

GETTING IN, STAYING IN

COMMUNITY PERSPECTIVES ON THE BARRIERS
TO LATINO POSTSECONDARY EDUCATION



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The National Council of La Raza (NCLR)—the largest national Hispanic civil rights and advocacy organization in the United States—works to improve opportunities for Hispanic Americans. Through its network of nearly 300 affiliated community-based organizations, NCLR reaches millions of Hispanics each year in 41 states, Puerto Rico, and the District of Columbia. To achieve its mission, NCLR conducts applied research, policy analysis, and advocacy, providing a Latino perspective in five key areas—assets/investments, civil rights/immigration, education, employment and economic status, and health. In addition, it provides capacity-building assistance to its Affiliates who work at the state and local level to advance opportunities for individuals and families.

Founded in 1968, NCLR is a private, nonprofit, nonpartisan, tax-exempt organization headquartered in Washington, DC, serving all Hispanic subgroups in all regions of the country. It has state and regional offices in Chicago, Los Angeles, Miami, New York, Phoenix, and San Antonio.

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*Proceedings for Town Hall on Higher Education at the
2015 National Council of La Raza Annual Conference*

July 11, 2015

Kansas City, Missouri



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Miguel Almaguer

NBC News

Gabriella Gomez

Bill & Melinda Gates Foundation

Emily Gonzalez

College Visions

Annette R. Martinez

State Farm Insurance Companies

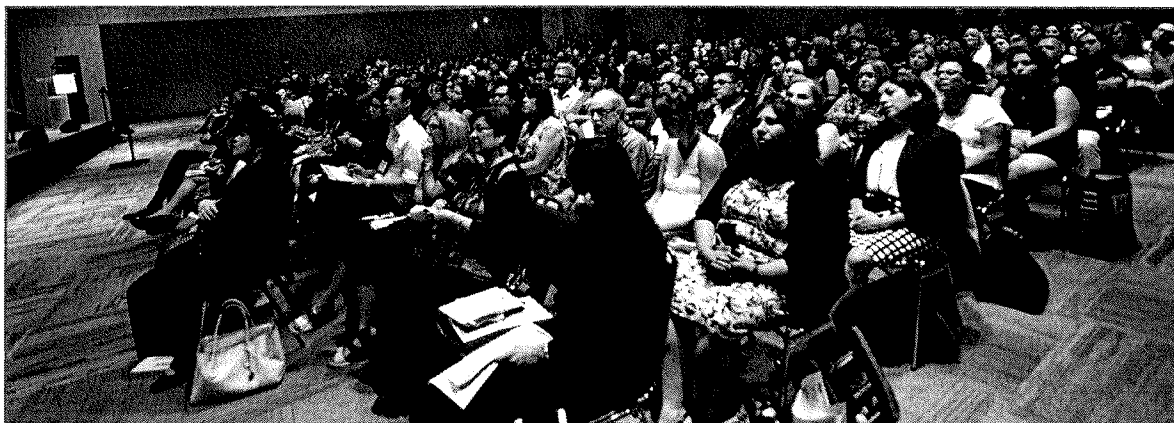
Fernando Rojas

College Student

Deborah A. Santiago

Excelencia in Education

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FOREWORD



Following decades of efforts to augment the educational experience of Hispanic students, progress and achievement are on the upswing. The steady rise in the high school graduation rate of Latino students is a bright spot that reflects both these efforts and the hard work of Latino students themselves. But this success is insufficient for the future needs and well-being of our community and our country. As such, we need to focus more attention on postsecondary education. Two trends are clear: the Latino population will continue to grow—one in four children in U.S. schools is Latino—and the national economy will rely upon more and more individuals who have a postsecondary education or training to remain strong and competitive in a global market. In short, the future of our economy depends on not only Latino students entering, but completing college.

The good news is that the Hispanic community overwhelmingly values higher education as attested by the significant increase in Latinos enrolling in postsecondary programs. Yet, as more Latino students take on the challenge than ever before, existing disparities continue and new ones have emerged. This places us at a watershed moment in higher education. We can accept existing structures that deny equitable opportunity or we can confront the facts before us and work to meaningfully improve the Latino experience in higher education. To do this, we must start by asking what policymakers and community leaders need to know from people on the ground to advance solutions that will provide Latino students with the opportunity for success along the education pipeline.

In this new report, *Getting In, Staying In: Community Perspectives on the Barriers to Latino Postsecondary Education*, NCLR solicited input from experts and students to provide a better understanding of the opportunities and challenges unique to the Latino experience in higher education. The authentic voice that emerged from this session provides a crucial context for the current higher education debate by highlighting the barriers that students face en route to a college degree. Access, preparation, affordability, debt, the quality of institutional supports, and completion are issues that most students and their families will have to negotiate during the collegiate experience. What we learned is that Latinos face all of these difficulties but also unique ones such as a lack of culturally appropriate information and guidance. How we address these challenges today will determine Latino students' long-term success. If we do not, we not only fail those children but also diminish our nation's ability to remain competitive in the 21st-century economy.

A handwritten signature in black ink that reads "Janet Murguía". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Janet Murguía
President and CEO

EXECUTIVE SUMMARY

Latino* students have a strong desire to further their education, and appear to value higher education more so than any other racial or ethnic group.¹ Current trends in higher education reflect this value and show that more Latinos are seeking postsecondary degrees. For instance, according to Pew Research Center, in 2012 the Hispanic college enrollment rate among 18–24-year-old high school graduates surpassed that of White students (49% to 47%).² The fact that more Latinos than ever are entering college programs is a positive trend that reflects the hard work of Latino students.

At the same time, other data show that disparities in degree completion remain for Latino students. Only slightly more than half (53%) of Latino students complete a degree within six years, compared to 63% of their White peers.³ Completing a college degree program is difficult work but Latino students face several factors that make degree completion harder. For example, many Hispanic students come from families without college experience and do not have the same information and support that guides other students through enrollment and completion. Additionally, Latino students may experience feelings of isolation or exclusion on campus, subtle or overt forms of discrimination and racial stereotyping, and pressure to maintain connections to culture and family responsibilities.⁴ These added social stressors affect the college experience and impact achievement levels for Latinos.

At a time when postsecondary completion is increasingly important to ensuring economic mobility for young people, this gap deserves attention. Projections show that by 2020, 65% of jobs will require some form of postsecondary training.⁵ Given the growing Latino population, disparities in educational outcomes must be reduced in order to provide economic security to Latino students and to keep our national economy strong.

In order to better understand the Latino college-going experience, NCLR held a town hall at its 2015 Annual Conference titled, “Getting In, Staying In: An Interactive Community Discussion on Education.”[†] During this session, attendees from across the country gathered to 1) better understand the challenges Latino students face transitioning from K–12 to higher education, 2) identify where gaps exist, and 3) explore recommendations to help bridge those gaps to make sure Latino students have equal opportunities to achieve success.

Panelists Deborah Santiago, Emily Gonzalez, Fernando Rojas, and Gabriella Gomez engaged in a rich conversation that included personal and professional experiences to explore issues in higher education, including access, affordability, preparation and readiness, family dynamics, and the challenges associated with completion. The largely Latino audience interacted with panelists by asking questions and participating in live polling[‡] conducted during the session.

* The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

[†] The Bill & Melinda Gates Foundation, State Farm Insurance Companies, and The Walton Family Foundation generously sponsored the town hall.

[‡] We conducted additional polling at the National Latino Family Expo.[•] The Expo events were open to the public, and we polled 148 attendees to augment polling results gathered during the town hall.

Several key themes emerged from the town hall discussion:

Friends, family, and other familiar individuals are a key resource for Latinos in making college decisions. When asked, “At the time you were deciding which college was best for you, what, or whom, was the best source of information for you?” 43% of all town hall participants indicated that family and friends were their go-to source for information. Fifty-five percent of students participating in the town hall reported that teachers and advisors were their leading source of information. This response is noteworthy because research has shown that Latino parents often serve as a motivational force for children to seek higher education but that parents often cannot provide the guidance necessary to help students navigate the decision-making process when selecting a college.⁶

“We rely on people we know, who have had the experience, to tell us what they know and we trust them. There is confianza that their experience is one that informs us, rather than getting pamphlets and flyers from institutions, places we don’t know and people we can’t relate to.” —Deborah Santiago

Latino students heavily weigh family considerations when making college decisions. Students participating in the panel noted that family considerations weighed almost as heavily as other considerations, including cost and quality of an institution. They reflected on their experiences with apprehensive parents and their fear of sending them off to college,

especially when the college of choice was far from home. Augmenting these fears are familial concerns of what entering a new environment will do to the individual leaving the protection of family.

“On decision day, I was an hour away from deciding not to go to college, just because my parents were still worried.... I think that plays into students not being able to go and undermatching what school they might eventually go to.” —Emily Gonzalez

Many Latino students and families perceive the cost of college as an insurmountable obstacle.

In addition to soaring college tuition, students encounter costs that are not always apparent to families, including books, living expenses, and travel back home. As such, mounting financial concerns become a barrier to Latinos entering college. These concerns about cost were shared by the town hall audience: when asked about the most important information necessary for families when deciding which college to attend, 37% selected “cost of attendance and expected loan assumptions.” Further, when polled about the most significant challenge when paying for college, nearly half (46%) found the price of college itself the most striking barrier.

“There are other costs that schools don’t cover, like going home.... That was definitely a barrier for me, only being able to go home once or twice a year. Even though I was close, I couldn’t afford train money, bus money, because I really had to focus on paying for books.... I didn’t realize that books weren’t part of my financial aid.” —Emily Gonzales

The complex financial aid process can be a heavy burden and result in lost financial aid. The distinction between cost of college and the actual cost after financial aid is important but may not always be clear. The price tag associated with tuition does not include financial aid options for which a student may be eligible. The financial aid process, however, is daunting, complex, and unfamiliar for many first-generation college students. Poll results show that the majority of town hall respondents (62%) believe that understanding the process was the most difficult part of securing financial assistance.

“You’re 17, 18, and you’re just thrown into this sea of paperwork. And you have plenty of other things that are going on. You have this transition from adolescence to young adult, [and] people get scared.” —Fernando Rojas

“We’ve suggested that for students out there, students who come from backgrounds where it’s not a very complicated economic situation just keep it simple! We think that more can and should be done to make it easier and simpler to get aid. Sometimes students are dropping out because of \$200 that they owe... their opportunities could be stopped for \$200!” —Gabriella Gomez

Insufficient college readiness continues to affect some Latino students’ achievement in higher education. Increased enrollment of Latinos in college is an asset to the Latino community. However, more than two out of five Latino students require remediation once in college because they were not sufficiently prepared

for the rigors of college.⁷ In this situation, the focus should be on what both students and institutions can do to improve achievement.

“It can’t just be ‘vaya con dios, you got in, it’s up to you to get through.’ A large part of our push is to make sure the institutions do right by the students, who’ve done everything right to make sure that they get [into college].”

—Deborah Santiago

Panelists offered a range of suggestions on how organizations and institutions could respond to or address some of the issues shared during the discussion. For example:

- Disseminate information in culturally effective ways that better inform parents, family, and other trusted sources so they are in a position to adequately advise young Latinos aspiring to attend college.
- Simplify the financial aid process in order to provide students and families with timely, accurate, and helpful information on college affordability.
- Develop and implement effective remedial or developmental education courses that are culturally competent.
- Provide academic and other non-academic supports that help foster success for students.
- Capitalize on the experience of Latinos who have completed college to help students navigate the pre- and post-college experience.

