Venezuela, Peru, Chile, Bolivia, Argentina, Uruguay, Paraguay, the Dominican Republic and Cuba. The territory of Puerto Rico is also included.

<sup>21</sup> Interview with Monica Torres-Linares, *supra* note 1.

<sup>22</sup> U.S. CENSUS BUREAU, HISPANIC POPULATION OF THE UNITED STATES, [http://www.census.gov/population/www/socdemo/hispanic/hispanic\\_pop\\_presentation.html](http://www.census.gov/population/www/socdemo/hispanic/hispanic_pop_presentation.html) (follow “Hispanic Population: 2000 to 2006 .xls” link) (last visited Nov. 25, 2008).

<sup>23</sup> U.S. CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES 19 tbl.19 (1999).

Interestingly, by 2020, Latino growth will stem mainly from the second generation, rather than immigration.<sup>24</sup>

The Chicago area has been largely shaped by this demographic phenomenon. At 1.7 million people, 20% of Metropolitan Chicago's population is Latino, comprising the "region's largest racial/ethnic minority."<sup>25</sup> The Chicago area has the 15th largest Latino population in the United States, and the Chicago Latino population by itself is as large as the entire populations of metropolitan San Antonio or Indianapolis.<sup>26</sup> As the area-wide population is projected to increase to 1.6 million people by 2030, one-third of that growth will be Latino.<sup>27</sup>

As a significant number of Latinos have called Chicago home for more than 80 years, Latinos truly have "deep roots in the area."<sup>28</sup> From this author's viewpoint, some neighborhoods, like Pilsen, Little Village and South Chicago to the south, and Logan Square and Humboldt Park to the west and north, have maintained a dominant Latino presence and cultural environment for decades. One need only visit the Mexican-themed entrance gate at 26th Street in Little Village or the 59-foot high twin Puerto Rican flags on the *Paseo Boricua* of Humboldt Park to recognize that Latino influence is robust and energetic.<sup>29</sup>

Amazingly, as a result of immigration and domestic births, from 1970 to 2004, Latinos have made up 96% of the metro re-

<sup>24</sup> Liwen Mah, *The Legal Profession Faces New Faces: How Lawyers' Professional Norms Should Change To Serve A Changing American Population*, 93 CAL. L. REV. 1721, 1737 (2005).

<sup>25</sup> BERENICE ALEJO & SYLVIA PUENTE, INST. FOR LATINO STUDIES, UNIV. OF NOTRE DAME, *FORGING THE TOOLS FOR UNITY: A REPORT ON METRO CHICAGO'S MAYORS ROUNDTABLES ON LATINO INTEGRATION* 7 (2007) (citing U.S. CENSUS BUREAU, *AMERICAN COMMUNITY SURVEY* (2006)).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.* See TIMOTHY READY & ALLERT BROWN-GORT, INST. FOR LATINO STUDIES, UNIV. OF NOTRE DAME, *THE STATE OF LATINO CHICAGO: THIS IS HOME NOW* 3 (2005).

<sup>28</sup> *Id.* at 1.

<sup>29</sup> Puerto Rican Cultural Center Website, *Fiesta Boricua*, [http://prcc-chgo.org/?page\\_id=55](http://prcc-chgo.org/?page_id=55) (last visited Nov. 12, 2008).



gion's growth.<sup>30</sup> Dispelling the critics' community concerns of excess immigration is the fact that 72% of Latino's *recent* population growth is actually from "the local maternity ward."<sup>31</sup> Moreover, two-thirds of the Latinos in the Chicago region are citizens.<sup>32</sup> Interestingly, 55% of Chicago-area Latinos currently reside in the suburbs.<sup>33</sup>

Illinois could have lost a Congressional seat in the latest congressional redistricting were it not for its Latino population growth.<sup>34</sup> Economically, Latinos account for 15% of the region's work force and are responsible for 50% of the increase in owner-occupied homes.<sup>35</sup> As such, "Latinos [in Illinois] have regional household income in excess of \$20 billion," and have contributed to the rise of Mexico as the state's second largest trade partner.<sup>36</sup> As one commentator puts it, "[I]f they fail, the region fails, so it's in everyone's best interests to work together."<sup>37</sup>

This explosion of the Chicago Latino population increases the likelihood that attorneys will come into contact with Latino clients.<sup>38</sup> As a result, it is imperative that Chicago area attorneys can identify the unique legal challenges facing Latino communities, not merely to competently serve this client base, but also to avoid the disillusionment of Latino clients who will avoid legal assistance if they feel there are no empathetic, competent attorneys available to them.<sup>39</sup>

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<sup>30</sup> READY & BROWN-GORT, *supra* note 27, at 5.

<sup>31</sup> *Their Future, Our Future*, CHI. SUN TIMES, Nov. 26, 2007, at 27.

<sup>32</sup> READY & BROWN-GORT, *supra* note 27, at 21.

<sup>33</sup> ALEJO & PUENTE, *supra* note 25, at 7.

<sup>34</sup> *Id.* at 3.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Their Future, Our Future*, *supra* note 31.

<sup>38</sup> Mah, *supra* note 24, at 1721.

<sup>39</sup> *Id.* at 1722.

## II. IDENTIFYING THE LEGAL ISSUES UNIQUE TO LATINO COMMUNITIES

Some of the most salient issues affecting the Chicago Latino community include immigration, the dilemma of a language barrier, and the omnipresent danger of crime and criminal prosecution. This section confronts each issue in turn.

### A. *Issues in Immigration*

On May 1, 2006, in one of the largest rallies in the country, almost half a million people marched through downtown Chicago in solidarity against legislative measures aimed at curtailing the employment and rights of undocumented immigrants.<sup>40</sup> Notwithstanding the broad array of flags waved in the march and the scattered ethnicities found throughout the crowds, the overwhelming presence on the street was Latino.<sup>41</sup> This scene was nearly duplicated a year later, exhibiting not just the strength of Chicago immigrants in numbers, but the magnitude of the immigration issue itself.<sup>42</sup>

Statistically, immigration to Chicago peaked in 2000 at an unprecedented 40,000 new immigrants.<sup>43</sup> Today, of 740,000 foreign-born Latinos in the region, an estimated 200,000 to 250,000 are undocumented.<sup>44</sup> Lucia Velazquez, a second year law student at DePaul University, lived in the United States with her family as an undocumented resident for over 15 years.<sup>45</sup> Born in Medellin, Columbia, it was not until her sophomore year as an undergrad-

<sup>40</sup> Michael Martinez, *Rallies draw over 1 million; Economic impact not clear, but businesses note worker shortages*, CHI. TRIB., May 2, 2006, § 1 at 13.

<sup>41</sup> *Id.*

<sup>42</sup> HispanicTips, *150,000 March on Chicago*, <http://www.hispanictips.com/2007/05/02/150000-march-chicago-crowd-exceeds-expectations-many-participants-cite-last-weeks-little-village-raid/> (May 7, 2007).

<sup>43</sup> ALEJO & PUENTE, *supra* note 25, at 6.

<sup>44</sup> *Id.* at 10.

<sup>45</sup> Interview with Lucia Velazquez,\* law student, DePaul University College of Law, Chicago, Ill. (Feb. 29, 2008) (student was in first year of law school at

uate at Northeastern Illinois University that she went through the naturalization process.<sup>46</sup> She describes her response to the naturalization process as follows: "I was weirded out by questions regarding my loyalty to the U.S. - I had been living here since I was six years old!"<sup>47</sup>

This heightened notion of patriotism, combined with the current economic downturn and election year frenzy, led to "an increasing disconnect between law and reality," resulting in "immigration policies [that] hamper, rather than encourage economic growth," labor mobility and community unity.<sup>48</sup> Illegal immigration benefits government revenue more than legal immigration. The Social Security program's trustees noted in their 2008 annual report "that growing numbers of 'other than legal' workers are expected to bolster the program over the coming decades."<sup>49</sup>

Many undocumented workers pay an assortment of taxes while working in the United States but will never collect the benefits.<sup>50</sup> This windfall is expected to shore up 15% of the Social Security system's projected long-term deficit, roughly equal to a 0.3% increase in the payroll tax.<sup>51</sup> Moreover, undocumented workers, who are entering the United States at ever younger ages, are contributing to a substantial increase in working-age taxpayers, but only a minimal increase in retirees receiving benefits.<sup>52</sup>

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the time this article was written). \*Pseudonym used to protect student privacy.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> ALEJO & PUENTE, *supra* note 25, at 10 (citing Chicago Council on Foreign Relations 2 (2004)).

<sup>49</sup> Editorial, *How Immigrants Saved Social Security*, N.Y. TIMES, Apr. 2, 2008, at A26, available at <http://www.nytimes.com/2008/04/02/opinion/02wed3.html?th&emc=th>.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

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

Despite these advantages, Sheila Maloney, a U.S.-born Brazilian-American with dual citizenship, thinks the media storm surrounding the immigration debate causes a further rift and inter-ethnic tension amongst the poor or uninformed populace, who she believes “should be working together to resolve common legal issues.”<sup>53</sup> This mainstream push to force immigrants to abide by “American” customs and norms has led to, in this author’s opinion, extreme positions, such as the building of a border fence or the restricting of health care services for undocumented immigrants. One result is that Latinos have looked inward to retain “social norms that do not conform to the traditional American melting pot metaphor.”<sup>54</sup>

In cities like Chicago, the concentration of Latino immigrants with similar norms has made avoiding outsiders nearly effortless, especially in regard to professional services.<sup>55</sup> When Lucia Velazquez’s family went through the naturalization process, they contracted an unlicensed facilitator she deemed “uncaring and wholly concerned about money,” leading Velazquez to label the process “a questionable practice.”<sup>56</sup> The use of unlicensed facilitators may seem like a dodgy proposition in mainstream communities, but it is due in part to the legal profession’s inability to adapt itself to the norms of the Latino community. The result is latent distrust of the legal institution, which has effectively deterred the Latino community from confidently seeking a lawyer’s services.<sup>57</sup> Indeed, immigrants who are used to life without relying on lawyers or the legal system may see the retention of legal services as unnatural and the bureaucratic court system as unwelcoming.<sup>58</sup> As such, unlicensed facilitators and

<sup>53</sup> Interview with Sheila Maloney, Assistant Director, Program on Negotiation and Mediation, Northwestern University School of Law, in Chicago, Ill. (Mar. 15, 2008).

<sup>54</sup> Mah, *supra* note 24, at 1734.

<sup>55</sup> *Id.* at 1736.

<sup>56</sup> Interview with Lucia Velazquez, *supra* note 45.

<sup>57</sup> Mah, *supra* note 24, at 1748.

<sup>58</sup> *Id.* at 1748-49.

other unregulated paraprofessionals are able to thrive, and even become cultural institutions in concentrated Latino neighborhoods, regardless of quality or standards.<sup>59</sup>

While the legal system has been slow to respond to Chicago's ever-increasing immigrant communities, local community organizations have traditionally served as social benefactors for the betterment of Latino communities. For example, the Chicago Community Trust grants for Latinos at the local level and the New Americas Initiative assists in the pursuit of citizenship.<sup>60</sup> Even former Illinois governor Rod Blagojevich signed an executive order establishing an Office of New Americans Advocacy and Policy.<sup>61</sup> But all is not lost when it comes to enforcing the legal rights of immigrants. Besides Chicago community organizations, the National Immigrant Justice Center provides direct legal services to undocumented immigrants and immigrant refugees in their asylum petitions before federal asylum officers and up through the Seventh Circuit Court of Appeals.<sup>62</sup>

On a national level, the rights under the Equal Protection Clause of the children of undocumented immigrants have been recognized by the Supreme Court in *Plyler v. Doe*.<sup>63</sup> The Court held, by a narrow five-to-four majority, that an attempt to deny the children of undocumented immigrants the benefits of a public education violated the Equal Protection Clause of the Fourteenth Amendment.<sup>64</sup> The Court recited the Fourteenth Amendment, emphasizing that "[n]o State shall . . . deprive any person of life, liberty or property, without due process of law;

<sup>59</sup> Interview with Monica Torres-Linares, *supra* note 1.

<sup>60</sup> Chicago Community Trust, *Nuestro Futuro – Our Future*, <http://www.cct.org/page30296.cfm> (last visited May 19, 2009); Resurrection Project, *New Americans Initiative Citizenship Workshop*, <http://www.resurrectionproject.org/calendar.aspx?pointer=4810&view=past> (last visited May 19, 2009).