FRAMING THE DISCUSSION: FINDING THE COMMUNITY PERSPECTIVE

Annette Martinez, Vice President of Operations, State Farm, opened the town hall by explaining the importance of building a highly diverse student population. She explained that a diverse student body is required to ensure that students from all backgrounds, races, and ethnicities can enter higher education and become the teachers, specialists, and entrepreneurs that lead us into the future. However, she noted, there are huge gaps that need to be addressed, and the town hall was intended to offer an opportunity to learn more about what can be done to fill those gaps. She continued by offering her own personal story as an example of the journey to college. Annette talked about her current experience with her daughter and traveling to colleges across the country in search of the right fit. She shared, “It’s been a wonderful experience... But it’s been overwhelming! It’s hard to know where to start, it’s hard to know who you should talk with, what you should do, how do you get answers around finances, which is the right location, how far should she go, how is she going to be when she gets there.”

Annette acknowledged the difficulty she had in understanding the myriad processes and considerations she had to navigate to help her child make the very best decision for her future. At the same time, she recognized that she was fortunate to have access to resources that would help her make the best decision possible for her daughter—resources that others, notably families of students whose children are the first to go to college, do not have. She remarked, “But I can imagine, if I didn’t have some of the opportunities, or the people that

I knew, or people that I could talk with, how overwhelming [it would be], and perhaps how I might give up on that dream for her, because it does become a little bit overwhelming.”



The theme of being overwhelmed was also evident in Miguel Almaguer’s (moderator) personal story of resilience, perseverance, and the complex nature of navigating the college experience. He shared that he was not the first in his family to attend college, and the value of a higher education was intricately woven into the fabric of his family. His parents, he said, “instilled in us at a very young age that college was the first step toward achieving our dreams and our goals.” While his pursuit of a college education was a foregone conclusion, he nonetheless faced challenges along the way, struggling with instances of racism, perceptions of his ability, and the responsibility of taking on and paying back student debts. He reflected on an instance of racism in his middle school experience, noting a time when his teacher said that Miguel probably “doesn’t speak English” to explain his poor performance in school.

He noted that this teacher's attitude changed once he met Miguel's highly educated parents. He said, "I saw a different light in which he looked at me, because of how highly educated my parents were. From that moment, I understood: getting an education is not only important in the way you're able to view the world, but also the way the world views you."

This understanding carried forward to his college experiences, where Miguel witnessed how the negative perceptions of others affect one's self-perception. He commented, "I got into college, and I was shocked and a bit disappointed that I was an affirmative action student, but that all the other students who were accepted into school without affirmative action were no brighter than me." This experience, combined with a lack of diversity on his college campus—"I was disappointed that there weren't more brown faces"—and a lackluster educational experience led him to leave his program before completing a degree. Miguel soon learned the reality of leaving school without a degree. "I quickly learned that when you leave college, they want their money back! So all of the loans I had received, some \$40,000 for two years at an expensive 'public' school, they immediately wanted their money back." This reality check took him back to school—even if it was just for the option of deferring his debt payments—where he ultimately found his calling as a journalist.

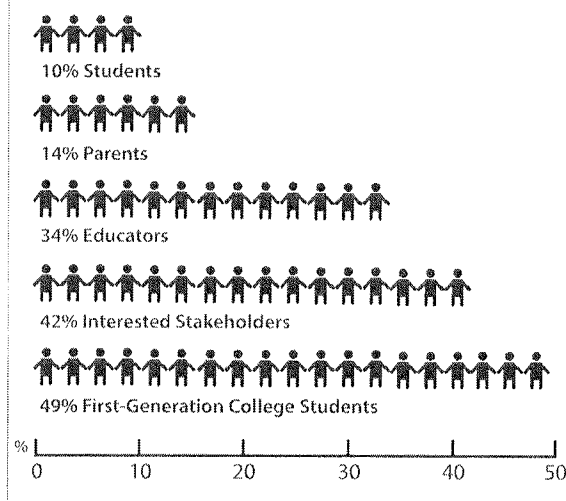
Despite having the benefit of a college-going culture in their homes, Annette and Miguel still experienced struggles and frustrations in navigating the college process.

Their stories hinted at the complexity often faced by Latino students pursuing postsecondary education, many of whom are the first in their family to attend college. Annette's and Miguel's experiences were augmented by the perspectives of the town hall panelists, all of whom were Latino, and most of whom were the first in their family to go to college. This opening discussion set the framework for the ensuing conversations, wherein barriers to college and the benefits of completion became major themes.

WHO WAS IN THE AUDIENCE?

There were up to **170** individuals in attendance at this event.

The first two questions of the live poll revealed the following:



COLLEGE DECISIONS: THE ROLE OF DATA AND CULTURE

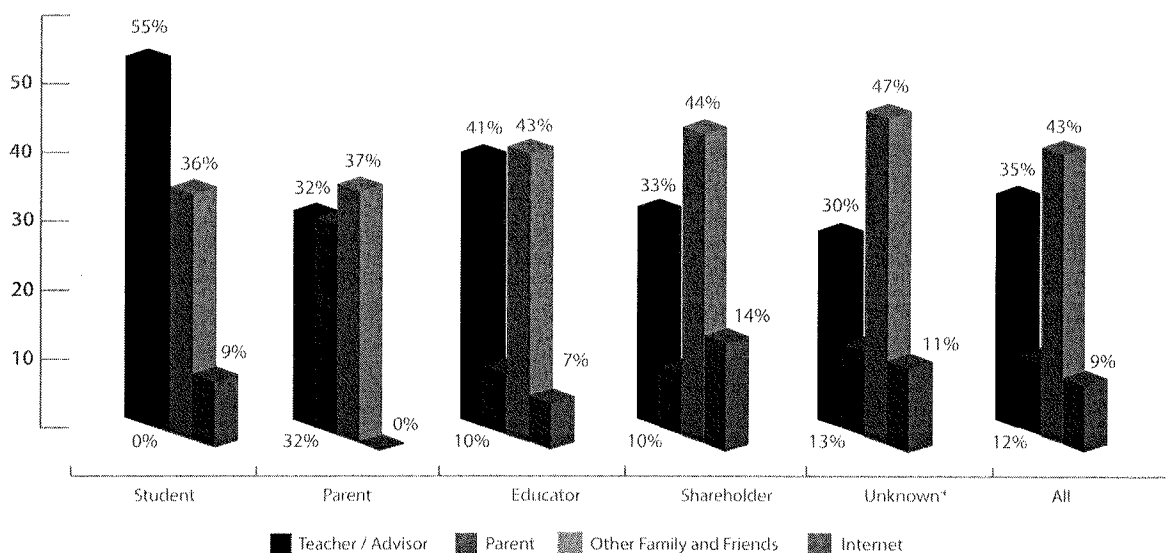
Where do Latino students get their college information?

Miguel began this session focused on sources of information by asking the audience to respond to the question, “At the time you were deciding which college was best for you, what, or whom, was the best source of information for you?” A majority (43%) of town hall participants indicated that family and friends were their go-to source for information, with teachers and advisors coming in at a close second (35%). When looking closer at the data, however, parents, educators, and other education stakeholders identified family and friends as their most valuable source of information, but students viewed teachers/advisors as their best source of information (see Figure 1).

Miguel asked panelists to comment on the results of the poll. Deborah Santiago Vice

President for Policy, Excelencia in Education, remarked that the results made sense to her based on her experience. “We rely on people we know, who have had the experience, to tell us what they know and we trust them. There is *confianza* that their experience is one that informs us, rather than getting pamphlets and flyers from institutions, places we don’t know and people we can’t relate to.” These remarks and poll results are noteworthy because many Hispanics entering higher education are first-generation college students and do not have a family legacy of college attendance. Research has shown that parents can provide the motivation to seek higher education, but often cannot provide the guidance to help students navigate the decision-making process when selecting a college.⁸

Figure 1: At the time you were deciding which college was best for you, what, or whom, was the best source of information?



Source: NCLR analysis of data collected at the 2015 National Council of La Raza Annual Conference Town Hall on Higher Education on July 11, 2015.

* The “unknown” category consists of respondents who did not provide an answer or who were not present to respond to the first survey question on stakeholder identification.

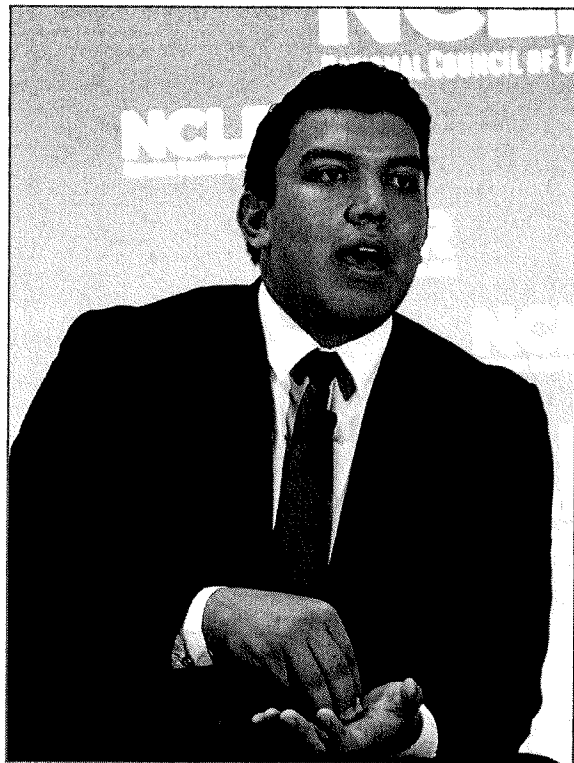
Therefore, organizations and institutions must understand Latinos' reliance on community voices over impersonal websites and data in order to disseminate information in culturally effective ways.

Fernando Rojas, a student at Fullerton High School, drew attention to the fact that polling results showed that parents were not a primary source of college information. He said, "One of the interesting things that I saw was that parents come in [as] a lesser part, yet [students] are spending most of [their] time at home. Our parents should be one of our biggest supporters or one of our biggest resources for information." Fernando suggested that parents might not be well-informed because of a lack of cultural competence in high schools. He observed, "My high school had 62% of Hispanic students there, yet our counselors, all four of them, didn't speak Spanish. There is this discord between parents, counselors, and students that makes it extremely difficult when [students] are applying to colleges." Without access to resources in their parents' native language, or without having access to advisors who have the cultural competence to engage with families, Latino students find making decisions about college to be extremely difficult, as they are left alone to both educate their parents and untangle a complex process.

Gabriella Gomez, Deputy Director of Postsecondary Policy and Advocacy at the Bill & Melinda Gates Foundation, noted that the comments from the other panelists pointed to a

need to increase the Latino community's access to information on college. She remarked, "I definitely think that it's about empowering our community, and making sure that we provide the most information out there, because if you look at institutions, a community college and a for-profit... you'll see the graduation and placement rates are very different."

Gabriella stated, and other panelists agreed, that all institutions should be required to share information on graduation rates, the cost of attendance, and postgraduate employment rates, and for-profit schools should disclose their for-profit status, enabling students and their families to make informed decisions.⁹



How do cultural ties in the Latino community affect college decisions?

While respondents identified family and friends as the most valuable and trusted source of information, strong familial and cultural ties often add complexity for Latino students making college decisions. Students participating in the panel noted family considerations weighed almost as heavily as other considerations, including cost of attendance and quality of education. They reflected on their experiences with apprehensive parents and their fear of sending them to college, especially when the college of choice is far from home. To illustrate this point, Miguel asked Emily Gonzalez, College Access and Success Advisor, College Visions, to reflect on her experience of leaving her home in the Bronx, New York, to enroll at Brown University, 200 miles away in Rhode Island. Miguel said, “Getting into Brown and graduating is no easy feat in itself. Tell me a little bit of how difficult it was going through school and whether these challenges deter you in any way.”

Emily reflected, “On decision day, I was like an hour away from deciding not to go to college, just because my parents were still worried about that fear of, ‘Ay! My baby is going away!’ I think that plays into students not being able to go and undermatching what school they might eventually go to.” To combat her parents’ fear of the unknown, Emily “tried to remind them of their story, of coming into the U.S.” Turning to the audience she said, “That’s something that is completely fearless right? But also full of fear, and they had to overcome that as well. So I was just doing the same thing, living my life, without fear, as they tried to instill within me.”

Miguel asked Fernando, a Southern Californian awaiting his start at Yale University, to share how family ties affected his experience.

Fernando shared a story similar to that of Emily’s, acknowledging his parents’ fears and his reminder to them of their journey to this country and what they had to overcome. He counseled his parents, “I know it’s scary... but the way you’re feeling is the exact same thing for me... so it’s that sort of shared fear that you’ll both go through this journey together.”

Augmenting these fears are familial concerns of what entering a new environment will do to the individual leaving the protection of family. An audience member asked the panelists, “I got into my dream college, but my parents think I’m turning my back on them because I want to go. What advice do you have, to have that conversation with my mom and dad?” Panelists raised observations about the dynamics of family and the intricate bonds of culture. Emily remarked, “I just had to seek support of other family members and let them know that I wasn’t turning my back, that I was going to come back during break and I was going to make sure I called *mamita* every night and share a little bit more of my experience [and] include them because they want to feel included.”

However, Emily recognized the challenge of including her parents in the new world she was occupying as a college student. She said, “It was really hard for me to share everything. I also didn’t feel like I had the language to translate... you know, some words that we use, college lingo, to my family, my parents. They never heard of these things, like understanding what a curriculum is, or even [explaining] a major and a minor was difficult.” She learned in time that what she needed to do was to offer reassurances that she wasn’t going to change, rather, that she was bringing to Brown everything that “they had instilled in me, the past 18 years of my life... they weren’t going away. I was bringing that part of them—what they taught—with me.”

POLICY IDEAS IN BRIEF:

Helping Latino Students Make Informed Decisions

- Enhance availability and transparency of data (e.g., transfer, completion rates, and employment outcomes).
- Enhance communication to address family concerns.



COLLEGE DECISIONS: COST OF COLLEGE AND ASSESSING AFFORDABILITY

How does the cost of college affect decisions of Latino students?

Gabriella opened this portion of the discussion by explaining two prevailing trends in higher education: the rising cost of tuition and state disinvestments in higher education. She remarked, “We’ve seen states start to disinvest in higher education, and you’ll see that in many places where tuition and fees are going up.” The challenge, she noted, is how to share the responsibility so that the dream of achieving higher education remains within reach. She continued, “We need to figure out how to balance the shared responsibility of students showing up, being prepared, states contributing [resources], institutions providing support, and clearly defining the role of the federal government and taxpayers in that shared responsibility.”

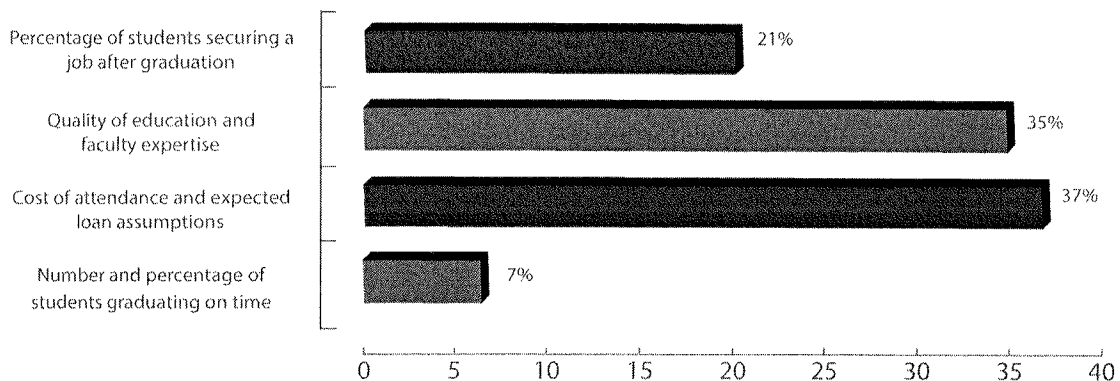
Miguel asked Gabriella to reflect on the challenge of cost, saying, “When people are graduating from high school, and they think about college, and they hear \$20,000, \$40,000, \$60,000 to attend a school for one year,

how big of a roadblock does that become, specifically for the Latino community?”

Immediately, Gabriella replied, “In terms of cost, there is a lot of anxiety that comes with it.” While the dollar figure is intimidating, Gabriella also offered her personal reflection on another stressor related to cost, the Free Application for Federal Student Aid (FAFSA). She recalled, “I remember filling out the FAFSA by myself. My mother had no idea what this FAFSA was. I had to do it. I did it for my brothers. I recall physically filling it out and just feeling this apprehension, but thinking to myself, ‘I have to do this.’”

Polling revealed that event attendees shared the panelists’ concern about the cost of college. Results showed that the price of college and inadequate financial aid were significant factors in respondents’ decisions whether to attend college and where to go to college (see Figure 2).

Figure 2. When deciding which college to attend, what is the most important information that students and their families need to have?



Source: NCLR analysis of data collected at the 2015 National Council of La Raza Annual Conference Town Hall on Higher Education on July 11, 2015.

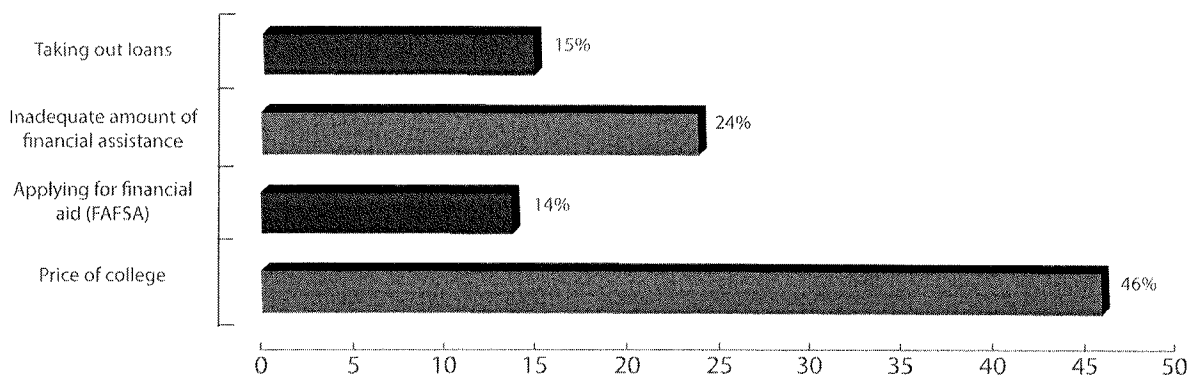
Thirty-seven percent of respondents indicated that the cost of attendance and expected debt load were the deciding factors in choosing a college to attend.

In addition to soaring tuition and complex forms, students encounter costs that are not always readily apparent to students and families. Hidden costs like books, living expenses, and travel back home, and the reality of what happens to scholarship aid in the overall financial aid package, increase anxiety about pursuing higher education. Emily remarked, “There are other costs that schools don’t cover, like going home...there are going to be some expenses that I think schools don’t take into consideration, or even [offer] guidance for. That was definitely a barrier for me, only being able to go home once or twice a year. Even though I was close, I couldn’t afford train money, bus money, because I really had to focus on paying for books...I didn’t realize that books weren’t part of my financial aid.”

The next poll question, “In thinking about paying for college, what is the most significant challenge students and their families face?” further illustrated the concern of the cost of college and how students are expected to pay for their education and unexpected costs (see Figure 3).



Figure 3. In thinking about paying for college, what is the most significant challenge students and their families face?



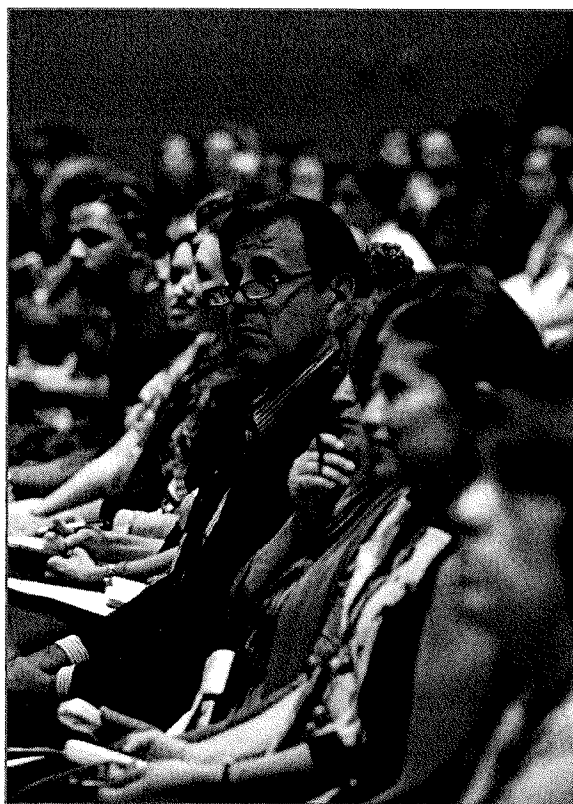
Source: NCLR analysis of data collected at the 2015 National Council of La Raza Annual Conference Town Hall on Higher Education on July 11, 2015.

How do students assess affordability of college?

The intersection of cost and affordability was well-understood by panelists, and they agreed that full and transparent information on financial aid is critical to understanding college affordability. Deborah remarked, “We’ve seen at the national level... that students often make choices based on cost. In conventional wisdom, we think students make choices based on financial aid. If you make a choice based on cost versus financial aid, you’re going to look at very different options.” The distinction is important because the cost of attending college may not be the actual cost, as the price tag does not include financial aid options. Deborah went on to say, “Making sure that our students are informed about financial aid options is summarily important in expanding the choices they might have available to them.”

For students everywhere, but especially those who are the first in their families to have to decipher complex forms and assess college affordability based on unfamiliar processes, this can have important repercussions. Emily observed, “You’re at risk of losing thousands of dollars in grants and other scholarships. So definitely recognize [financial aid] as more of a process, and look at affordability over four years or six years rather than one year.” Emily’s experience highlights how students must understand that college is not just a one-year event. It is critical for students to consider college a long-term investment, and to understand the total costs of college, expected aid, and student debt, including potential future earnings and loan repayment expectations, when making decisions.

Miguel turned to Fernando and Emily to get their perspectives on the financial aid process, especially as first-generation college students. He asked, “How difficult was it for you, navigating the paperwork, the financial aid, all of the requirements and documentation you had to do to access financial aid?” Emily replied, “[The financial aid process] can be really daunting, and it could make the student feel like there is one more thing against them.” Fernando added, “I mean... you’re 17, 18, and you’re just thrown into this ‘sea of paperwork.’ And you have plenty of other things that are going on. You have this transition from adolescence to young adult, [and] people get scared.”



Poll results show that the majority of town hall respondents (62%) also believe that understanding the process was the most difficult part of financial assistance, with access to financial aid advisement and filling out the FAFSA form seen as lesser, but still significant, hurdles (see Figure 4).