<sup>61</sup> ALEJO & PUENTE, *supra* note 25, at 9.

<sup>62</sup> Nat'l Immigrant Justice Ctr., <http://www.immigrantjustice.org/about/> (last visited Nov. 15, 2008).

<sup>63</sup> 457 U.S. 202 (1982).

<sup>64</sup> *Id.* at 224-25.

nor deny *any person within its jurisdiction* the equal protection of the laws.”<sup>65</sup> *Plyler*, argued by attorneys from the Mexican American Legal Defense Fund (MALDEF), exemplifies improvements that have been made to bridge the gap between the legal profession and the Latino community. *Plyler* shows that lawyers who empathize with or attempt to understand the clients’ backgrounds will successfully break through to clients and, in the process, will also dispel misperceptions of lawyers as “cold, uncaring, uncommunicative, [or] disinterested in anything but the ‘relevant facts’ . . . .”<sup>66</sup>

In essence, a culturally aware attorney can effectively inform Latino immigrant clients of the decision-making process and educate them about the benefits of the U.S. legal system.<sup>67</sup> As one lawyer emphatically states, “It is the responsibility of lawyers to understand these cultural norms and to devise new legal norms that will better serve the diverse populations of this country.”<sup>68</sup> The nation as a whole will benefit when Latinos “gain greater appreciation and awareness of American law and norms.”<sup>69</sup> Correspondingly, Latino immigration, which has indeed benefited this nation socially, politically and economically, should be cultivated and encouraged.<sup>70</sup>

<sup>65</sup> *Id.* at 210. See *Lau v. Nichols*, 414 U.S. 563, 566 (1974) (explaining that “[T]here is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.”).

<sup>66</sup> Mah, *supra* note 24, at 1750 (quoting Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U.L. REV. 1337, 1411-12 (1997)).

<sup>67</sup> *Id.* at 1757.

<sup>68</sup> *Id.* at 1772.

<sup>69</sup> *Id.* at 1764.

<sup>70</sup> The Statute of Liberty-Ellis Island Found., *The Peopling of America 1820-1880*, [http://www.ellisland.org/immexp/wseix\\_5\\_2.asp](http://www.ellisland.org/immexp/wseix_5_2.asp) (last visited Nov. 15, 2008).

### ***B. Issues with the Language Barrier***

There was a time in the past when immigrants were expected to give up their identity in the process of becoming “American.” Elizabeth Gutierrez, formerly an attorney for the City of Chicago Department of Law, remarks that her grandparents “took pride in learning English and fitting into society.”<sup>71</sup> Monica Torres-Linares observes that her adopted grandmother’s family, arriving from Jalisco, Mexico to Moline, Illinois in the 1920s, “learned English to survive as they were the first of a very small population.”<sup>72</sup> But today’s culture is such that Latinos are in no hurry to lose their language.<sup>73</sup> In the Chicago area, over three-quarters of Latino households use both English and Spanish.<sup>74</sup> In essence, Latinos in the Chicago area “are both becoming ‘American’ and retaining a strong ethnic identity.”<sup>75</sup>

Spanish-speaking Latinos, however, have historically faced an uphill battle in effectively communicating with the court system, either through lawyers or interpreters. They run the risk of becoming “uninformed observers, possibly understanding less about their own trial than anyone else in the courtroom.”<sup>76</sup> This condition subjects Spanish-speaking Latinos to severe discrimination in both courtrooms and the political process, as some minimal knowledge of English is considered necessary to understanding one’s rights.<sup>77</sup> Unlike immutable characteristics like race and gender, or even physical disability, the lack of English fluency is regularly blamed on the speaker.<sup>78</sup> Arizona’s prohibi-

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<sup>71</sup> Interview with Elizabeth Gutierrez, former Assistant Corporation Counsel, City of Chicago Dep’t of Law, in Chicago (Apr. 10, 2008).

<sup>72</sup> Interview with Monica Torres-Linares, *supra* note 1.

<sup>73</sup> ALEJO & PUENTE, *supra* note 25, at 6.

<sup>74</sup> *Id.* at 7.

<sup>75</sup> *Id.* at 6.

<sup>76</sup> Daniel J. Rearick, *Reaching Out to the Most Insular Minorities: A Proposal for Improving Latino Access to the American Legal System*, 39 HARV. C.R.-C.L. L. REV. 543, 543 (2004).

<sup>77</sup> *Id.* at 544.

<sup>78</sup> *Id.* at 560.



tion on non-English communication, discussed in *Yniguez v. Arizonans for Official English*, is the best evidence of this attitude.<sup>79</sup>

In November of 1988, 50.58% of Arizona voters approved Article XXVIII of the Arizona Constitution, which amended the document to read that the “State and all . . . political subdivisions [of this State] . . . shall act in English and in no other language.”<sup>80</sup> The Court of Appeals for the Ninth Circuit struck down the constitutional article, noting:

[u]nder Article XXVIII, of course, the state is not singling out one word for repression, but rather entire vocabularies. Moreover, the languages of Cervantes, Proust, Tolstoy, and Lao-Tze, among others, can hardly be described as “scurrilous.” In this case, therefore, the Court’s admonishment that “in a society as diverse and populous as ours” the state has “no right to cleanse public debate” of unpopular words, rings even truer . . . . While *Arizonans for Official English* complains of the “Babel” of many languages, . . . this “verbal cacophony is . . . not a sign of weakness but of strength.”<sup>81</sup>

Regrettably, the Ninth Circuit Court of Appeals later reversed the ruling *en banc*.<sup>82</sup> The Arizona Supreme Court eventually struck down the article as violating the First and Fourteenth Amendments of the U.S. Constitution.<sup>83</sup> But the language of the original decision points to a larger central theme, which recognizes that legal solutions to official language barriers require the full participation of the legal profession to “actively seek out

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<sup>79</sup> 42 F.3d 1217, 1220 (9th Cir. 1994).

<sup>80</sup> *Id.* at 1221.

<sup>81</sup> *Id.* at 1232.

<sup>82</sup> *Yniguez v. Arizonans for Official English*, 69 F.3d 920 (9th Cir. 1994).

<sup>83</sup> *Ruiz v. Hull*, 191 Ariz. 441 (1998).

means of providing higher quality services to those who do not speak proficient English.”<sup>84</sup>

Other federal circuits have also confronted the issue of language barriers to Latino immigrants. In *Negron v. New York*, the Second Circuit held that the Sixth Amendment right to confront adverse witnesses guarantees criminal defendants the right to use an interpreter in court proceedings against them.<sup>85</sup> The *Negron* Court reasoned that to the non-English speaking defendant, “the trial must have been a babble of voices,” and thus lacked the basic fairness required by the Due Process Clause of the Fourteenth Amendment.<sup>86</sup> The court found that “[n]ot only for the sake of effective cross-examination, . . . but as a matter of simple humaneness, Negron deserved more than to sit in total incomprehension as the trial proceeded.”<sup>87</sup>

Eight years after *Negron*, Congress passed the Court Interpreters Act of 1978.<sup>88</sup> Under the Act, non-English speakers have a right to an interpreter, but only when defending against a U.S. government-initiated suit in the federal courts.<sup>89</sup> Even then, “the decision to provide an interpreter is left to the discretion of the judge, who must decide whether a party or witness ‘speaks only or primarily a language other than English.’”<sup>90</sup> Federal courts have not always ruled in favor of Spanish-speakers challenging language barriers. In the context of the workplace, courts have ruled that “the language a person who is multi-lingual elects to speak at a particular time is by definition a matter of choice,”

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<sup>84</sup> Rearick, *supra* note 76, at 551.

<sup>85</sup> 434 F.2d 386, 389 (2d Cir. 1970).

<sup>86</sup> *Id.* at 388-89.

<sup>87</sup> *Id.* at 390.

<sup>88</sup> See generally 28 U.S.C. § 1827 (1996).

<sup>89</sup> § 1827(a); see also Rearick, *supra* note 76, at 552.

<sup>90</sup> Rearick, *supra* note 76, at 554. As a former volunteer interpreter in Urbana, Illinois, the author of this article notes that, at the state court level, the quality of interpreters varies noticeably.

and that rules mandating English in the confines of the work place and during work hours pass constitutional muster.<sup>91</sup>

Interestingly, Canada has struggled with the issue of language equality for decades. Some Canadian practitioners believe that a requirement of “bilingualism in all its practitioners” is necessary because Canada holds court proceedings and publishes its court records and decisions in French as well as English.<sup>92</sup> In 50 years, the United States’ Latino population may equal, if not exceed, Canada’s current population levels of French-speakers.<sup>93</sup> Many regions of the United States, perhaps even within Chicago, are already becoming Spanish-language dominant.<sup>94</sup> Realistically, however, with English firmly entrenched as the legal, political and educational language of the nation, few people advocate for jurisprudential precedent in two languages.

In truth, few Americans have attempted to learn another language, and lawyers are no exception.<sup>95</sup> Although the perceived value of proficiency in Spanish has increased in recent years,<sup>96</sup> the most immediate gains to the Chicago Latino community would come from an increased availability of Latino lawyers in the area and not just an increased interest in the language. Latino attorneys, primarily from first and second generation families, can not only communicate more efficiently with an increasing number of Spanish-speaking clients but can also perhaps sympathize with the alienation a client feels when dealing with what amounts to a foreign legal system.

<sup>91</sup> See *Garcia v. Gloor*, 618 F.2d 264, 270 (5th Cir. 1980); see also *Garcia v. Spun Steak Company*, 998 F.2d 1480, 1490 (9th Cir. 1993), *cert. denied* 512 U.S. 1228 (1996) (company that fired workers for failing to comply with English-only rule on company property did not violate Title VII).

<sup>92</sup> Rearick, *supra* note 76, at 575.

<sup>93</sup> *Id.* at 571.

<sup>94</sup> *Id.* at 570-71.

<sup>95</sup> *Id.* at 557.

<sup>96</sup> *Id.* at 580 (stating that “[t]he number of college students studying Spanish has increased substantially from a low of 362,200 in 1974 to 658,600 in 1998.”).

Moreover, the mere presence of Latino attorneys in courtrooms and boardrooms, which are viewed generally as cold and transactional, can have the effect of changing the cultural perspective of the legal system. If the goal is to ease the expected anxiety and apprehension that, at times, prevents Latino clients from enforcing their rights or showing up to a courtroom at all, we must encourage and facilitate the advancement of talented, Spanish-speaking Latinos entering into the practice of law.

### C. *Issues in Criminal Justice*

Jonathan Arias, like many urban Latinos, experienced gang violence, random shootings and even police persecution as a youth in his south side Chicago neighborhood.<sup>97</sup> Without a doubt, crime and violence are perennial problems that have consistently challenged all Chicago communities. During one recent weekend alone, 32 people were shot, seven fatally, in what became a sobering national news headline.<sup>98</sup> Now a third-year law student at The John Marshall Law School, Jonathan saw law school as a potential vehicle to correcting the social ills endemic to the Chicago inner city.<sup>99</sup> He resolved early on to pursue a career in criminal prosecution and perhaps seek a future appointment or election as judge, because both positions exercise “the power to determine the process and outcome for the accused.”<sup>100</sup>

Chicago Latinos, especially immigrants, perceive that the criminal justice system is biased against them. This fear is bolstered by mainstream opinions that reject any special or preferential treatment to immigrants. One journalist summed up the clash of cultures Latino immigrants experience as: “You [immi-

<sup>97</sup> Interview with Jonathan Arias, third-year law student, The John Marshall Law School, in Chicago, Ill. (Apr. 9, 2008).

<sup>98</sup> Rummana Hussain & Lisa Donovan, *Weekend of Rage*, CHI. SUN-TIMES, Apr. 21, 2008, at 3.

<sup>99</sup> Interview with Jonathan Arias, *supra* note 97.

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

grants] come here hoping to be respected for your traditions and customs, but you also have to respect the traditions here.”<sup>101</sup> Yet, it is exactly this clash of customs and the resulting lack of cultural understanding that puts Latinos in a perilous position vis-à-vis law enforcement.