Emily offered her perspective on navigating this process on her own. She said, “Throughout the years in college, it was definitely just myself. I asked my parents for their taxes and that was my first time seeing a tax form in general! Now in my role as a college advisor, I definitely see that financial aid is a process that doesn’t just start at the end of senior year of high school, but ends when you graduate, because sometimes [students] forget to fill out their FAFSA every year.”

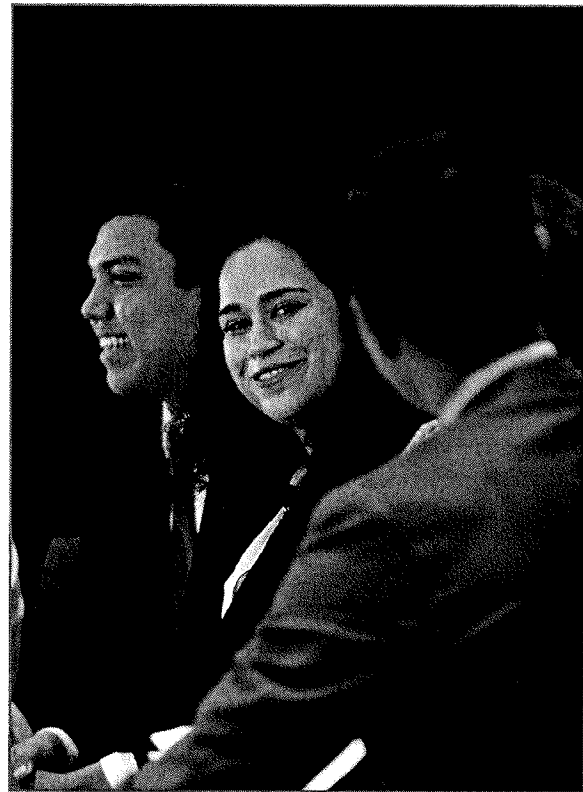
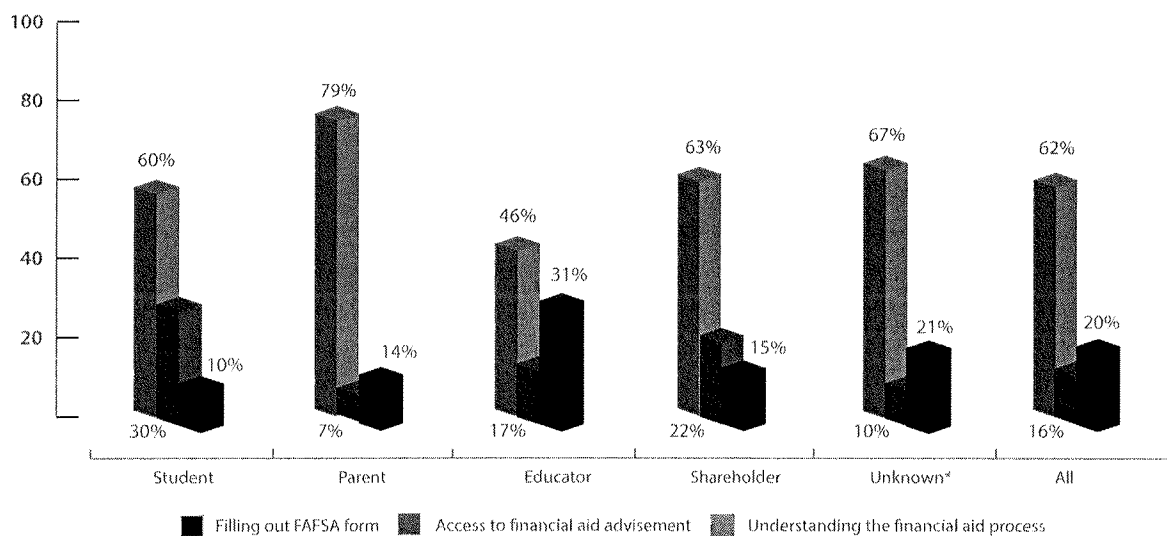


Figure 4. Which aspect of the financial aid process is the most difficult for students and their families?



Source: NCLR analysis of data collected at the 2015 National Council of La Raza Annual Conference Town Hall on Higher Education on July 11, 2015.

* The “unknown” category consists of respondents who did not provide an answer or who were not present to respond to the first survey question on stakeholder identification.

Gabriella suggested that simplifying the process would help students. She shared, “We’ve suggested that for most of the students out there, students who come from backgrounds where it’s not a very complicated economic situation, just keep it simple! So we are advocating for the use of your information and your tax data, and to address the timing issue and use prior year tax data... We think that more can and should be done to make it easier and simpler to get that aid.” Gabriella also noted the importance of innovation and room for other nontraditional financial aid products. She said, “Somerimes students are dropping out because of \$200 that they owe. \$200! You think about that, and a student’s life, their family’s life, their opportunities could be stopped for \$200!” To address this issue, she suggested exploring programs to address gaps in funding that can seem small, but can be profound to a struggling family.

Deborah also shared innovative practices emerging across states, saying that “there are pilot efforts with companies like H&R Block, where they can help people while they’re filing for their taxes to also complete the FAFSA. We’re seeing institutions with financial aid labs [where] computer rooms are dedicated during [certain] times of the year, where everybody is in there... filling out the FAFSA together. We’re seeing workshops for parents and students to fill it out, and not just in their senior year, but trying to get them in earlier. Then we’re seeing school districts across the country require completion of the FAFSA as part of graduation, or using it as part of the curriculum.”

Panelists moved to explore affordability of college for immigrant students. Deborah noted the additional barriers affecting affordability for the thousands of students who have received temporary deportation relief under Deferred Action for Childhood Arrivals (DACA). She said, and other panelists concurred, that DACA students are incredibly resilient. However, to date, only 21 states offer in-state tuition, and only seven states offer in-state financial aid to undocumented students.¹⁰ Restricted financial aid greatly affects the ability of these students to afford college.



To change the situation, Deborah remarked, “The challenge we face is to make sure that, not just those who are elected officials see the value and see the value of the investment from an economic term, but also from a personal point of view. I think, unfortunately, the onus is on us to do that.”

Gabriella agreed, and noted that until greater policy change is achieved, DACA students must work especially hard to identify scholarships that can support their college education. Therefore, the efforts of nonprofit organizations and foundations working to provide aid to these students must be amplified. Deborah concluded, “It just makes economic sense that we would support people who have done all of the right things in our country and feel that they can contribute. That’s the American Dream and the American way. So to do less, I think, doesn’t reflect the values of our country.”

POLICY IDEAS IN BRIEF:

Enhancing College Affordability

- Increase federal and state funding to make college more affordable.
- Streamline the FAFSA form.
- Integrate instruction on filing the FAFSA into other programs.
- Build initiatives to provide small-dollar emergency financial aid.
- Expand policies to extend in-state financial aid to DACA recipients.



COLLEGE SUCCESS: THE ROLE OF INSTITUTIONAL SUPPORTS FOR COLLEGE AND CAREER PREPAREDNESS

What institutional supports can help Latino students succeed?

Latino aspirations for a college degree are evident in the increase of students attending college nationally. The share of Hispanic 18- to 24-year-olds enrolled in postsecondary education increased significantly between 1972 and 2012, from 13.4% to 37.5%.¹¹ Reflecting on this increase, Miguel posed a question to Deborah, saying “More and more Latinos are going to college, although we’re simply not where we want to be. Is there one big roadblock, or are there several, that are slowing down the number of Latinos getting into college and going?” Deborah invited the audience to pause on the first part of Miguel’s question, saying, “I want to focus on your first point, which is more and more Latinos are going to college than ever before. We want to focus on this as an asset.” Her remark elicited a great deal of applause from audience members in recognition of the gains made by Hispanics over time.

Deborah went on to note that the focus should be on what students and institutions of higher education can do to improve achievement and success. Assuming the perspective of a student, she remarked, “I think understanding what our options are, getting support, and making sure that we are persisting (which is what we do), and being retained (which is what institutions do) to make sure that we not only get the benefit of access, but that we graduate, is summarily important.” She went on to explain the shared responsibility of completion, that while students have a responsibility to persist through the college experience, institutions

have a responsibility to provide the necessary supports to yield completion. Thus, she believes, institutions have a vital role to play in the success of students. About the role of the institution, she said, “It can’t just be, ‘*vaya con Dios*, you got in, it’s up to you to get through.’ A large part of our push is to make sure the institutions do right by the students, who’ve done everything right to make sure that they get there.”

To mediate conditions that may derail student pathways to success, both Deborah and Gabriella discussed the role that institutions—both K–12 and higher education—must take on to ensure that more students are prepared and able to persevere through college. Gabriella talked about her own experience with institutional supports. She shared, “I was a remedial education student, did not get fully prepared in my K–12 education, and came underprepared in my writing and analytical skills into my undergraduate education...Remedial education could have held me back in many ways, were it not for the institutional supports.”

To ensure that students in need of remedial education are not held back, she suggests, “There are several strategies that we need to invest in. Remedial or developmental education, if done well, does transform systems and helps advance students.” To help increase completion rates, institutions must provide resources, which could include more effective and innovative remedial courses to bridge

the knowledge gap between K–12 and higher education that will facilitate, not prevent, the timely completion of degree programs.

Another institutional support, teachers, was raised during the question and answer session. An audience member posed the following question: “What pedagogical changes have to take place in teacher preparation programs in order to train culturally competent teachers?” Deborah responded, “I think the pedagogy is there. What we don’t have is a way to apply the cultural competency to it. Our students can learn. We have to make sure that our teachers... are aware of the strengths and needs of our students, and apply that [knowledge] in significant ways.” The role of the institutions, therefore, is to be deliberate about the knowledge and experiences that they provide to teachers that acknowledge the assets of the Latino community. She concluded, “It’s not about changing rigor. It’s making sure that we’re intentional in serving Latinos, and focused on their strengths, and pushing them to be the best they can be. That, to me, is not a pedagogical change. It’s a fundamental change in perspective, expectations, and commitment to the students we educate.”

How can Latino students be better prepared for college and career success?

It is true that Latinos are making progress on many indicators. More Latino students are graduating from high school (from 61% in 1993 to 73% in 2012¹²), the dropout rate has decreased by more than half (from 28% in 1993 to 13% in 2012¹³), and more students are enrolling in Advanced Placement courses.¹⁴

However, national data show that our education system is not adequately preparing young students for success in high school and beyond. Once enrolled in college, many Latino students continue to face academic challenges. For example, during the 2011–2012 academic year, 18.6% of first- and second-year Hispanic undergraduates reported taking a remedial course, compared to 13.8% of White students.¹⁵

The theme of college readiness, or lack thereof, drew a lot of commentary from the panelists. Miguel asked, “Fernando, I’m sure like some of my friends, some of yours didn’t all go to college, or aren’t all going next year. What were some of the roadblocks for them? Why are some people that you know not going to school?” Fernando said that inadequate academic preparedness is a challenge, “There are only a couple of honors classes, and then the rest of them are just what they call ‘regular’ classes.



“I think a big problem that we have is, when these students arrive freshman year in high school, they don’t know that there are these classes that are offered. Then, when it comes junior or sophomore year, when these students want to excel, these teachers are not allowing them in because they think that they’re not accustomed to a sort of class that isn’t at the same level of rigor.” Fernando’s comments allude to a lack of school support in discussing long-term goals and how to achieve them. His reflections point to the need for greater availability of college- and career-ready standards and advanced courses throughout K–12 education to prepare learners for rigorous college coursework.

In addition, panelists remarked that readiness for college extends beyond academic capability. Miguel asked, “When students are getting into school and they’re not attaining completion, why are they falling through the cracks? What kind of support system do they need to be able to execute, to go from enrollment to graduation?” Panelists stated that the preparation of students requires a nuanced approach that combines academic knowledge with institutional and community supports to build “college knowledge.” Together, these supports will contribute to postsecondary and career success. They explained that institutional supports are essential for the continued persistence of students while in school. Community supports, they noted, provide a safety net for students that harnesses the experiences and expertise of Latinos who preceded them and offers the mentorship and guidance needed for long-term success.

In her remarks, Deborah recognized the instrumental role of community within the Latino postsecondary experience. She said, “In some ways the onus is on us, as low-income, first-generation college-goers, as successful second generation, third generation, to make sure we support each other in our success.” Deborah stated that community support comes in a variety of forms: “It could be a social event, or helping somebody who can’t make it home, to something much more involved and helping support financially, or just providing the academic or personal support they need.”



As students, Fernando and Emily reiterated the importance of community in their success. Emily said, “Finding someone who believes in you, mentorship... to help you see that you are going to be prepared [is important because] it just might take some time for students to see that vision of college success.” Fernando said that there is a great deal more we can do to support Hispanic students. He said, “I was lucky to be blessed with all this success...but it made me realize that there is still a big disparity between what different people see as success. I mean, getting one kid into college is success in itself, but when you have someone getting into an Ivy League school who is Latino, we need to come together as a Latino community, as we all are right now, and push more students forward... we have to pave the road for the people that come after us.”

Audience members also identified the importance of the community when identifying desired outcomes from postsecondary education (see Table 1).

Nearly half of audience participants (45%) identified the importance of students being well-rounded, aware of the world around them, and being able to apply their learning to real-world objectives. Students felt that being well-rounded was important, but also reported that a passion for life-long learning and dedication to a chosen field were two equally important outcomes of college completion. Reflecting on the poll results, Deborah remarked, “For many low-income, first-generation college-goers, it’s what we do with what we have, and how we can do the most to help others, not just ourselves.”

Table 1. Which is most important for students graduating from college?

	Student	Parent	Educator	Stakeholder	Unknown*	All
Students have the professional and technical skills for the current economy	25%	13%	8%	18%	18%	15%
Students acquire critical thinking, analytical skills, and reasoning skills	0%	20%	21%	13%	25%	19%
Students demonstrate passion for life-long learning and dedication to a chosen field	38%	7%	18%	8%	17%	15%
Students owe the least amount of student debt	0%	7%	3%	11%	4%	5%
Students are well-rounded, aware of the world around them, and can apply their learning in to real-world objectives	38%	53%	50%	50%	35%	45%

Source: NCLR analysis of data collected at the 2015 National Council of La Raza Annual Conference Town Hall on Higher Education on July 11, 2015.

* The “unknown” category consists of respondents who did not provide an answer or who were not present to respond to the first survey question on stakeholder identification. Not all participants answered all questions.

According to participants and panelists alike, readiness should extend beyond the college classroom experience and must include skills that will help prepare students for a career. Specifically, lessons promoting critical thinking, instruction on networking, and opportunities to benefit from mentorship could help all students learn the skills needed to be successful in the postgraduate professional world. To accomplish this, the roles of institutions and of community are vitally important. As Deborah remarks, “Too often, we have students who do all the right things from high school through college, and say, ‘When I get my degree, I’ll be set.’ The reality is that you still have to open doors to make sure you have that opportunity. I don’t think we prepare our young people sufficiently to say, ‘Now that I have a degree, I still have to be aggressive to make sure that I’m able to engage and make sure I contribute to my own future, and that of my community.’” Mentors can help students navigate the pre- and post-college experience and provide needed support to students, especially first-generation college-goers. Latinos should be encouraged to take ownership of their role in “paving the way” for the next generation of Latino students.

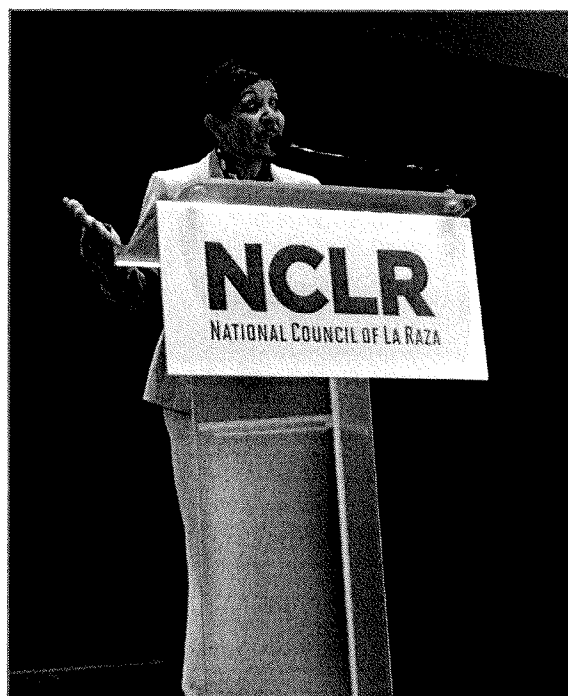
Miguel built on this point when he said, “It’s tough getting into school, but when you get out, some people don’t have all the options that they hoped or thought they would have. What do you advise students to do, once they are able to successfully get their diploma?” Gabriella offered a response stemming from her own experience: “I really do think it is your peers that you have and your network that you develop. I was very fortunate to be part of

the Congressional Hispanic Caucus Institute Fellowship, and have had some wonderful friendships and networks that not only keep me grounded, but are also resources for me for the future.” She concludes her advice to students by emphasizing, “Use your resources, whether it’s in your undergrad or elsewhere and use your community.”

POLICY IDEAS IN BRIEF:

Preparing Students for College and Beyond

- Increase access to college- and career-ready standards and advanced courses.
- Institutions must provide academic supports.
- Increase engagement by the Latino community as a safety net for students.



CONCLUSION

The educational outlook for Latinos is improving across the board: promising policy changes coupled with the hard work of the Latino community show that reversing course on longstanding inequities is possible. Education provides a growing number of Latino students in this country with an incredible opportunity for long-term success. That opportunity, however, is threatened as more Hispanic students find the dream of attaining a college degree increasingly difficult to achieve. As more Latinos enter into higher education, it is incumbent upon stakeholders and policymakers to evaluate the needs of Latino students as they enter unfamiliar territory. Only then can these parties fully understand the academic, social, and cultural realities Latino students face so that they can invest in policies that will help ensure success. With better, more targeted federal, state, and

institutional policies, we can raise academic achievement, secure more equitable access to postsecondary opportunities, and remove barriers inhibiting success for millions of hard-working Hispanic students.



SPEAKER BIOGRAPHIES



Miguel Almaguer was named NBC News correspondent in April 2009 and is based in Burbank, California. He contributes to all NBC News properties, including “NBC Nightly News with Brian Williams,” “Today,” and MSNBC. Prior to NBC News, Almaguer was a general assignment reporter specializing in breaking news coverage at WRC in Washington, DC, since 2006. Before joining WRC, Almaguer was a reporter for KCRA in Sacramento from 2003 to 2006. His first job in television was with KSBW-TV in Salinas, California, from 2000 to 2003. Almaguer received an Emmy Award for coverage of the San Diego wild fires in 2007, and an Edward R. Murrow Spot News Award in 2004. In addition, the National Association of Hispanic Journalists has honored Almaguer with awards and scholarships. A native of Berkeley, California, Almaguer graduated with high honors from San Francisco State University with a degree in broadcast communications.



Gabriella Gomez is deputy director of postsecondary policy and advocacy at the Bill & Melinda Gates Foundation, and leads the team responsible for developing and executing engagement strategies to support the scaling and sustainability of the foundation’s work toward the overall postsecondary success agenda. Prior to joining the Bill & Melinda Gates Foundation, Gomez worked at the U.S. Department of Education, leading the Office of Legislation and Congressional Affairs, and most recently served as the Acting Assistant Secretary for the office in charge of the overall budget and policy efforts for the agency. Gomez’s other experience includes serving as the lead higher education policy advisor for Chairman George Miller (D-CA), on the U.S. House of Representative’s Committee for Education and Labor, a lobbyist for the American Federation of Teachers, and as a legislative assistant for U.S. Representative Ciro Rodriguez (D-TX). She is a graduate of the Harvard School of Education and of Loyola Marymount University, and is a recipient of the Congressional Hispanic Caucus Institution Fellowship.



Emily Gonzalez hails from the South Bronx, New York, and currently calls Providence, Rhode Island, home. A proud first-generation college graduate of Brown University, she studied Education and Human Development. She was deeply involved in diversity and student engagement through her role as the Latino Student Initiative Coordinator, Minority Peer Counselor, and First-generation Student Group mentor. After graduating in 2013, Emily joined the AmeriCorps VISTA Program for two years to serve at College Visions, a nonprofit in Providence that helps low-income, first-generation students apply to and graduate successfully from college. She continues to work at College Visions as a College Access and Success advisor. From her current work and exposure to NCLR as a Congressional Hispanic Caucus Institute alum, Emily was inspired to continue engaging within the Latino community on a national platform as part of the NCLR *Líderes* Summit Staff for two consecutive years.

SPEAKER BIOGRAPHIES



Annette R. Martinez is the Vice President of Operations, Human Resources, at State Farm Insurance Companies corporate headquarters in Bloomington, Illinois. Martinez has enjoyed many aspects of her career, particularly working at a company with strong ethical values. In her 23 years at State Farm, Martinez has worked in several departments including Life/Health Insurance, Diversity & Inclusion, Claims, and has held other key operational assignments that led to her current role in Human Resources. Martinez is an authentic leader and strong role model for other professionals, and she believes whole-heartedly in paying it forward. Martinez is a strong advocate for diversity and inclusion and in 2009 was named one of the top five Latina executives by *Latina Style Magazine*. She earned a bachelor's degree in biology from the University of Northern Colorado. She earned the Chartered Life Underwriter (CLU) designation in 1995, the Chartered Financial Consultant (ChFC) designation in 1996, and the Chartered Property Casualty Underwriter (CPCU) in 2010. She is a member of the OSF St. Joseph Community Board, the John M. Scott Healthcare Commission, the National Hispanic Corporate Council for Corporate Executive Development Program, and the Multicultural Leadership Program Advisory Board.



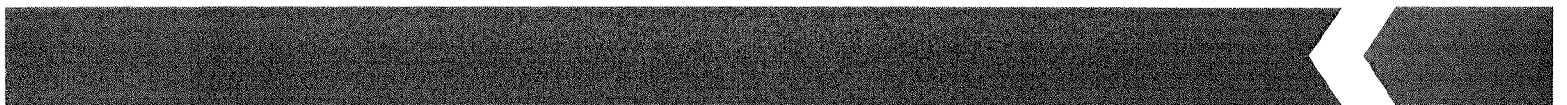
Deborah A. Santiago is the co-founder, Chief Operating Officer, and Vice President for Policy at Excelencia in Education. For more than 20 years, she has led research and policy efforts from the community to national levels to improve educational opportunities and success for all students. She co-founded Excelencia in Education to inform policy and practice to accelerate Latino student success in higher education. Her current work focuses on federal and state policy, financial aid, Hispanic-Serving Institutions, and effective institutional practices for student success in higher education. She has been cited in numerous publications for her work, including *The Economist*, *The New York Times*, *The Washington Post*, *AP*, and *The Chronicle of Higher Education*. Deborah serves on the board of the National Student Clearinghouse, and the advisory boards of thedream.us and Univision's Education Campaign.