As it happens, two of the seminal cases in criminal procedure jurisprudence involve Latinos as the defendants. The first, *Escobedo v. Illinois*, concerned, as the Court put it, “a 22 year-old of Mexican extraction.”<sup>102</sup> Held at the former Chicago police headquarters at 11th and State, he was refused an opportunity to consult with his counsel after several requests and was not notified of his constitutional right to keep silent.<sup>103</sup> In holding that Escobedo had been denied the assistance of counsel in violation of the Sixth and Fourteenth Amendments, the Supreme Court noted:

Petitioner, a layman, was undoubtedly unaware that under Illinois law an admission of “mere” complicity in the murder plot was legally as damaging as an admission of firing of the fatal shots. . . . The “guiding hand of counsel” was essential to advise petitioner of his rights in this delicate situation.<sup>104</sup>

As penetrating as *Escobedo* was to the criminal justice system, the effects of the next case on police procedure, not to mention popular culture, have outlasted many constitutional scholars’ expectations of that era. In *Miranda v. Arizona*, the Latino defendant was arrested by the police and taken to a special interrogation room.<sup>105</sup> There, he signed a confession containing a typed paragraph stating that the confession was made

<sup>101</sup> Vanessa Bauza, *Study aims to aid Latino immigrants*, CHI. TRIB., Nov. 19, 2007, Metro, at 1.

<sup>102</sup> 378 U.S. 478, 478 (1964).

<sup>103</sup> *Id.*

<sup>104</sup> *Id.* at 486.

<sup>105</sup> 384 U.S. 436 (1966).

voluntarily and with full knowledge of his legal rights.<sup>106</sup> In short, the U.S. Supreme Court reversed his conviction, holding that Miranda's confession was inadmissible because he was not in any way notified of his right to counsel, nor was his privilege against self-incrimination effectively protected in any other manner.<sup>107</sup> In a now infamous passage, the court summarized the rights of the arrested as follows:

He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires.<sup>108</sup>

*Miranda* is perpetually in danger of Supreme Court reversal but has mercifully withstood the test of time.<sup>109</sup> Of particular relevance for Latinos, *Miranda* guarantees that regardless of an accused's comprehension of the Constitution or the criminal justice system, safeguards are in place for one's legal well-being.

Yet, having worked as a paralegal at MALDEF for the past two years, Lillian Jimenez vigorously asserts that pressing issues continue to occur in the field of criminal justice, or rather "injustice."<sup>110</sup> "The numbers of Latinos entering jails versus those graduating from high school in Chicago show definitively that the lack of education and differences in culture perpetuate insti-

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<sup>106</sup> *Id.*

<sup>107</sup> *Id.* at 499.

<sup>108</sup> *Id.* at 479.

<sup>109</sup> See *Dickerson v. U.S.*, 530 U.S. 428, 445 (2000) (Scalia, J., dissenting) ("One will search today's opinion in vain, however, for a statement (surely simple enough to make) that what 18 U.S.C. § 3501 prescribes—the use at trial of a voluntary confession, even when a *Miranda* warning or its equivalent has failed to be given—violates the Constitution.").

<sup>110</sup> Interview with Lillian Jimenez, first-year law student, DePaul University College of Law, in Chicago, Ill. (Mar. 5, 2008).

tutional racism,” Lillian argues.<sup>111</sup> National statistics bear out Lillian’s observation. Of the 2.3 million people in the United States behind bars in 2006, Latinos accounted for 20.5%, and this rate is increasing.<sup>112</sup> Among Latino men, those aged 25 to 29 were incarcerated at the highest rates (about 2.5%).<sup>113</sup> Moreover, a majority of Latino (54%), as well as black (53%) prisoners were sentenced for violent offenses, compared to about half (50%) of white prisoners, and were more likely than whites to be sentenced for drug offenses (23% of blacks, 21% of Latinos, and 15% of whites).<sup>114</sup>

As a former assistant public defender, Monica Torres-Linares says that as she surveyed the faces at the Cook County Circuit Courts and jail at 26th and California, she saw “pretty much just blacks and Latinos.”<sup>115</sup> Although recent county numbers have not been published, this observation rings true to those who visit the facilities and substantiates the need for additional Latino lawyers, both in the public sector and private practice, to service this subgroup.<sup>116</sup>

Whether it’s an innocently arrested Latino who lacks English-language capabilities, or a desperate mother whose child has been whisked away by the Department of Children and Family Services, or even a convicted, tattooed gang-member who is looking to reduce a lengthy prison sentence, the Latino client pool is replete with individuals requiring zealous representation, each with a story to share to a sympathetic ear. When it comes to law enforcement, too many in the Latino community are likely to see themselves as criminal defendants, like Danny Escobedo or Ernesto Miranda, than they are officers of the law.

<sup>111</sup> *Id.*

<sup>112</sup> WILLIAM J. SOBOL ET AL., BUREAU OF JUSTICE STATISTICS BULLETIN, PRISONERS IN 2006 6-7 tbl.8 (2007), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/p06.pdf>.

<sup>113</sup> *Id.* app. at 23 tbl.7.

<sup>114</sup> *Id.* app. at 25 tbl.10.

<sup>115</sup> Interview with Monica Torres-Linares, *supra* note 1.

<sup>116</sup> *Id.*



The legal issues Latinos face require committed, passionate advocacy in steadfast protection of the Latino community, as well as Latino attorney role models to fill these voids where they exist.

### III. DECONSTRUCTING THE LACK OF ACCESS TO LAW SCHOOLS

Many barriers stand in between Latino students and the law school experience. The first barrier the Latino community must overcome is its own general view of the legal profession. Mistrust of and general lack of knowledge about the profession put hopeful Latinos at a disadvantage. Similarly, an arduous application process makes access to law schools more difficult for the Latino community.

#### A. *Latino Views of the Legal Profession*

Back in Columbia, Lucia Velazquez had lawyers in her extended family.<sup>117</sup> Living near the notorious drug kingpin Pablo Escobar, her father received countless threats and was forced to move his family around the country and eventually to the United States.<sup>118</sup> As a result of her experiences, she easily saw a career in law as “an opportunity to do some justice.”<sup>119</sup> Like Lucia, Latino individuals generally have compelling life stories that influence their decision to pursue a legal career. Though the great majority cannot claim to have outrun a foreign drug cartel, the fact remains that merely being a Latino in the United States shapes a unique perspective of law and the legal profession. For Sheila Maloney, a Brazilian-American and Clinical Assistant Law Professor at Northwestern University School of Law, “The

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<sup>117</sup> Interview with Lucia Velazquez, *supra* note 45.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

expectations of the stereotypical Latina role were unappealing, and I used that as a catalyst to continue my studies.”<sup>120</sup>

For most Latinos, however, there is little to no personal connection to lawyers or the legal profession, so it is undergraduate pre-law counselors, individual research and even popular culture that guide the Latino individual to a law school education. After her own research, Sandy Sobenes, a recent graduate of the University of Minnesota Law School, saw the J.D. degree as “one which could help me achieve many successes in a long career including, but not exclusive to, law.”<sup>121</sup>

Even as the potential salaries and distinguished reputation of the profession draw outsiders to aspire to the bar, the academic rigors of law school and niche subjects of real-world practice should give pause to those not fully committed to the study of law. Elizabeth Gutierrez, a graduate of the University of Chicago Law School, advises undecided undergraduates to “get informed prior to deciding upon law school.”<sup>122</sup> But for Latinos with little exposure to legal professionals, finding out where to get information on law school life can seem as difficult as law school itself. As a result, many talented Latino students “fail to seriously consider legal careers because they lack reliable information about the demands of law school and the legal profession, and confidence in their own abilities.”<sup>123</sup> Fortunately, an array of pre-start programs, some described below, have surfaced in recent decades, providing the necessary link between the uninformed, though motivated, law school candidate and the

<sup>120</sup> Interview with Sheila Maloney, *supra* note 53.

<sup>121</sup> Interview with Sandy Sobenes, law student, Chicago-Kent College of Law, in Chicago, Ill. (Mar. 6, 2008).

<sup>122</sup> Interview with Elizabeth Gutierrez, *supra* note 71.

<sup>123</sup> William Malpica & Mauricio A. España, *Expanding Latino Participation in the Legal Profession: Strategies for Increasing Latino Law School Enrollments*, 30 FORDHAM URB. L.J. 1393, 1414 (2002-03) (quoting Mary Kay Lundwall, *Increasing Diversity in Law Schools and the Legal Profession*, 14 CHICANO-LATINO L. REV. 147, 153 (1994)).

indispensable knowledge required to make the educated decision to apply to law school.

The most notable of these is the Council on Legal Education Opportunities ("CLEO") program.<sup>124</sup> Sponsored by the American Bar Association (ABA), law schools, law firms and corporations, CLEO's "purpose is to give applicants [to law school], especially disadvantaged ones, a head start."<sup>125</sup> In the head start-type program and placement service, CLEO students study for six weeks during the summer and are subsequently evaluated.<sup>126</sup> Law schools are allowed to review these evaluations and interview students, and most CLEO students attend law school after the program.<sup>127</sup>

Many law schools have devised their own specialized pre-start programs to introduce and train disadvantaged or minority students in legal scholarship. For example, the University of Illinois College of Law customarily administers its Law-Minority Access Program (LawMAP), which was "designed to diversify [the legal] profession by encouraging promising minority undergraduate students to consider a life in the law."<sup>128</sup> A summer program, LawMAP accepts 12-15 minority undergraduates to attend uncredited College of Law courses and then arranges four-week externships with reputable Chicago law firms.<sup>129</sup> Since its inception, "the program has successfully seeded a love of the law in many of its students, a number of whom have stayed to do their law degrees at the University of Illinois, and many of whom have gone on to other leading law schools."<sup>130</sup>

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<sup>124</sup> Council on Legal Education Opportunities (CLEO) Program, <http://www.deloggio.com/diversty/cleo.htm> (last visited Nov. 24, 2008).

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> Letter from Heidi M. Hurd, Dean, University of Illinois College of Law, to Students et al., (Mar. 2004), *available at* <http://www.law.uiuc.edu/content/newsletter/2004/march.asp>.

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

According to some authors, "While pre-start programs have undoubtedly assisted many Latino students in obtaining law degrees, they are not designed to *increase* the pool of qualified minority applicants."<sup>131</sup> Law students themselves, "uniquely positioned to recruit future law students," have organized at most law schools Latin American Law Student Associations (LALSA).<sup>132</sup> According to Monica Torres-Linares, local Chicago LALSA groups conduct regular recruitment programs and outreach to local colleges and high schools, and enlighten students on the law school application process.<sup>133</sup> The successful work of the collective LALSA organizations in Illinois has led to the formation of the Illinois Latino Law Student Association (ILLSA).<sup>134</sup> ILLSA's yearly event, the Forum, brings together young Chicago Latinos attracted to, though still probing, the law school path. As one lawyer puts it, "The very act of presenting Latino [student] role models helps prospective applicants to envision themselves in the position of [a] law student."<sup>135</sup>

The stereotypical view of the lawyer's personality as conservative, rational and objective to the point of being unemotional and impersonal, also contributes to the lack of Latinos in the legal field.<sup>136</sup> As Oliver Wendell Holmes once observed, "Lawyers are inclined to eliminate the dramatic elements of a client's story."<sup>137</sup> This view of the profession creates a wide chasm between the expected cultural traits of Latinos as familial, affectionate and community-oriented, and the cold, rational attorney. To be sure, the visible absence of Latino lawyers, or lawyers of any minority background, has contributed to the strength of the

<sup>131</sup> Malpica & España, *supra* note 123, at 1413.

<sup>132</sup> *Id.* at 1414.

<sup>133</sup> Interview with Monica Torres-Linares, *supra* note 1.

<sup>134</sup> Ill. Latino Law Student Ass'n (ILLSA), <http://www.illsa.org/index.php?id=home> (last visited Nov. 24, 2008).

<sup>135</sup> Malpica & España, *supra* note 123, at 1415.

<sup>136</sup> Mah, *supra* note 24, at 1727.

<sup>137</sup> *Id.*

stereotype and has discouraged some talented Latino students from seeking out lawyers as role models.

Caty Bautista, a Mexican-American native of the south side of Chicago, is one such applicant who was initially dissuaded.<sup>138</sup> Having an older sister who is a lawyer, Caty was exposed to lawyers for the first time when meeting her sister's colleagues.<sup>139</sup> She was struck by the truth to "the white, upper class stereotype," of attorneys which was truly pervasive amongst the lawyers' backgrounds.<sup>140</sup> Moreover, having participated in a mock trial competition as a student at the University of Illinois-Chicago, she found a clearly identifiable imbalance of students toward conservative ideals, which put her squarely "outside of [her] comfort zone."<sup>141</sup>

### ***B. The Application Process***

"I have to live life in the meantime – that's my biggest barrier to successfully getting through the process."<sup>142</sup> Caty Bautista paid for and attended a commercial preparation course for the Law School Admission Test ("LSAT"), but as a full-time student at the time and leader of a community organization, she found the process excessively time-consuming.<sup>143</sup> As challenging and rewarding as a law school education can be, the admissions process can seem onerous and, at times, arbitrary. Law schools maintain a restrictive, highly selective admissions process to restrict entry to only the most talented, capable individuals.<sup>144</sup> These conditions at the law school level "do more than simply limit the number of new lawyers – they limit the values, behav-

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<sup>138</sup> Interview with Caty Bautista, Paralegal, Mexican American Legal Defense and Educational Fund, in Chicago, Ill. (Mar. 5, 2008).