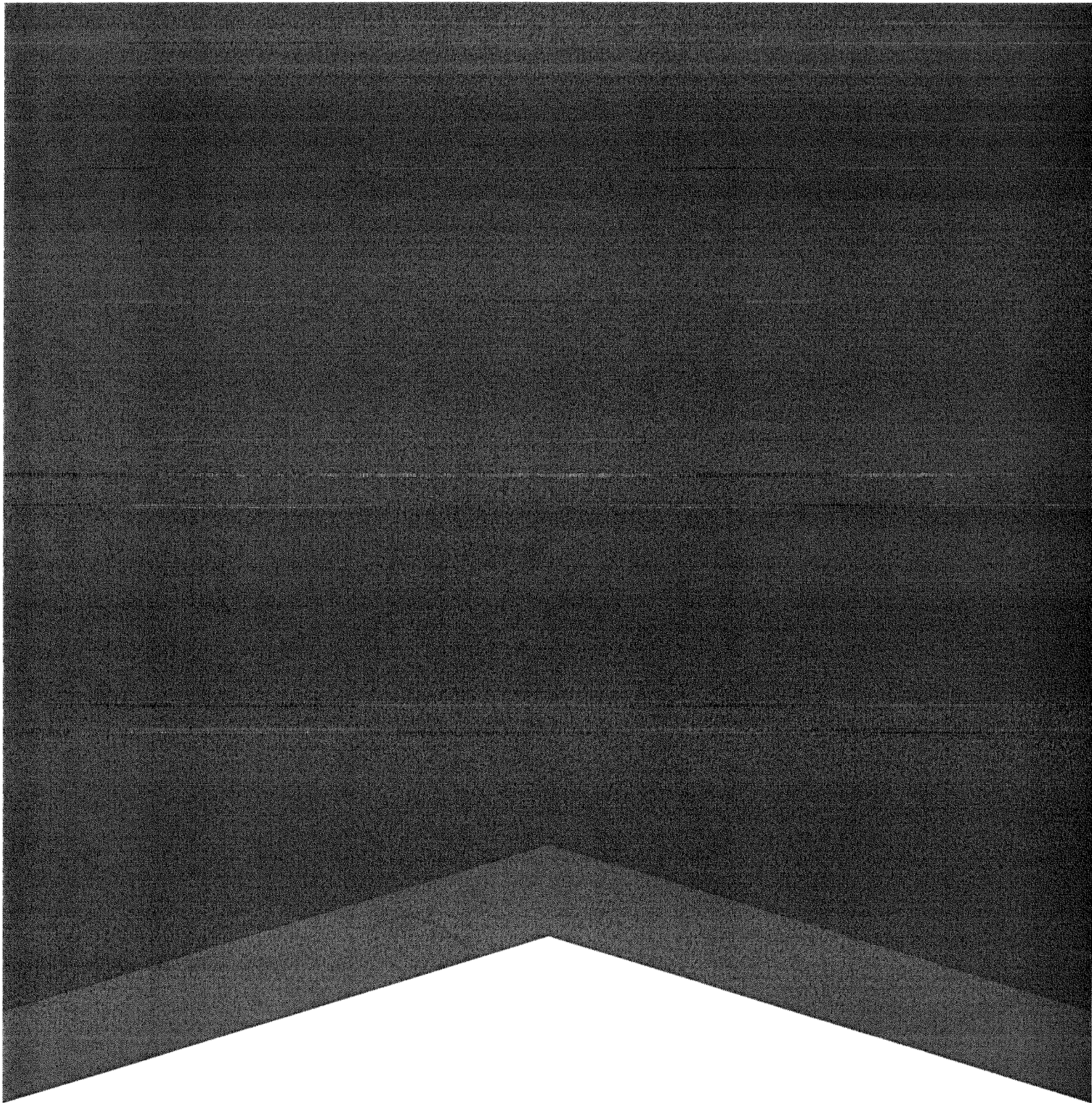


Fernando Rojas is a 2015 graduate and co-valedictorian of Fullerton High School in California. Fernando holds the distinct honor of being one of eight students nationally to be accepted into every Ivy League school. He is the youngest of four children of Mexican immigrants. Fernando attributes his success to his parents, neither of whom were educated beyond the eighth grade, but who constantly encouraged him to aim high. Fernando graduated with a 4.8 GPA, he is a skilled debater, and he earned a National Championship in Poetry Reading. He matriculated to Yale University in the fall of 2015, where he is pursuing coursework in Latin American Studies and Law.

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How Law Schools Are Failing Minority Students

On average, minority students end up in lower-ranked law schools, which they pay more to attend than white students, resulting in higher debt burdens.

By Tom Ichniowski, Contributor to TomDispatch



ANDERSEN ROSS VIA GETTY IMAGES

This article originally appeared at TomDispatch.com. To receive TomDispatch in your inbox three times a week, [click here](#).

By [Erin L. Thompson](#)

Law school applications are up this year in what some are calling a “[Trump Bump](#),” since around a third of applicants were inspired to apply by Trump’s election. [Nearly half](#) of them identify themselves as members of a minority group. They’ve seen lawyers fighting Trump administration policies that discriminate against their communities and want to do the same. If these minority applicants succeed, they could change the balance of power in American society. If they fail, they will find themselves crushed under a lifetime of debt. But few are aware that they are taking this enormous gamble in a rigged game.

On average, minority students end up in lower-ranked law schools, which they pay more to attend than white students, resulting in higher debt burdens. Minority law graduates have lower bar exam passage rates, employment rates, and income levels. Given the intense competition for paid social justice positions, few of them will end up in careers where they can support themselves while fighting for the ideals that brought them to law school in the

first place.

Legal education has failed and will continue to fail minorities. This shouldn't be surprising, since the entire American system of restricting admission to the practice of law has long been designed, explicitly or implicitly, to exclude minorities. Nowadays, of course, minorities are no longer simply prohibited from entering law school. Instead, the system loads many of them with staggering debt before killing their hopes, leaving them hanging from the very bootstraps they had hoped to use to rise.

Attack on the Night Schools

If you want to practice law today, you minimally have to graduate from college, then law school, and then pass a state bar examination. This is a far cry from 1851, when, in the grip of the anti-elitist ideals of Jacksonian democracy, Indiana declared that all of its citizens were entitled to practice law, the only requirement being “good moral character.” Not until 1932 did that state concede that its lawyers might need some other training — and this wasn't as unusual as it might seem. Before the turn of the twentieth century, the vast majority of America's lawyers had never attended the few law schools that then existed. (Most of them had not gone to college and some hadn't even completed high school.) Instead, like Abe Lincoln, most apprenticed in a lawyer's office and read up on state laws before passing a short oral bar exam. Apprentices had to persuade a lawyer to take them on, had to pay him, and could not perform other work to support themselves while apprenticing.

The early twentieth century saw an explosion of new law schools founded to serve the needs of those for whom such conditions were daunting, especially minorities, recent immigrants, and women. Generally located in urban centers, those schools charged low tuition and were staffed with practicing lawyers who taught after working hours, so that their students could earn a living.

There was widespread horror at the prospect of night schools allowing a horde of undesirables to become lawyers who might charge cheaper fees and so undercut mainstream attorneys. As a result, the Association of American Law Schools, representing the more expensive, university-affiliated institutions, banded together with the American Bar Association (ABA) to campaign for states to raise the requirements for aspiring lawyers. The target: keeping minorities out of the profession.

Shortly after World War I, for instance, a New York lawyer argued that it was “absolutely

necessary” to require law school applicants to have attended college or the country wouldn’t have lawyers “able to read, write, and talk the English language — not Bohemian, not Gaelic, not Yiddish.” Similarly, at a 1929 ABA meeting, a member claimed that the majority of complaints received by the Philadelphia Bar Association concerned “Russian Jew boys” and insisted that “these fellows that come up out of the gutter” be required to complete a college education to “absorb the American ideals.”

The process of restricting admission to the bar took decades. In 1923, although most aspiring lawyers attended law school, no state required them to do so. Only in the post-World War II years did all but a handful of states insist upon a law degree for everyone who wanted to practice in the legal system. Meanwhile, the ABA would be appointed the accrediting body for law schools in almost all jurisdictions and the cheaper, more accessible night schools would either close up shop or transform themselves into elite clones as best they could — and raise their tuitions to match.

Why do Minority Law Students Pay More for Worse Educations?

In 1968, the year Martin Luther King, Jr., was assassinated, only 1% of American lawyers were black. Other minority groups had so few lawyers that the numbers weren’t even tallied. Since then, those figures have steadily increased, but the percentage of minority students in the elite law schools that offer the best chances for a prestigious, well-compensated career remains far lower than at non-elite ones. (The same has been true of women: while, in 2016, female law students outnumbered males for the first time, only six of the top 20 law schools had at least half-female student bodies.)

The reason: Law School Admission Test (LSAT) scores. Minority and underprivileged students have consistently had lower average LSATs than white and wealthier test takers, even when other ways of measuring their abilities and achievements did not show a difference. There has been much debate about the causes of this score gap. The expense of the preparation courses that teach LSAT-taking skills is certainly one reason. Others suggest that the test itself has hidden racial biases, since it calls for analyses that might be performed differently by those with different backgrounds. (Or perhaps not so hidden: as late as 1986, LSAT takers had to answer questions about a reading passage set in a country where slavery was legal, featuring slaves who insisted that they found their condition “extremely pleasant.”)

The LSAT score gap means that American law schools have developed a kind of

educational apartheid: minorities disproportionately end up at lesser law schools. In 2017, for instance, Arizona Summit Law School topped the charts as America's most diverse law school, while also earning another record: worst bar passage rate. Only around 27% of its graduates passed the bar exam on their first try and only 34% landed long-term, full-time legal jobs. The ABA put the school's accreditation status on probation, but Arizona Summit is now suing the ABA, claiming unfairness in the decision, which has indeed put its ability to attract new students in jeopardy.

Minority students generally pay more for the privilege of going to these lesser schools, again thanks to the LSAT. Schools offer merit scholarships to students with high scores in order to increase their rankings. Lower-scoring students pay full sticker price and so, in essence, fund those scholarships, which tend to go to a wealthier, less diverse group of students in what some critics have dubbed a reverse Robin Hood effect.

Exploitation Disguised as Opportunity

Elie Mystal, an iconoclastic legal pundit, counsels law school hopefuls that of America's more than 200 law schools, "there are *maybe* 20 schools that are worth paying full price for. There are *maybe* another 20 schools that are worth it if you are getting reduced, in-state tuition. And that's being extremely generous." So why do so many minority students end up at lesser schools that offer them a significantly lower chance of success? In his recent book *Law Mart: Justice, Access, and For-Profit Law Schools*, law professor Riaz Tejani dissects the way low-ranked law schools market themselves to students with low LSAT scores by promising to provide "access to justice." Accepting students who will largely fail to get legal jobs in the name of allowing them the opportunity to access a legal education is, Tejani claims, symptomatic of a neoliberal model of legal education, which offers "social inclusion" at a steep price "devoid of social protectionism."

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The profits to be made from marginal students are significant, since tuition hardly varies between law schools regardless of their quality. Indeed, in 2011, New York Law School, which ranked in the lowest tier of such institutions, was charging more than Harvard Law School. The 2010 graduating class of the Western Michigan University Cooley Law School, another bottom-tier institution, had a total debt of more than \$87 million. Nearly all of this borrowing was from federal loan programs and, given Cooley's dismal employment statistics, it's likely that taxpayers will have to cover the significant portion that will never be repaid. Despite such statistics, the class Cooley enrolled in 2017 was the third largest in the country, behind only Georgetown and Harvard.