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> Mah, *supra* note 24, at 1725.

iors, and norms” that shape the environments and principles of law schools and the profession.<sup>145</sup> Customary selectivity persists, which has, in part, contributed to the consistently low enrollment of Latino law students. Critics of this process assert that Latinos who enter law schools outperform other groups in matters “central to the legal profession, such as leadership, professional success, public interest and contribution to the community.”<sup>146</sup> Particularly for Mexican-Americans and Puerto Ricans, whose enrollments at law schools nationwide were at respective highs of 2,695 in 2004 - 2005 for Mexican-Americans and of 718 in 1994-5 for Puerto Ricans, the latest figures of 2,498 and 592 students, respectively, illustrate the struggle to maintain increased enrollments for these Latino sub-groups.<sup>147</sup>

More often than not, the power of law school admission lies solely with the law school’s dean or chief officer of admissions. Assistant and associate deans interviewed for this article requested anonymity, but consensus arose on two issues. First, law schools use the combination of undergraduate grades, strength of undergraduate program and, most importantly, score on the LSAT to determine the intelligence or competence of a candidate. Secondly, diversity is a useful, though not determining factor, in assessing a candidate’s potential contribution to the entering law school class.

Sheila Maloney took the LSAT twice.<sup>148</sup> With a study partner, she was able to do well enough on her first LSAT to be accepted to some local law schools but decided instead to spend a year as a teacher with Teach for America in Houston, Texas.<sup>149</sup> It was only after her public interest experience that she agreed to pay

<sup>145</sup> *Id.*

<sup>146</sup> Malpica & España, *supra* note 123, at 1404.

<sup>147</sup> Am. Bar Ass’n, Mexican American J.D. Enrollment 1971-2007, *available at* <http://www.abanet.org/legaled/statistics/charts/stats%20-%2014.pdf>, Am. Bar Ass’n, Puerto Rican J.D. Enrollment 1971-2007, *available at* <http://www.abanet.org/legaled/statistics/charts/stats%20-%2015.pdf>.

<sup>148</sup> Interview with Sheila Maloney, *supra* note 53.

<sup>149</sup> *Id.*

\$900 for the Kaplan LSAT preparation course.<sup>150</sup> According to Sheila, “It made me angry to learn the ‘games’ that were necessary to know in order to succeed at the LSAT – it had little to nothing to do with law!”<sup>151</sup>

Regarding the “intelligence” component, law schools have customarily associated an LSAT score with a student’s probable (or improbable) success in law school. A standardized exam, the LSAT consists of five sections, including three different types of multiple-choice questions.<sup>152</sup> According to the Law School Admission Council:

[t]he LSAT is designed to measure skills that are considered essential for success in law school: the reading and comprehension of complex texts with accuracy and insight; the organization and management of information and the ability to draw reasonable inferences from it; the ability to think critically; and the analysis and evaluation of the reasoning and arguments of others.<sup>153</sup>

Critics, including this author, argue that law schools unduly rely primarily on the LSAT to make admissions decisions. Notably, “the subject matter of LSAT questions, like those of standardized tests generally, contain inherent cultural biases in favor of majority test takers.”<sup>154</sup> Moreover, and true to Sheila’s concerns, “critics note that LSAT scores may be affected by test coaching, which is expensive or otherwise unavailable to lower income students.”<sup>155</sup>

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<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> Law School Admission Council, About the LSAT, <http://www.lsac.org/LSAT/about-the-lsat.asp> (last visited Nov. 22, 2008).

<sup>153</sup> *Id.*

<sup>154</sup> Malpica & España, *supra* note 123, at 1402 (citing William C. Kidder, Comment, *Does the LSAT Mirror or Magnify Racial and Ethnic Differences in Educational Attainment?: A Study of Equally Achieving “Elite” College Students*, 89 CAL. L. REV. 1055, 1074-76 (2001)).

<sup>155</sup> *Id.* at 1403.

Fortunately, as important as the LSAT score is to an admissions officer's decision, there are other, intangible qualities in a student's application that can sway an assessment. Diversity is one of those qualities, and this can include an applicant's geographic domicile, undergraduate major, work experience, age or gender, in addition to race and ethnicity. According to one assistant dean, diversity helps to assemble an entering class of individuals with unique perspectives on life that will contribute to the varied viewpoints in classes and enrich everyone's learning experience.

Recently, however, even the limited use of race in the admissions process has come under attack. The line of cases starts with *Regents of the University of California v. Bakke*.<sup>156</sup> In *Bakke*, the Supreme Court struck down an affirmative action policy where the University of California-Davis medical school had reserved 16 out of 100 seats for "disadvantaged" students.<sup>157</sup> In doing so, the plurality decision concluded that the university had a compelling interest in achieving diversity but not in the form of quotas.<sup>158</sup>

Citing heavily to *Bakke*, the U.S. Court of Appeals for the Fifth Circuit concluded in *Hopwood v. Texas* that the University of Texas School of Law could not use race at all as a factor in law school admissions.<sup>159</sup> The following year, the number of admitted African-American students at the University of Texas School of Law fell from 65 to 11.<sup>160</sup>

More recently, the Supreme Court re-examined the issue under a tandem of cases. The Court in *Gratz v. Bollinger* struck

<sup>156</sup> 438 U.S. 265 (1978).

<sup>157</sup> *Id.* at 275, 379.

<sup>158</sup> *Id.* at 314, 320.

<sup>159</sup> 78 F.3d 932, 946 (5th Cir. 1996), *abrogated by* Grutter v. Bollinger, 539 U.S. 306 (2003).

<sup>160</sup> Malpica & España, *supra* note 123, at 1405. Similarly, at the University of California at Berkeley School of Law, the number of admitted African-American students decreased from seventy-five to fifteen between 1996 and 1997.



down the University of Michigan's undergraduate affirmative action scheme whereby "underrepresented" ethnic groups, including Latinos, received an automatic 20 point bonus on a point-system admissions scale.<sup>161</sup> In contrast, the Court in *Grutter v. Bollinger* upheld the University of Michigan Law School's scheme for affirmative action, where diversity was a "flexible" and "individualized" consideration of a candidate's possible contributions.<sup>162</sup> The Court found that the law school's interest in obtaining a "critical mass" of minority students was indeed a narrowly tailored use of reaching the compelling interest of diversity.<sup>163</sup> Interestingly, Justice O'Connor noted that the Court expected that 25 years into the future, racial affirmative action would no longer be necessary in order to promote diversity.<sup>164</sup> But, as mentioned, there is little evidence to suggest that disadvantaged groups, particularly Latinos, will see any sizeable increase in admission to the bar in the near or distant future.

Notwithstanding these aforementioned cases and their attempts to resolve issues of the use of race during the admissions process, there are other pressing issues particular to Latino law school candidates that affect the viability of going through three years of law school at all. First, many Latinos, like Caty Bautista and Sheila Maloney, weigh their decision on whether or not to attend law school after having already joined the full-time workforce. This leaves less time to focus on the application process, which includes LSAT preparation and research into the specializations of the schools themselves. Moreover, when measured against the cost to an entire family, law school can be viewed as a sacrifice, not an opportunity. Studies show that Latinos are less inclined than the mainstream population to take out

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<sup>161</sup> 539 U.S. 244, 275-76 (2003).

<sup>162</sup> 539 U.S. 306, 334, 343-44 (2003).

<sup>163</sup> *Id.* at 329, 333.

<sup>164</sup> *Id.* at 343.

loans to pay for education costs.<sup>165</sup> As such, Latinos enroll in part-time law school programs and remain at their jobs full-time at higher rates than other groups in order to finance their education and real-world expenses, like raising a family.<sup>166</sup>

Expecting the exorbitant costs associated with attending law school, Sheila Maloney worked as a waitress and a runner at the Chicago Board of Trade to earn a little extra money.<sup>167</sup> Similarly, having worked full-time for the last eight years, Lillian Jimenez started thinking of law school two years ago and admits that “it took a while for [her] to figure it out.”<sup>168</sup> She took the LSAT twice while continuing to work full-time.<sup>169</sup> Happily, she had multiple offers from law schools and is now seeking role models to guide her through what she expects to be a difficult and time-consuming three years at DePaul University College of Law.<sup>170</sup> Like many Latino law students who are beginning law school at older ages, Lillian admits to nerves upon thinking, “How will I relate to these 22 year olds?”<sup>171</sup>

#### IV. DROWNING IN THE LAW SCHOOL EXPERIENCE

It had been a good year for minorities. . . . In the America of a decade or fifteen years ago, it is all but certain that many members of my class would not have been there. In the recent past, however, there has been an astonishing rise in the enrollment of women and racial minorities in American law schools. There are three-times more black and

<sup>165</sup> EIRC Clearinghouse on Urban Education, *Latinos in School: Some Facts and Findings*, ERIC Digest 162, <http://www.ericdigests.org/2001-3/facts.htm> (last visited Nov. 18, 2008).

<sup>166</sup> Interview with Monica Torres-Linares, *supra* note 1; Interview with Jonathan Arias, *supra* note 97; Interview with Sheila Maloney, *supra* note 53.

<sup>167</sup> Interview with Sheila Maloney, *supra* note 53.

<sup>168</sup> Interview with Lillian Jimenez, *supra* note 110.

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> *Id.*

Spanish-surnamed law students in U.S. law schools . . . and the growth in female enrollment has been kind of a social miracle. . . . As the year had worn on, I had watched with some interest to see how those working their way up from the short end of the stick were doing . . . . The answer, in brief, was very well.<sup>172</sup>

**A. *First Year Blues and the Clash of Cultures***

On the whole, law schools teach the Anglo tradition of common law, which upholds above all other principles the rights of individuals.<sup>173</sup> Arguably, this legal principle can foster individualism that may discourage students from too closely involving themselves with future clients, condition them to disconnect the professional role from the personal and demand an unnatural transactional view of clients.<sup>174</sup> The ABA Model Rules of Professional Conduct require that attorneys limit the substantive scope of representation, which can be interpreted, especially by Latino clients, as an unwelcome separation of an emotional nature.<sup>175</sup> To the contrary, Latino individuals seek services that will humanize their circumstances and themselves, and Latino law students transfer this perspective to their legal studies. When law schools emphasize the imperative of impersonal separation and distance, Latinos come across their first emotional conflict. Citing his experience at John Marshall, Jonathan Arias regrets “the lack of humanity, and . . . the [lack of] value placed on diversity at the law school.”<sup>176</sup>

This emphasis on independence and individualism at the institutional level trickles down into the classrooms where, as

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<sup>172</sup> SCOTT TUROW, ONE L 219 (Warner Books 1988) (1977).

<sup>173</sup> Mah, *supra* note 24, at 1731.

<sup>174</sup> *Id.* at 1728.

<sup>175</sup> MODEL RULES OF PROF'L CONDUCT R. 1.2(c) (2008), available at [http://www.law.cornell.edu/ethics/aba/current/ABA\\_CODE.HTM#Rule\\_1.2](http://www.law.cornell.edu/ethics/aba/current/ABA_CODE.HTM#Rule_1.2).

<sup>176</sup> Interview with Jonathan Arias, *supra* note 97.

Jonathan observed, the notions of diversity and cultural awareness took a backseat to that of individual resilience.<sup>177</sup> Referring to his undergraduate experience at the University of Wisconsin-Madison, he asserts, "Coming from that experience, I'm totally dissatisfied with the resources available to students to enhance the learning experience."<sup>178</sup> Also unique to his, and many Latinos' experience is the fact that, as a father and a husband, his time is more decidedly spent on family matters.<sup>179</sup> During his classes or study hours, he relies on extended family to aid him through this difficult time.<sup>180</sup> So it was to his surprise that, when seeking guidance for his specific issues on law school acculturation, he had a law counselor tell him to "grow up," nullifying his expectation of empathy for his cultural and familial status.<sup>181</sup>

Most first year law students also experience the "Socratic method" for the first time, an ancient form of teaching whereby a professor asks "continual questions until a contradiction [is] exposed, thus proving the fallacy of [an] initial assumption."<sup>182</sup> In its current form, the Socratic Method aims to induce students to arrive at the heart of a judgment, statute or policy.<sup>183</sup> Yet, in its application, it can be one of the most stressful events in a law student's academic life. Stories of law students made to stand in silence or being berated by a wily law professor for several minutes at a time are ubiquitous at law schools. Adding dimension to those experiences is the absence of Latino student peers and openly antagonistic attitudes on race or diversity. The conflu-

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<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> Univ. of Chicago Law Sch., The Socratic Method, <http://www.law.uchicago.edu/socrates/method.html> (stating that "the Socratic Method is a tool and a good one at that used to engage a large group of students in a discussion, while using probing questions to get at the heart of the subject matter") (last visited Apr. 30, 2008).

<sup>183</sup> *Id.*

ence of these factors has led to many unhappy experiences for Latino law students.

As a first year law student, Lucia Velazquez found law school “too competitive, and somewhat lonely.”<sup>184</sup> With little feedback provided throughout the semester, and with one professor seemingly “taking it out on the students,” the law school culture has clashed entirely with the supportive, nurturing atmosphere that was provided to her and other Latinos and students as an undergraduate at Northeastern Illinois University.<sup>185</sup> But she rejects seeking special treatment as a Latina, as “the circumstances are hard on all students.”<sup>186</sup> Although she finds law school “difficult and stressful,” she expects to persevere.<sup>187</sup>

Like many former law students, Sheila Maloney “didn’t like law school.”<sup>188</sup> She states that, “For the first time, I felt socially alienated in an atmosphere where everyone seemed smarter than me. I saw that many of my peers at Northwestern were wealthy and privileged; that some even had a sense of entitlement in coming to learn the law.”<sup>189</sup> Recalling that only about six Latinos, and perhaps three African-Americans, were in her entering class, she stated, “Even amongst the students representing ‘diversity,’ many of those students came from privileged backgrounds as well.”<sup>190</sup>

Moreover, attorney Sandy Sobenes feels that, when Latino issues *were* brought up in class, “[she was] representing the entire Latino race.”<sup>191</sup> Sandy has the unique experience of having attended two law schools: the University of Minnesota, from which she received her J.D. degree, and Chicago-Kent College

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<sup>184</sup> Interview with Lucia Velazquez, *supra* note 45.

<sup>185</sup> *Id.*

<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

<sup>188</sup> Interview with Sheila Maloney, *supra* note 53.

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> Interview with Sandy Sobenes, *supra* note 121.

of Law, where she was a visiting third-year law student.<sup>192</sup> Sandy notes that although “Minnesota’s academics and student services generally are superior to those of Kent’s, Chicago-Kent has a more diverse, representative student body.”<sup>193</sup> Chicago-Kent, as with all of the Chicago area law schools, shows its student body as 19% minority, but does not break out the figures specifically by race or ethnic group, at least not for the general public.<sup>194</sup>

### ***B. A Lack of Emphasis on Latino Issues***

In the late 1980s, “there was perhaps one other Latino in my classes,” at the University of Illinois College of Law, reflected Joseph Torres, a longtime partner at the venerated firm of Winston & Strawn.<sup>195</sup> Latino issues “weren’t even on the radar back then.”<sup>196</sup> Torres noted that today, with “more of a critical mass . . . Latinos are looking for more outreach.”<sup>197</sup> So it is that current students like Lucia Velazquez, who would embrace faculty outreach, has seen “few Latino professors to speak of” developing faculty outreach to Latino students.<sup>198</sup> In her opinion, “Latinos as a group have thus far been ignored.”<sup>199</sup> Similarly, Elizabeth Gutierrez, a 2005 graduate of the University of Chicago Law School, saw “no direct application to Latino issues in classes offered in the curriculum.”<sup>200</sup>

These observations point sharply to the fact that law schools in the Chicago area and across the country have done little or

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<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

<sup>194</sup> Chicago Kent Coll. of Law, Student Body Profile, <http://www.kentlaw.edu/students/> (last visited Feb. 20, 2009).

<sup>195</sup> Interview with Joseph Torres, Partner, Winston and Strawn, in Chicago, Ill. (Mar. 28, 2008).

<sup>196</sup> *Id.*

<sup>197</sup> *Id.*

<sup>198</sup> Interview with Lucia Velazquez, *supra* note 45.

<sup>199</sup> *Id.*

<sup>200</sup> Interview with Elizabeth Gutierrez, *supra* note 71.

nothing to promote legal issues important to Latino clients and the Latino community. Although street law, immigration law or asylum law classes can be found on most course schedules of Chicago area law schools, more specialized classes like Latinos and the law or Latinos and public policy are relegated to undergraduate political science curricula.<sup>201</sup> This is to be expected, regrettably, since less than four percent of all U.S. law professors are Latino.<sup>202</sup> As professors go, Sheila Maloney suggests that there are too few Latino applicants for positions at Northwestern, demonstrating “a clear supply/demand imbalance amongst professors of color generally at the law school,” resulting in “no leadership for Latino jurisprudence.”<sup>203</sup> As such, “unique mentoring opportunities for Latino students are almost nonexistent.”<sup>204</sup>

The perspectives above indicate that there is a demand, from both students and faculty, for legal courses and counseling services unique to Latino law students. As Chicago and other major cities see a marked increase in the Latino population, law schools should be more swift in heeding these calls, adding law courses and hiring faculty that will not just create awareness of this unique market for its revenue potential, but, more importantly, hasten the training of attorneys that aspire to represent the Latino community. Courses focused on foreign language competency greatly “instill . . . a general sense of service” and

<sup>201</sup> See, e.g., DePaul Univ. Coll. of Law, Course Descriptions, [http://www.law.depaul.edu/programs/course\\_descriptions.asp](http://www.law.depaul.edu/programs/course_descriptions.asp) (last visited May 19, 2009); Northwestern Univ. Sch. of Law, Course Catalog, <http://www.law.northwestern.edu/curriculum/coursecatalog/alph.cfm> (last visited May 19, 2009); Northeastern Ill. Univ., Schedule of Classes – Fall 2009, Sociology of Latinas at 30, available at [http://www.neiu.edu/DOCUMENTS/Admissions%20-%20Docs/Class\\_Schedule/soc\\_fall09.pdf](http://www.neiu.edu/DOCUMENTS/Admissions%20-%20Docs/Class_Schedule/soc_fall09.pdf).

<sup>202</sup> Rearick, *supra* note 76, at 580 (citing Richard A. White, *Statistical Report on Law School Faculty and Candidates for Law Faculty Positions* (2001-2002)).

<sup>203</sup> Interview with Sheila Maloney, *supra* note 53.

<sup>204</sup> *Id.*

produce skills that are “crucial to the practice of law in America today.”<sup>205</sup>

### C. *Selecting a Career on the Issues*

Recent surveys illustrate that “minority students are three times more likely than whites to state that their goal is to serve poor communities.”<sup>206</sup> Accordingly, after having been exposed briefly to the private sector, Lucia Velazquez knows that she is not fit for the competitive practice of the private firms and strives instead for a solid background in international human rights law.<sup>207</sup> Similarly, Sandy Sobenes, whose Peruvian father and Ecuadorian mother both worked for the State of Illinois, wants to focus on any practice that deals with disadvantaged peoples.<sup>208</sup> Acknowledging that “the diversity of one’s clients is dependent on the type of practice [one] undertakes,” Sandy accepted a position with a local firm serving the Latino community almost exclusively.<sup>209</sup>

However, not all Latinos strive for a legal career in public interest or government. With the average law student facing a \$70,000 debt burden after graduation, the lure of the large law firm job and its accompanying generous salary is omnipresent throughout a high-achieving law student’s tenure. But for Latino students seeking a practical edge to succeed at the law firms, some law school curricula have left students wanting more. A former law firm associate, Elizabeth Gutierrez views the University of Chicago Law School as a “very intellectual environment.”<sup>210</sup> That atmosphere, however, “doesn’t lend itself to a vocational-type of training,” as “there were few practical

<sup>205</sup> Rearick, *supra* note 76, at 582.

<sup>206</sup> *Id.* at 580.

<sup>207</sup> Interview with Lucia Velazquez, *supra* note 45.

<sup>208</sup> Interview with Sandy Sobenes, *supra* note 121.

<sup>209</sup> *Id.*

<sup>210</sup> Interview with Elizabeth Gutierrez, *supra* note 71.



courses useful for actual practitioners.”<sup>211</sup> Similarly, Sheila Maloney cites the strong relationship Northwestern has with large law firms, which have traditionally recruited heavily from the law school, as influencing the career choices of its students.<sup>212</sup> Lamentably, this has left public interest work as a secondary option for most students, with many coming to think of public interest practice as “charity work.”<sup>213</sup>

As a former associate herself, Sheila Maloney is well-aware of the law firms’ problem of not having a large enough pool of minority candidates from which to recruit.<sup>214</sup> According to Shelia, “the firms create this conundrum by *limiting* the law schools from which they recruit, thereby limiting the pool of qualified associate candidates, and especially minority candidates.”<sup>215</sup> And even when minorities are able to “get in the door with firms, the attrition rate of associates is very high.”<sup>216</sup>

On an encouraging note for those Latino students who wish to work at a large firm, Joseph Torres has seen “more and more Latinos and African-Americans coming out of law schools today, and the large firms, including Winston & Strawn, are trying to target diverse candidates to practice with the office.”<sup>217</sup> Moreover, these diverse lawyers are requesting, “more than ever, support from their offices in the form of career resources and development.”<sup>218</sup>

Large law firm jobs, however, are not the only available jobs in the Chicago legal market. Without a doubt, Latino lawyers should seek opportunities where their interests and passions lie, as the ability to choose a practice area, more than once in a career, is a hallmark of the legal profession.

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<sup>211</sup> *Id.*

<sup>212</sup> Interview with Sheila Maloney, *supra* note 53.

<sup>213</sup> *Id.*

<sup>214</sup> *Id.*

<sup>215</sup> *Id.*

<sup>216</sup> *Id.*

<sup>217</sup> Interview with Joseph Torres, *supra* note 195.

<sup>218</sup> *Id.*

## V. MOVING TOWARDS THE FUTURE

Making its way to mainstream relevancy, the Chicago Latino community still faces many barriers in its quest to achieve political, socioeconomic and legal equality. It is up to Latino lawyers to take action as advocates for the voiceless and as first-line defenders of the community. To be sure, wherever the path leads, the sheer presence, not to mention the unique skills and distinct perspective, of an added generation of Latino lawyers to the bar will contribute immensely to the diversity of the profession. One hopes, however, that by increasing the number of Latino lawyers, the legal needs of the Latino community will be much better served. This is the challenge we must confront.

But low levels of Latino representation in law schools, and in the legal profession, threaten the mobility and solidarity of this client population. This can be attributed primarily to the perennial shortage of eligible Latino law school candidates and traditional law school admissions practices.<sup>219</sup> Efforts must be made today to increase Latino enrollment in law schools and to support the advancement of Latino jurisprudence so that when the next generation of Latino lawyers speak, they will say “¡Si Se Puede!”

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<sup>219</sup> Malpica & España, *supra* note 123, at 1426.