The average graduate will have taken on more than \$100,000 in debt (the amount a woman crowd-sourced last year to pay off what she owed after law school in order to achieve her new goal of becoming a cloistered nun). Such a debt is a far heavier burden for minorities, since the lists of schools with the highest proportion of them and of those with the lowest percentage of graduates employed in full-time legal jobs show considerable overlap. For example, in 2015, Charlotte School of Law had the fourth highest percentage of African-American students among law schools (36%) and also the highest percentage of 2016 graduates who were either unemployed, employed in temporary or part-time work, or working in nonprofessional jobs (59.12%). (Charlotte abruptly shut down in 2017, after the ABA put it on probation.) The few minority lawyers who obtain high-paying legal jobs have overwhelmingly gone to a top law school. Three-quarters of current black law firm partners went to one of the top 12 law schools, and nearly half went to either Harvard or Yale.

Mind the Justice Gap

In a book widely considered to have launched the ongoing debate about the future of law schools, Brian Tamanaha notes that “perversely, the United States has an oversupply of law graduates at the same time that a significant proportion of the populace — the poor and lower middle class — go without legal assistance.” This “justice gap” is, in part, the result of the high cost of legal education. Even those who went to law school to help members of their community regularly find themselves unable to afford to do so — if they want to meet



against poverty and discrimination. As studies like Matthew Desmond's Profit in the American City demonstrate, those who have no choice but to turn to legal aid themselves face large financial, social, and emotional costs in the c

to families struggling

CONVERSATIONS

event that they lose in housing court or when trying to obtain debt or a restraining order. Society as a whole then pays the price for the productivity and the cost of baseless or useless incarceration. Afford quite literally be a matter of life and death. As Supreme Court Justice has pointed out, “People who are well represented at trial do not go

There have been a number of proposals to lower the cost of becoming a lawyer by making law school shorter, returning to an apprenticeship model, or creating programs to train “legal technicians” in limited areas of the law. But even if evictions effectively with cheaper and briefer legal training, you’ll not see the way. For such positions, the broad, theory-based education offered by law school is a virtual necessity. Critics, in fact, worry that a return to shorter, lower-cost programs will harden what already looks like educational apartheid. Minority applicants are pushed into the equivalent of vocational programs and left without hope of moving into positions of power in which change might begin to be implemented.

Solutions are not simple, but change is clearly needed in areas ranging from admission standards and law school coursework to the nature of the bar exam. The reform undoubtedly only begins to touch on the deeper biases embedded in the system. In a prescient 1977 book, Unequal Justice: Lawyers and Social Change, legal historian Jerold Auerbach argued that biases in the legal profession have “serious consequences” in a country where we depend on lawyers to implement the principle of equal justice under the law. The difference in the number of female judges has made is already evident. For one thing, 37 percent more likely than male ones to rule against sex-discrimination.

Imagine, then, what a difference more minority judges might make. If the legal system of education changes, however, that difference will remain in the realm of imagination.

Erin L. Thompson, after practicing as a lawyer, is now an assistant professor of art crime and a pre-law adviser at John Jay College (CUNY). She has previously written for TomDispatch on curating an exhibit of art made by detainees at Guantánamo Bay. Follow her on Twitter at @artcrimeprof.

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Shadows of the American Century: The Rise and Decline of U.S. Global Power, *John Dower's The Violent American Century: War and Terror Since World War II*, *John Feffer's dystopian novel Splinterlands*, and *Nick Turse's Next Time They'll Come to Count the Dead*.

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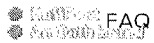
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Highlights from
Before the JD:
Undergraduate Views
on Law School



Association of American
Law Schools

GALLUP®

We knew little about why students consider law school...until now

From 2010 to 2015, law schools experienced a sharp decline in applications and enrollment, while many other graduate and professional programs stayed flat or experienced a modest increase in both. Journalists, lawyers, and legal education experts offered theories on why law schools experienced such a dramatic drop, but little research was available about how undergraduate students make decisions—about post-graduate education generally or legal education specifically. This lack of research is a marked contrast to the volume of studies on how high school students make decisions about college.

The nation needs diverse, talented, and well-educated lawyers and judges if it is to continue to strengthen and benefit from the rule of law. Understanding of the factors that lead to the decision to attend law school will enable colleges and universities to provide better information to prospective students. It will also guide schools in developing courses and programs that better match the goals of incoming law students. *Before the JD* is the first known survey in more than 50 years aimed at gathering first-hand undergraduate views on graduate and professional school in general and law school in particular.

About *Before the JD*

Before the JD is a study based on a national survey conducted by Gallup for the Association of American Law Schools (AALS) to understand student views on law school. The project was sponsored by the ABA Section on Legal Education and Admissions to the Bar, the AccessLex Institute, the American Bar Foundation, the Law School Admission Council (LSAC), and the National Association for Law Placement (NALP). Fourteen major law firms and four corporate counsel offices provided additional support. The survey produced responses from 22,189 undergraduates at 25 four-year institutions whose students are likely to go on to graduate and professional schools, and from 2,727 first-year students at 44 AALS member law schools.

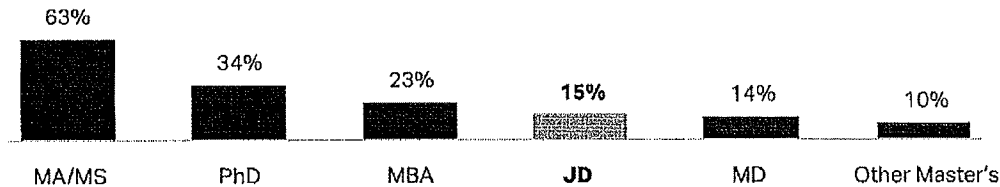
Which Advanced Degrees Are Undergraduates Considering?

63% of undergraduates likely to pursue an advanced degree are considering an MA or MS.

34% are considering a PhD.

23% are considering an MBA.

15% are considering a JD.



Who is Considering a Law or Other Advanced Degree?

One-third of undergraduate students nationwide are first-generation college students.

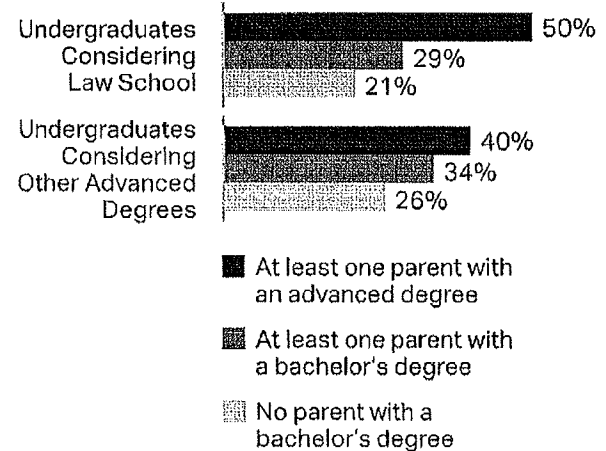
One-quarter of undergraduates considering other advanced degrees are first-generation college students.

One-fifth of undergraduates considering JDs are first-generation college students.

Of undergraduates considering law school, **half have at least one parent with an advanced degree.**

In comparison, about 12% of individuals age 45 to 65 (typical age range of parents of college students) have an advanced degree.

50% of undergraduates considering law school have at least one parent with an advanced degree.



When Did Law Students First Consider a JD?

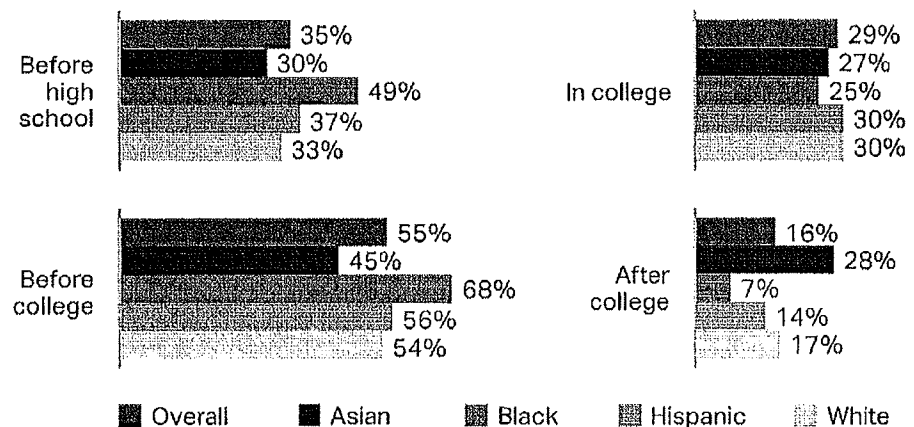
55%

of law students first considered law school before they reached college.

More than half of law students report they first considered going to law school **before they reached college**. Slightly more than one-third of the students first thought about it before high school. Women were more likely to first consider a JD before high school than men.

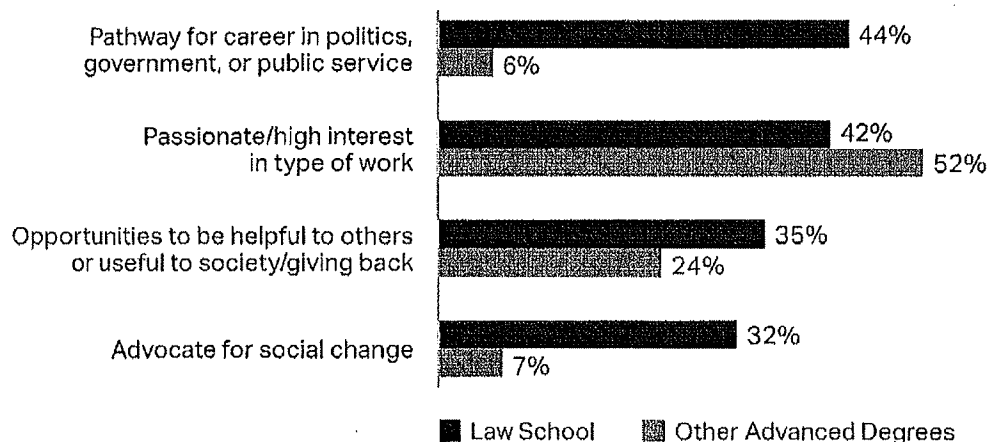
Black law students were the most likely to have considered a JD early—before high school and before college.

Asian law students were the most likely to have considered a JD later, after college graduation.

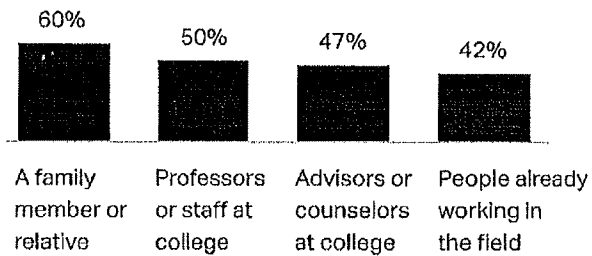


Why Do Undergraduates Aspire to Go to Law School?

Aspiring undergraduates report **public-spirited motivations** as the top reasons for considering a JD, including seeing it as a pathway to a career in public service, being helpful to others, and advocating for social change.



Who are the Most Important Sources of Advice About Graduate or Professional School?



A family member or relative is the most important source of advice for undergraduates considering law school.

Professors or staff, and advisors/counselors at college are also reported to be important sources of advice.