Volume 2, Number 2

Spring 2009



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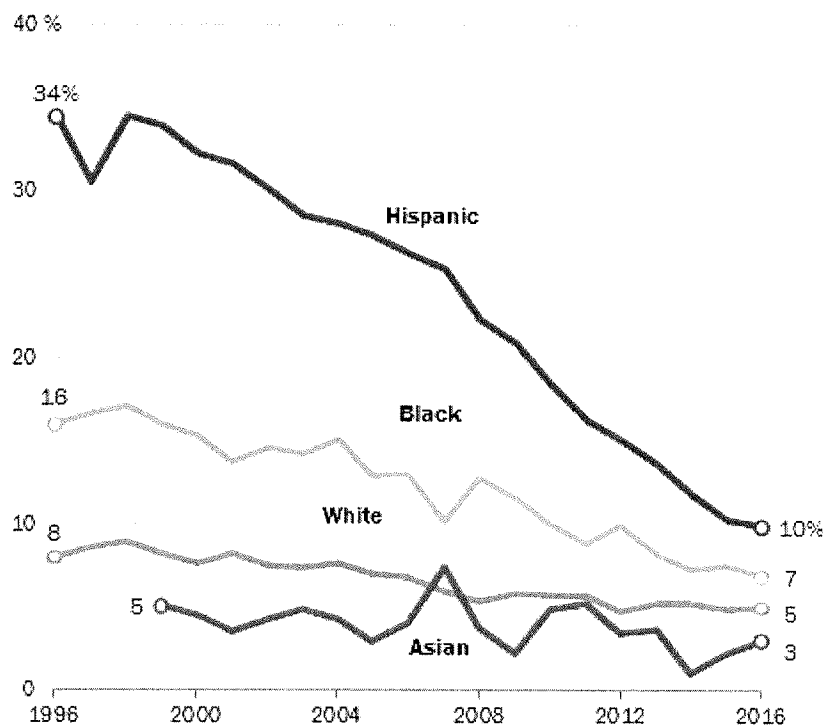


# Hispanic dropout rate hits new low, college enrollment at new high

BY JOHN GRAMLICH ([HTTP://WWW.PEWRESEARCH.ORG/STAFF/JOHN-GRAMLICH](http://www.pewresearch.org/staff/john-gramlich))

## Hispanic high school dropout rate has plummeted in past two decades

*% of 18- to 24-year-olds who dropped out of high school, by race and ethnicity (1996-2016)*



Note: Civilian noninstitutionalized population. Blacks and Asians include the Hispanic portions of those groups. Whites include only non-Hispanics. Hispanics are of any race. Source: U.S. Census Bureau October Current Population Survey.

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([http://www.pewresearch.org/fact-tank/2017/09/29/hispanic-dropout-rate-hits-new-low-college-enrollment-at-new-high/ft\\_17-09-29\\_hispaniceducation\\_hispanichighschool/](http://www.pewresearch.org/fact-tank/2017/09/29/hispanic-dropout-rate-hits-new-low-college-enrollment-at-new-high/ft_17-09-29_hispaniceducation_hispanichighschool/)) The high school dropout rate among U.S. Hispanics has fallen to a new low, extending a decades-long decline, according to recently released data (<https://www.census.gov/data/tables/time-series/demo/school-enrollment/cps-historical-time-series.html>) from the Census Bureau. The reduction has come alongside a long-term increase in Hispanic college enrollment, which is at a record high.

The Hispanic dropout rate was 10% in 2016, with about 648,000 Hispanics ages 18 to 24 – out of more than 6.5 million nationally in that age group – not completing high school and not enrolled in school. Just five years earlier, the rate had been 16%.

The overall high school dropout rate in the U.S. has also fallen substantially in recent decades, matching a record low of 6% in 2016. Hispanics have accounted for much of that decline. Since 1999, the earliest year for which data on all major races and ethnicities are available, the dropout rate among Hispanics has fallen by 24 percentage points, compared with 9 points among blacks, 3 points among whites and 2 points among Asians. (Hispanics, however, still have the highest dropout rate of these four groups.)

The decline in the Hispanic dropout rate is particularly noteworthy given the large increase in Hispanic enrollment in U.S. public and private schools. Between 1999 and 2016, the number of Hispanics enrolled in public and private nursery schools, K-12 schools and colleges increased 80%, from 9.9 million to 17.9 million. By comparison, enrollment during the same period increased 30% among Asians (from 3.6 million to 4.7 million) and 4% among blacks (from 11.3 million to 11.7 million) while falling 14% among whites (from 47.3 million to 40.6 million). Total public school enrollment grew 7%, from 72.4 million to 77.2 million.

The rise in Hispanic student enrollment reflects broader demographic shifts that have occurred in the U.S., with Hispanics accounting for a growing share (<http://www.pewhispanic.org/2016/04/19/statistical-portrait-of-hispanics-in-the-united-states-key-charts/#hispanic-rising-share>) of the nation's overall population. But educational progress has also improved among Hispanics.

([http://www.pewresearch.org/fact-tank/2017/09/29/hispanic-dropout-rate-hits-new-low-college-enrollment-at-new-high/ft\\_17-09-29\\_hispaniceducation\\_morehispanic/](http://www.pewresearch.org/fact-tank/2017/09/29/hispanic-dropout-rate-hits-new-low-college-enrollment-at-new-high/ft_17-09-29_hispaniceducation_morehispanic/)) As the Hispanic dropout rate has declined, the share of Hispanic high school graduates who enroll in college has risen. In 2016, 47% of Hispanic high school graduates ages 18 to 24 were enrolled in college, up from 32% in 1999. By comparison, the share of college enrollees among 18- to 24-year-old white, black and Asian high school graduates increased more modestly.

A record 3.6 million Hispanics were enrolled in public and private colleges in the U.S. in 2016, up 180% from the 1.3 million who were enrolled in 1999. The increase in Hispanic college enrollment outpaced Hispanic enrollment growth in U.S. nursery and K-12 schools during the same span.

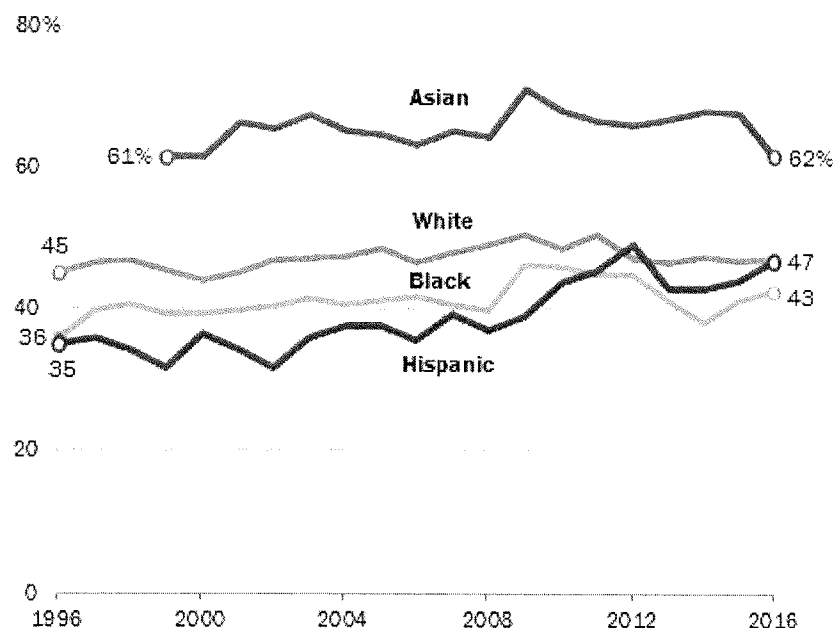
While Hispanics have made important strides in educational attainment in recent decades, it's important to note they still lag behind other races and ethnicities in several other academic measures. For example, Hispanics are less likely than other groups (<http://www.pewresearch.org/fact-tank/2016/07/28/5-facts-about-latinos-and-education/>) to obtain a four-year college degree.

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## More Hispanic high school graduates are enrolling in college

% of 18- to 24-year-olds who are high school graduates and are enrolled in college, by race and ethnicity (1996-2016)



Note: Civilian noninstitutionalized population. Blacks and Asians include the Hispanic portions of those groups. Whites include only non-Hispanics. Hispanics are of any race. Source: U.S. Census Bureau October Current Population Survey.

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John Gramlich (<http://www.pewresearch.org/staff/john-gramlich>) is a writer/editor at Pew Research Center.

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## Column

# Behind the Latino college degree gap

*Latinos are the least likely ethnic or racial group to get a college education, new report says*



### Proof Points

Column by JILL BARSHAY

June 18, 2018

**L**atino Americans, the largest and the fastest growing ethnic minority in the United States, are half as likely to hold a college degree as non-Hispanic white adults, an education gap that has been widening since 2000, according to a June 2018 report.

“For us, it was surprising just how low the Latino degree attainment numbers are and how significant the gaps are in certain states,” said Andrew Howard Nichols, senior director of higher education research and data analytics at The Education Trust, a nonprofit group that conducts research and advocates for low-income students. “Everyone is pushing degree attainment. But we won’t reach our goals for a college-educated workforce if we ignore the racial gaps that exist.”

Fewer than a quarter, or 22.6 percent, of Latino Americans ages 25 to 64 held a two-year college degree or higher in 2016, the report said. By comparison, more than 30 percent of black American adults had a college degree, and nearly half, or 47.1 percent of white adults

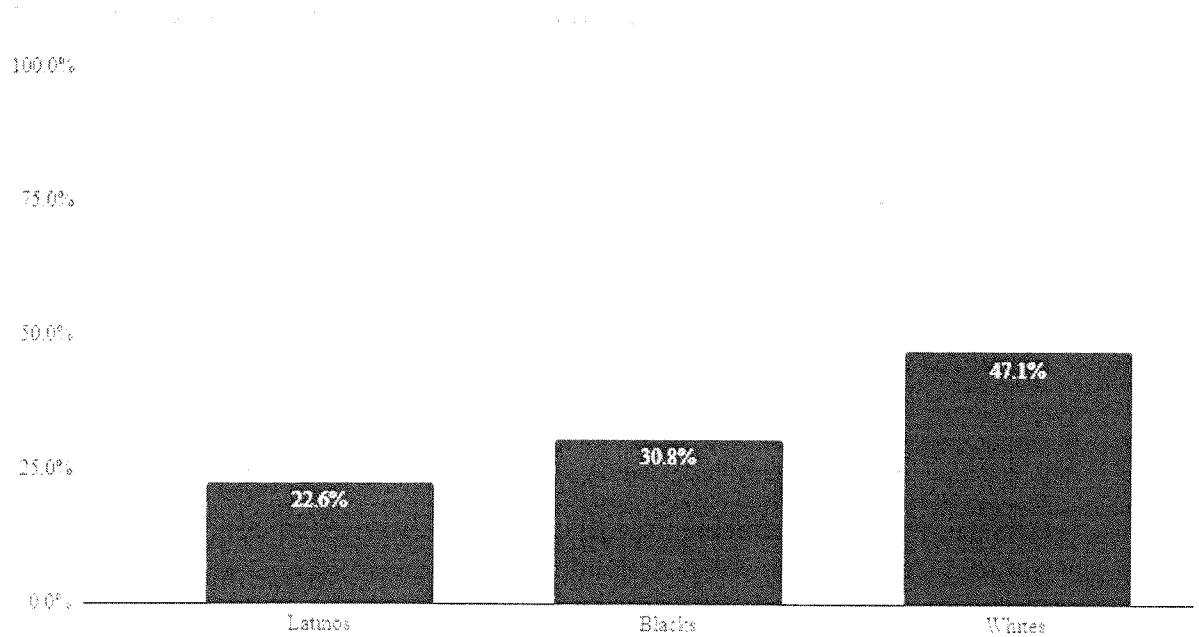


**Fewer than a quarter of Latino American adults had a college degree in 2016, less than half the rate of white Americans, according to a report by The Education Trust.**

Photo: Jesse Pratt

did. That's nearly a 25 percentage point gap in college attainment between Latinos and whites.

Percentage of adults, ages 25-64, with a college degree 2016



Data source: The Education Trust

In some states, the college attainment gap is much larger. In California, for example, Latinos make up 36 percent of the adult population, but only 18 percent of Latino Californians hold a college degree. By contrast, 53 percent of white adults in California have a college degree. A similar college attainment gap exists in Colorado.

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### **Related:** New research shows Latinos closing the racial gap on college degrees, but still lagging far behind whites

Although more Latinos have been attending and graduating from college over the past couple of decades, they have been improving their college attainment rate more slowly than other racial and ethnic groups while whites are boosting their college graduation rates more rapidly. More troubling, the researchers didn't see strong positive signs in the Latino pipeline. They found that younger Latino adults, ages 25 to 34, didn't have much higher college attainment rates than older Latino adults, ages 55 to 64. This same stagnation in college degrees between older and younger adults was also true for black Americans. "There very little inter-generational progress over time," said Nichols. (In contrast, younger adult whites are much more likely to have college degrees.)

What makes the low Latino college degree figures striking is that the trends differ from the graduation data that colleges report. Typically, Latinos have higher graduation rates than black students; that is, they are less likely to drop out and more likely to earn a four-year degree within six years. When you count the numbers of students who are graduating from each college compared to the number of students who enroll, the Latino-white graduation gap has also been closing.

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However, many Latino students never enroll in college so starker gaps appear when you count up all the degree holders in the nation or within a state.

Immigration explains some of the college attainment gap. Almost 30 percent of Latino Americans who were born in the United States have a college degree. That's very close to the black college attainment rate. By contrast, only 17 percent of Latino adults who were born abroad have a college education. Affording college is a larger obstacle to undocumented immigrants, who often cannot qualify for in-state tuition at public colleges or obtain federal financial aid.

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Latino education varies a lot from state to state. In Florida, a third of Latino adults hold a college degree. The number of Latinos with college degrees is rapidly growing in Florida and the Latino-white gap is one of the smallest at 10 percentage points. However, Florida has large Cuban and Puerto Rican populations, many of whom come from well-educated families. Roughly 40 percent of Cuban Americans and 30 percent of Puerto Ricans have college degrees. By contrast, only 17 percent of Mexican Americans have college degrees, with many Mexicans emigrating from poor, uneducated regions in

Mexico. Florida's success with Latino higher education may have more to do with the particular Latinos who live in Florida than with how the state supports Latino students academically or financially.

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New York's statistics are also confounding. More than a fourth of the state's large Latino population has a college degree. That's an impressive 9 percentage point jump since 2000, putting the state in first place for gains in Latino college attainment. However, the gap between Latinos and whites remains stubbornly high at 29 percentage points.

The reasons why Latinos are struggling to obtain a college education are complex. Latinos are disproportionately poor, living in low-income communities where the schools aren't preparing children for the rigor of college courses. As they enter adulthood, many are supporting their families and don't have the luxury to focus on schoolwork. Nichols pointed out that Latinos are more likely to opt for community colleges and for-profit colleges, where graduation rates are lower. Many are the first in their families to attempt a degree.

Reports like this one are a helpful first step in identifying the most difficult obstacles. The next step at The Education Trust is to count how many Latinos ever enrolled in college in each state so that we can better understand how much of these low college numbers are due to college dropouts versus those who never attempt college. The solutions will be different depending on the answers. And they'll help determine the future of the U.S. workforce and economic prosperity.

*This story about Latino college education was written by Jill Barshay and produced by The Hechinger Report, a nonprofit, independent news organization focused on inequality and innovation in education. Sign up for the Hechinger newsletter.*

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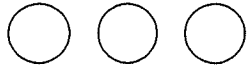
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For 25 years, JTB has been dedicated to developing and nurturing interest in the law among young persons from socioeconomic, ethnic, and cultural backgrounds underrepresented in the legal profession. Our pipeline programs are 100% free and provide JTB Scholars with opportunities that support their academic growth and legal aspirations.

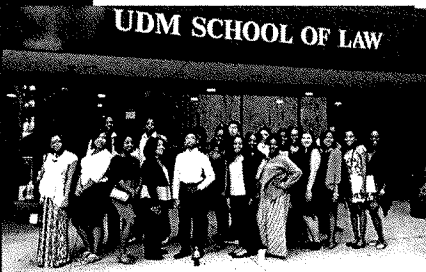


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JTB's Scholar Programs light a spark of excitement and curiosity about the law in middle and high school students.

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Legal Institute is the unique learning experience created by volunteers from corporations, law firms, and courtrooms who actively engage with JTB Scholars. Our **Middle School Law Camp**, a junior version of our SLI, is a fun, educational and interactive experience that provides 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade Scholars with an introduction to careers in law, the opportunity to build legal and professional skills, and connections with judges, lawyers, and other leaders in the legal profession.



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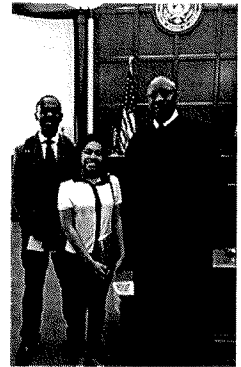
- ❑ The **iLead Law & Leadership Conference**, a one-day workshop focusing on law and leadership skills with middle and high school students;
- ❑ **Supreme Court Day**, an annual event that takes selected Scholars to the United States Supreme Court for a tour and the opportunity to meet a Supreme Court Justice; and
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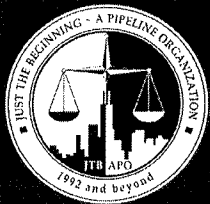


### National Conference

JTB's National Conference brings together students, attorneys, judges and other members of the JTB family to engage in dialogue about diversity in the legal profession, recognize trailblazing judges and attorneys, and support the next generation of lawyers and leaders. Our 2016 National Conference in New York, New York celebrated the legacy of the Honorable Constance Baker Motley and provided \$30,000 in scholarships to local law students.

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### OUR RESULTS

After measuring the impact of our 2017 PROGRAM SLIs, we found:

**78%**

of our Scholars were more interested in becoming a lawyer;

**82%**

of our Scholars were more confident in their ability to perform legal-based tasks;

**80%**

of our Scholars were more confident in their public speaking and networking skills; and

**97%**

of our Scholars described their experience as positive or very positive.

### OUR PARTNERS

Some of our 2017 PROGRAM PARTNERS included:

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- Bank of America
- Cummins, Inc.
- DLA Piper
- Jones Day
- Law School Admission Council
- Lilly Endowment
- Littler Mendelson P.C.
- McGuireWoods LLP
- Sidley Austin LLP
- Skadden
- Strategic Staffing Solutions
- Taft Stettinius & Hollister LLP
- The Spencer Williams Foundation for Judicial Independence
- Walmart
- Yazaki North America, Inc.

### YOUR SUPPORT

Your sponsorship funds are used to ensure that JTB's pipeline programs remain 100% free for our JTB Scholars. JTB expends its sponsorship support on providing our Scholars with program materials (including printed curriculum materials and school supplies), individual transportation stipends, group travel to and from courthouses or corporate offices, and free breakfasts, lunches and snacks. Sponsorship funds are also used to pay a portion of our staff salaries and administrative expenses, which ensures that we can continue to provide quality educational programming to diverse students around the country.





# WHITE HOUSE INITIATIVE ON EDUCATIONAL EXCELLENCE FOR HISPANICS

**R**estoring the country to its role as a global leader in education, strengthening the Nation by expanding educational opportunities and improving educational outcomes for Hispanics of all ages, and helping ensure that all Hispanics receive an education that properly prepares them for college, productive careers, and satisfying lives.

The future of our nation is inextricably linked to the future of the Hispanic community – Hispanics are the largest and fastest-growing minority group, and will represent 60 percent of our nation's population growth between 2005 and 2050. However, Hispanics have the lowest education attainment levels of any group in the United States.

## Who We Are

The White House Initiative on Educational Excellence for Hispanics (Initiative) was originally established by President George H.W. Bush in 1990 to address the educational disparities faced by the Hispanic community. Since then, the call to address these within the Hispanic community has been recognized by Presidents William J. Clinton and George W. Bush and more recently by President Barack Obama through the renewal of the Initiative.

On Oct. 19, 2010, President Obama signed Executive Order 13555, renewing the White House Initiative on Educational Excellence for Hispanics. This commitment demonstrated the president's strong support for the critical role Hispanics play in the overall prosperity of the nation and highlights the administration's commitment to expanding educational opportunities and improving educational outcomes for all students.

## What We Do

Today, through public-private partnerships and in concert with the President's Advisory Commission on Educational Excellence for Hispanics (Commission), the Initiative advances a strategic policy and outreach agenda to tackle critical education challenges:

- ◆ Improving availability of and access to high-quality early learning programs for Hispanic children;
- ◆ Dramatically increasing the number of Hispanic high school graduates;
- ◆ Ensuring more Hispanic students enroll in and more importantly, complete college.

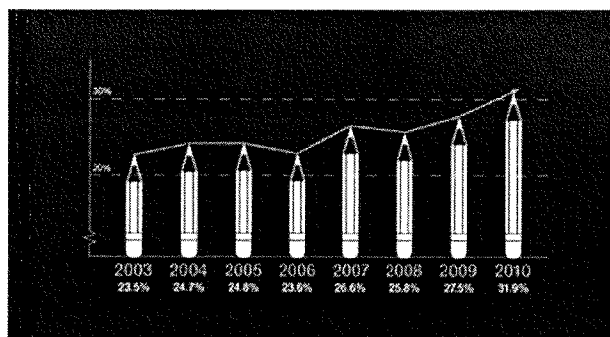
All of this is focused on getting students college and career ready for the jobs of the 21st-century and to guarantee they can compete globally, restoring the United States to being first in the world in terms of proportion of college graduates.

## Our Purpose

The Initiative works directly with stakeholders, linking together key individuals and organizations from across the country to increase awareness of educational inequalities that persist and communicate and share programs and resources available to the community. Initiative staff work alongside the Commission and a national network of community leaders to provide real-time input and advice on the development, implementation, and coordination of education policy and programs that impact the Hispanic community. A key priority for the Initiative is the coordination of the Federal Interagency Working Group (Working Group) on Educational Excellence for Hispanics, consisting of senior officials from the White House and other Federal Agencies to focus on different aspects of the educational system or challenges facing Hispanics. The Working Group's collective efforts aim to increase the participation of the Hispanic community and Hispanic-Serving Institutions (HSIs) in the Department's programs and other education activities.

## PROGRESS: RESULTS FOR STUDENTS

MORE HISPANIC STUDENTS ATTENDING COLLEGE



## Key Objectives

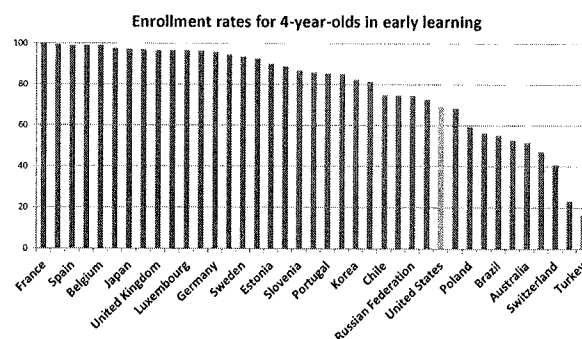
The Initiative's objectives are to increase educational opportunities, improve educational outcomes, and deliver a complete and competitive education for all Hispanics. The Initiative promotes, engages, encourages, and undertakes efforts designed to meet these objectives by:

1. Increasing awareness of the educational challenges faced by Hispanic students;
2. Increasing the percentage of Hispanic children who enter kindergarten ready for success by improving access to high-quality programs and services that encourage the early learning and development of children from birth through age 5;
3. Implementing successful and innovative education reform strategies in America's public schools to ensure that Hispanics students receive a rigorous and well-rounded education and have access to student support services that will prepare them for college, a career, and civic participation;
4. Ensuring access to excellent teachers and school leaders, in part by supporting efforts to improve the recruitment, preparation, development, and retention of successful Hispanic teachers and school leaders responsible for the education of Hispanic students;
5. Reducing the dropout rate of Hispanic students and helping Hispanic students graduate from high school prepared for college and a career;

6. Increasing college access and success for Hispanic students and providing support to help ensure that a greater percentage of Hispanics complete college and contribute to the goal of having America again lead the world in the proportion of college graduates by 2020; and
7. Enhancing the educational and life opportunities of Hispanics by fostering positive family and community engagement, improving the quality of, and expanding access to, adult education, literacy, and career and technical education, as well as increasing opportunities for education and career advancement in the fields of science, technology, engineering, and mathematics.

## HIGH-QUALITY PRESCHOOL

THE UNITED STATES RANKS 28<sup>TH</sup> IN THE WORLD IN ENROLLMENT



## President's Advisory Commission on Educational Excellence for Hispanic Americans

Appointed by the President, the Commission is chaired by Dr. Eduardo Padrón and is composed of outstanding individuals who represent a variety of sectors with relevant experience in education, philanthropic and labor organizations, research institutions, corporate and financial institutions, nonprofit and community-based organizations, HSIs and other college and university presidents. The Commission advises the President and the U.S. Secretary of Education on matters pertaining to the educational attainment of the Hispanic community. The Commission meets periodically and works on the following key priorities for the Administration and Initiative through established subcommittees:

- ♦ *Early Learning – increasing access and support for high quality early learning for Hispanic children*
- ♦ *K-12 Education – increasing high school graduation rates among Hispanic students, and increasing the number of Hispanic and bilingual teachers*
- ♦ *Postsecondary Education – increasing rates of postsecondary completion among Hispanic students*



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### LEADERSHIP

**Alejandra Ceja**

*Executive Director*

*White House Initiative on Educational Excellence for Hispanics*

**Dr. Eduardo Padrón**

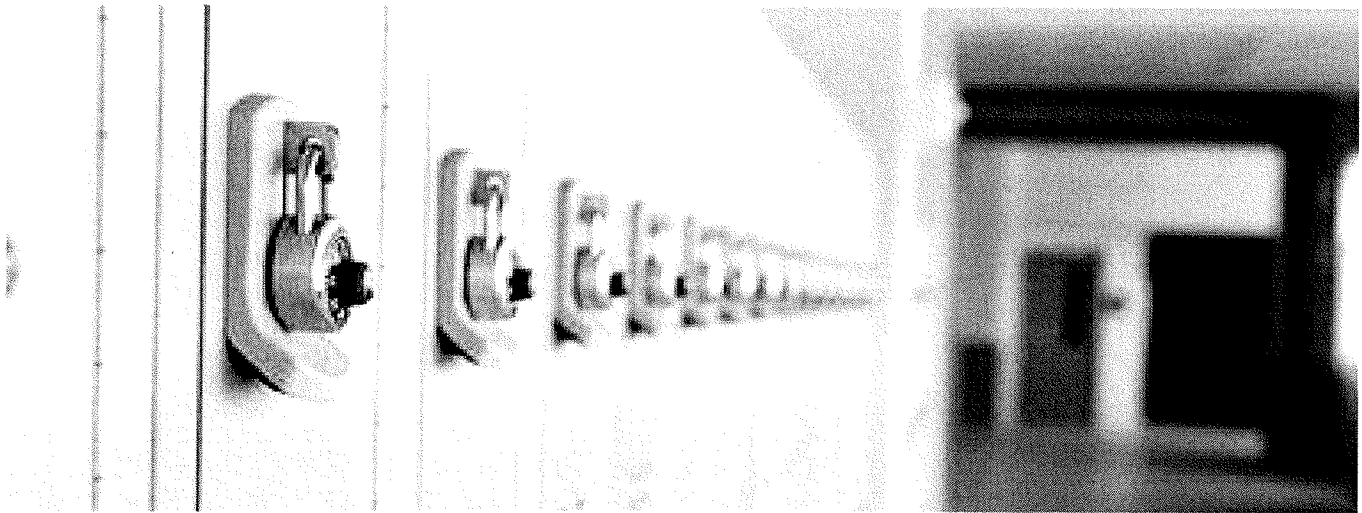
*Chair*

*President's Advisory Commission on Educational Excellence for Hispanic Americans*



## Hispanic students perform better when their teachers and administrators are Latino, too

Texas schools show Latino student performance improves when there are more Hispanic teachers and members of boards of education.



Ever since she came to the United States at age one, Laura (she asked not to use her real name for fear of retaliation), 16, hasn't been able to escape the label "undocumented Mexican."

Her parents never finished high school. And like many of her friends at the Aldine School in Houston, Texas, she comes from a low-income family.

[Lea esta nota en español](#)

And yet Laura has an ambitious dream. "I want to go to the Massachusetts Institute of Technology [MIT] and become a researcher and physicist," she says. "Other students who graduated from Aldine now go to MIT. Knowing that has helped me to believe that I can do it, too."

According to new research, there is one thing that could help her achieve this: Latino teachers.

There is hard scientific evidence that the presence of Hispanics in public-sector jobs has a positive impact on Hispanics, beyond simple symbolism or pride. The same seems to be true about education, especially in Texas.

Several studies show that more Latino students pass standardized tests, attend classes, register for advanced courses, take university entrance exams and get better grades when there are more Latinos on school boards – all of which increase students' chances of getting into college.

Hispanic teachers have an even stronger positive impact on Latino students. That's according to a [study](#) by Kenneth J. Meier, a Texas A&M political scientist and one of the leading researchers in the academic field known as "representative bureaucracy."

The study found that Latino teachers have an impact on Latino students passing standardized tests and taking advanced classes and college admissions exams.

Meier says the improved results are due to direct contact between teachers and students. School boards matter, too, he explained. "Members of school boards play a role in hiring the superintendent, who influences the hiring of teachers," he says.

Unfortunately, that's rarely the case across the United States. According to the U.S. Department of Education, only 7.8 percent of teachers in the United States are Latino. About 13.3 million Hispanics are enrolled in U.S. public schools this year, or 26 percent of all students.

When asked how many Hispanic teachers she had in the past three years, Laura said she could not remember a single one.

### FINDING ALLIES

Aldine isn't a wealthy town. Almost three-quarters of students in the district are Latino, and about 82 percent are economically disadvantaged. In Texas overall, Hispanics make up 51.3 percent of the student population, and 60.2 percent are economically disadvantaged.

Meier has identified Aldine as "a place where Hispanic teachers are consistently doing an excellent job."

That's praise for Viola García, vice president of the school board and one of Laura's "allies."

The administrator "makes me feel there's someone on the board who understands Hispanics students," said Laura.

García joined the Aldine school board in 1992, when her daughters were students in the district. She says her presence on the board had an impact at the beginning, when the majority of the students were white and less attention was paid to minority students.

"We asked ourselves questions like, 'Who were the members of the selection committees?' 'Do we have representation from all the students?' 'Are we selecting administrators, counselors and teachers who have the cultural background to relate to the students and understand their needs?' 'Do we have literature that is adequate for all our students?'" García said.

"It was nothing dramatic, but asking those questions led the board to review those factors," she added.

Hispanic teachers and administrators bring an important element to the table: empathy.





They recognize cultural differences, can seek out bilingual employees to offer better services and expand classes for advanced students.

"Sometimes clients respond better to services offered by someone who knows their reality," said Meier. "Citizens tend to look for and trust bureaucrats who share their experiences. Latino students see Latino teachers as examples to follow." And that applies not only to education, but to other areas like health services and public administration.

Nicolás Perla, who teaches Spanish, has been teaching in the Aldine district for 17 years.

"Some of my students are Salvadoran, and they immediately connect with me. Not just because I'm Salvadoran, but also because I'm Latino," he said.

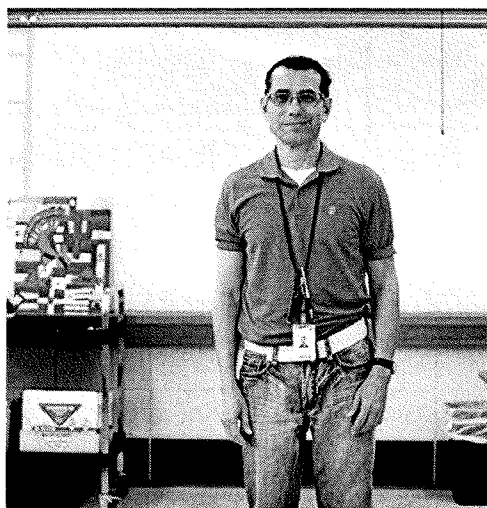
"I think they see themselves in me, there's a connection. They know I understand them," he said. "I think they see me and say, 'Well, if he can be a teacher, then I can be a teacher, or a doctor or an engineer. Why not?' They have a model they can follow."

#### **INCREASING THE NUMBER OF LATINO TEACHERS**

Despite the positive impact that Hispanic teachers can have on their communities, the numbers remain relatively low.

While the percentages of both minority students and teachers have both increased, student growth far outpaced that of Hispanic teachers.

Nationwide, Hispanic and African American applicants for teaching jobs are hired at rates lower than those of white candidates, according to a [Brookings Institution study](#).



Some of my students are Salvadoran, and they immediately connect with me. Not just because I'm Salvadoran, but also because I'm Latino.

Nicolás Perla  
Spanish teacher at MacArthur senior high school

Aldine, Texas

Four years after graduating, 19.3 percent of the white applicants had worked as teachers, but the percentage dropped to 16.3 percent for African Americans and 17.6 percent for Hispanics.

Many Hispanic students in Aldine excel in Texas' standardized exams. From 2003 to 2011, for example, the percentage of Hispanics passing the Texas Assessment of Knowledge and Skills (TAKS) test rose from 45 to 77 percent.

Aldine's success earned the district a prize as the best urban U.S. school district in 2009, when the low-income Hispanic students in all grades scored better in reading and math than their counterparts around the state.

But since 2012 – when the more difficult STAAR test was launched – the overall performance of the students in the district has declined.

The problem is made worse by the arrival of low-income students from immigrant families or students who speak another language and are just learning English, according to an analysis by the consulting firm Education First.

During the 2014-2015 school year, when Aldine had 4,235 teachers, 25 percent of them were Hispanic. Meanwhile, the student body was 71 percent Hispanic.

Aldine now has more than 3,900 teachers. The district did not respond to Univision News' questions about how many of those are Hispanic.

And while the percentage of Latino teachers in Aldine had risen since 2004, the gap with Hispanic students is now even bigger. Ten years ago, 19.5 percent of Aldine's teachers and 44.7 percent of its students were Hispanic.

Texas school boards now have 1,050 Hispanic members, double the number they had 20 years ago and nearly half the 2,344 Latinos on all U.S. school boards, according to a database from the National Association of Latino Elected and Appointed Officials (NALEO).

But those numbers have not led to a sufficient increase in the number of Latino teachers in Texas schools. The state has the third biggest gap in the nation between the percentages of Latino students and teachers, behind New Mexico and California.

"The opportunities are there, but there are too few of us Hispanic teachers for an immense population of Latino students," Perla said.

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## Studies show lack of Latino teachers in the U.S. is a growing issue

Despite comprising a quarter of the student population in U.S. schools, Latinos account for just eight percent of teachers. Schools across the country want to know: How can that be changed?

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By Emily Neil

March 13, 2018

According to a recent study from the Center for American Progress released in February, the percentage of Latino teachers nationwide lags far behind the fast-growing percentage of Latino students in the nation's public school system. Though Latino students make up almost a quarter of the student population in schools nationwide, and that number is expected to grow, only about eight percent of teachers throughout the country identify as Latino.

The study shows that California has the widest gap between the percentages of Latino students and teachers, at 36.4 percent. Pennsylvania is in the lower half of state rankings, with a gap of 7.9 percent.

The disproportionate lack of Latino teachers causes problems for both Latino teachers and students, a report from the Education Trust, also released in February, found. Of the sample of 90 teachers from five states and the District of Columbia who were participated in focus groups as part of the Education Trust study, many reported that they are relied upon in their school communities to spend additional time and effort providing translation and interpretation for parents and staff — a role which on top of teaching responsibilities makes for a heavy

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workload, especially if they might be one of only a few bilingual teachers and staff members at a school where the majority of parents are Spanish-speaking.

For students, the gap means that they are not often able to see themselves represented in teaching positions and positions of authority. Latino students currently lag behind other groups in graduation rates from both high school and institutions of higher education. Studies have shown that for students of color, having teachers that reflect their identities has the benefit of providing them with role models, higher standards for their own efforts, and a deeper cultural understanding of the context of their lives and backgrounds.

The gap could grow even more. According to some reports, an estimated 20,000 teachers are eligible for DACA or are current DACA recipients, and of these 20,000 about 90 percent are Latino. If, barring congressional legislation, the Trump administration's injunction to end the program is upheld or enacted, the loss of these already certified and experienced Latino teachers would be a blow to creating a more diverse teacher population.

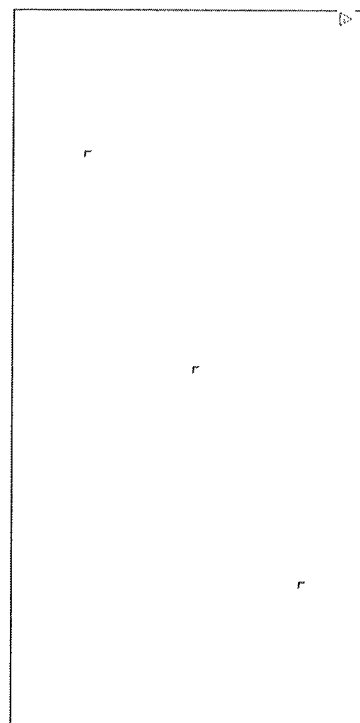
The CAP study concluded with recommendations for continuing to address the diversity gap for Latino teachers by recruiting more and maintaining those Latino teachers that are already working in the system. The recommendations include: passage of a clean Dream Act; increasing federal funding to attract more Latinos to teaching; and developing high-quality alternative teaching certification programs that would attract more Latinos.

"Grow Your Own" programs are pointed out by the Education Trust report as one example of a successful effort to put that last recommendation into action. School districts in Texas, Illinois, California, and other states have begun to implement these programs, which support paraprofessionals, classroom aides, and other support staff in schools — a group shown to be more representative of Latinos and other populations — with tuition assistance and other services in order to attain their teacher certification.

For Latinos in the military, promotion is 'almost' impossible

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