About AALS

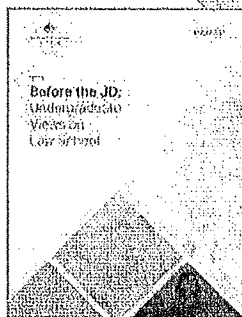
The Association of American Law Schools (AALS), founded in 1900, is a nonprofit association of 179 member and 18 fee-paid law schools. Its members enroll most of the nation's law students and produce the majority of the country's lawyers and judges, as well as many of its lawmakers. The mission of AALS is to uphold and advance excellence in legal education. In support of this mission, AALS promotes the core values of excellence in teaching and scholarship, academic freedom, and diversity, including diversity of backgrounds and viewpoints, while seeking to improve the legal profession, to foster justice, and to serve our many communities—local, national and international.

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Gallup delivers analytics and advice to help leaders and organizations solve their most pressing problems. Combining more than 80 years of experience with its global reach, Gallup knows more about the attitudes and behaviors of employees, customers, students and citizens than any other organization in the world.

Order Your Copy of *Before the JD Today*

Copies of the full report can be ordered at aals.org/research/



Beyond the Bachelor's: Undergraduate Perspectives on Graduate and Professional Degrees

Beyond the Bachelor's, a companion report to *Before the JD*, prepared jointly by AALS, the Law School Admission Council (LSAC), and Gallup, highlights factors contributing to the decision to pursue a graduate or professional degree in general. More information can be found at aals.org/research/

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<https://www.aals.org/research/>

Diverse Attorney Pipeline Program
<https://dapprogram.org>

The Diversity Scholarship Foundation
<http://diversitychicago.org/dc>

Gerkman & Cornett, Foundations for Practice: The Whole Lawyer and the Character Quotient
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Early Exits

Women of Color at Large Law Firms Tell ABA Researchers They Are Being Overlooked and Undervalued—Maybe That's Why They Are Leaving in Droves

JILL SCHACHNER CHANEN

FROM HER OFFICE IN A CURVED-glass building in downtown Chicago, Tina Tchen has all the trappings of success: a view, positions in national bar associations and a partnership at one of the country's most prestigious law firms—Skadden, Arps, Slate, Meagher & Flom.

To those who know her, Tchen's success is no surprise. A graduate of a top law school, she's worked hard to earn her reputation as a bet-the-company trial lawyer.

What is surprising, though, is that Tchen decided to stick it out at a law firm at all.

According to a new study by the ABA's Commission on Women in the Profession, few women of color ever get the kinds of equal opportunities that Tchen received to put them on the road to partnership. As a result, most choose to leave their firms rather than stay and fight for equality.

The study, *Visible Invisibility: Women of Color in Law Firms*, explores the experiences of these women. And what it shows is not pretty.

According to the study, women of color

are leaving large law firm practices in droves because they are the victims of an uninterrupted cycle of institutional discrimination.

In some cases, these women say they also are subjected to blatant racism and unwanted critical attention, all of which combine to create an uneven and unwelcoming playing field. The commission plans to release the study at this month's ABA Annual Meeting in Honolulu.

SHADES OF THE '90s

"THE PICTURE IS STILL DISTRESSING," says Diane Yu of New York City, a past chair of the women's commission who helped spearhead the study during her tenure. "The main thing that jumps out [of this survey] is how strikingly similar what we are hearing in 2005 and 2006 is to what we heard in the 1990s," says Yu, who also chaired a now-defunct ABA committee that studied a similar issue then.

"We still hold ourselves out as a profession that values [the treatment of others]. But these reports are too frequent to be dismissed or not worth mentioning," Yu says.

Pamela Roberts, current chair of the Commission on Women in the Profession, says she hopes that publication of the study and all the unpleasant information it reveals about the experiences of women of color will prompt change. "The commission really believes [the study] is a catalyst for removing institutional barriers between women and the full opportunity to serve and succeed in the legal profession," says Roberts of Nelson Mullins Riley & Scarborough in Columbia, S.C.

Women of color say race and gender still carry a lot of baggage in the workplace. And nowhere is that baggage more of a burden for them than in large law firms where the good-old-boy network of white male leadership still predominates.

The issue has taken on heightened importance for law firms of late as corporate clients are starting to demand diversity—not just in the composition of their legal teams, but also in entire firms. But many women of color report that law firms in general continue to be unresponsive. Though most law firms are making efforts to diversify through recruiting, it seems few pay attention to what happens once women of color actually start working full time at the firm.

BEHIND THE FINDINGS

THE COMMISSION'S STUDY IS NOT THE FIRST TO SPOTLIGHT this situation. Study after study—including 1998 and 2000 studies by the NALP Foundation (a research group associated with the National Association for Law Placement)—show that minority female lawyers have exceptional attrition rates in large law firms, defined as 25 attorneys or more. By some measures, nearly 100 percent of these women leave law firms within eight years. Other studies put the number closer to 66 percent within five years. Either way, women involved with the study say the numbers and the reasons behind the attrition are unacceptable.

"There are very few women of color in law firms. We are basically invisible," says Paulette Brown, a lawyer with Edwards Angell Palmer & Dodge in Short Hills, N.J., who co-chaired the study for the women's commission.

Brown, who notes that she is one of just three African-American women partners in large law firms in the entire state of New Jersey, says that law firm leaders have been ignoring this problem for far too long.

"My guess is that most have not taken a serious inward look. I think that they think about it; they think about how many women they have and about how many people of color they have. But they have not given any particular thought to women of color."

The women's commission enlisted the National Opinion Research Center at the University of Chicago to explore the unique experience of female lawyers of color. Using data obtained from self-administered questionnaires and from focus groups, the study has produced one-of-a-kind qualitative and quantitative data highlighting the differences in the hiring, development and advancement of women of color when compared to their male and nonminority counterparts in law firms, says Arin Reeves, a Chicago lawyer and diversity consultant who served as a co-chair of the study for the commission.

According to Reeves, 1,347 attorneys were surveyed—including 632 women of color, 250 white women, 250 white men and 215 men of color—with an overall response rate of 72.2 percent. Some of the women of color who participated were ABA members, while the rest of the respondents were all ABA members, though they were chosen randomly to receive the survey, Reeves says.

All the lawyers surveyed opted in to receiving the survey. Reeves says that while this sampling is not truly random, it was necessary to ensure a statistically significant sampling of women of color because such low numbers are represented in the profession.

"It was a difficult decision we had to make," she acknowledges. "The choice was whether we had 1,000 people participate in the survey—and then generalize from those numbers—or have it be purely random and get only 300 surveys and generalize."

Reeves says she sees women of color slipping through the cracks of law firms. Others, she says, are pushed out, while still more read the tea leaves and jump. "We are losing incredible talent from our profession because we have not been able to value, integrate and respect women of color," she says.

"The attrition has different points of origination, but, I think for a lot of law firms, they really believe that the majority of the women of color are jumping. But if we can make any point through this research, it is that, even if you decide to jump, you are not making the decision to jump in an ideal world where you have the same opportunities," Reeves adds.

SKIRTING THE PERIPHERY

WHILE MANY LAW FIRMS HAVE DIVERSITY INITIATIVES THAT focus on either gender or race, few—if any—pay attention to the overlap of these factors known as "intersectionality," says Reeves. And that's where many of the problems lie. "Women of color often are twice removed," she explains. As a result, she says, they tend to feel isolated and operate on the periphery in law firms.

Though many of these women of color working in large law firms are recruited from top law schools and often are at the top of their class, many of the study's respondents said they feel they are denied the same opportunities to succeed as their male and nonminority counterparts.

According to the study, 43.5 percent of the women of color surveyed reported missing out on desirable assignments because of race or gender while working at the largest law firm where they've practiced, compared to 25 percent of men of color, 38.6 percent of white women and 1.9 percent of white men.

And 42.6 percent said they did not have access to client development and client relationship opportunities due to their race or gender, compared with 24.2 percent of men of color, 55.2 percent of white women and 2.5 percent of white men, according to the study.

Tchen of Skadden Arps says the opportunity to get good work and the opportunity to make a mistake or two are the most important factors for the success of a young lawyer. Yet she frequently hears that minority women are not given those chances.

Like others, Tchen suspects that minority women are inadvertently overlooked when work assignments are

made. It likely happens because of individuals' comfort zones. "The people handing out the work are more comfortable with others like themselves, and since the majority of the people handing out the work are white men it is just perpetuating itself."

Tchen, who joined her firm's Chicago office as its fourth lawyer in the litigation department, never had a problem getting work when she was a young associate. There was simply too much to be done, she says.

But that didn't mean she would not have to prove herself. Even now, she says, she still encounters the occasional look from clients who, upon meeting her for the first time, seem curious about her abilities because of her ethnicity and gender.

"It is true that if you are a minority and a minority woman and you walk into a room for the first time that is largely populated by men and they've got a bet-the-company case, there is this moment when they are like, 'Who is this?'" Tchen says.

But her years of experience have allowed her to get past awkward first impressions and cement the client relationship. "Once you get past that first five minutes and they understand that you are exactly the person they need, then it is over," she says.

For those who do not have the experience—and the opportunity to get it—the situation could be troublesome. "For young lawyers, it's difficult because they have not gotten to the place that they can get through those five minutes and know that, once they get through those five minutes, it is over and they've got themselves the assignment."

Other women lawyers of color says Tchen's positive experience is still a rarity, especially when it comes to getting good work. "There was definitely a difference between the work I got and what my colleagues got," says a Washington, D.C., lawyer who left a large firm for an in-house position. "I had to voice my concerns about that. But I felt that I did not have the same opportunity to work on cutting-edge deals. I was put on support roles even though my classmates were not doing that."

When the economy took a downturn in 2000 and prompted a drop-off in workload, she saw significant differences in the work assigned to minority women and white men.

"I went from billing 14 hours a day to at one point billing 15 minutes in one day. I was getting pressure to bill, and I'd go around and ask for work and no one was giving it to me. Yet my white counterparts were getting tons of work," she recalls. "It affects your self-esteem. You start wondering if you are not a good lawyer. You internalize it."

Yet, like Tchen and others, this D.C. lawyer isn't sure that the unequal distribution was necessarily deliberate or malicious—she says a lot of it was simply a result of the firm's pervasive good-old-boy network.

"I learned from being at firms that it is not a meritocracy," she says. "And that is one of the biggest surprises when you go to a firm. A lot of things are not based on excellence but on who you are buddies with or who you are like."

MENTORING MATTERS

SEATTLE LAWYER JACQUELINE PARKER, NOW FIRST VICE

IN SEARCH OF BILLABLES

The *Visible Invisibility* study found some differences in billable hours for women of color.

- Different expectations: Women of color who left large law firms reported having had lower billable expectations for associates by about 100 hours annually when compared to white men and white women, and by 56.3 hours when compared to men of color. Billable-hour expectations were not significantly different, though, for women-of-color associates still working at large law firms.

- Disparate opportunities: Only about 46 percent of women of color were able to meet billable-hour requirements, compared to nearly 60 percent of white men and white women, and 53 percent of men of color.

president and counsel of Washington Mutual Bank, came to work at a large law firm with several years of experience in banking and finance and still found herself being denied opportunities. "I wanted to do financial services work, and if the partners and senior associates were not willing to give it to me, that is when I knew that it was time to find another opportunity," she says.

It was not until Parker approached a black partner at her firm and asked why she was not being given the opportunities she wanted that she was introduced to a senior white lawyer with substantial business in her preferred practice area.

Parker says the relationship she developed with these two lawyers helped her not only at the firm, but also in her law career. "I got absolutely invaluable feedback about what I did right and wrong," she says. But she wonders what would have happened without the support of these lawyers who took her under their wings.

Indeed, Parker's experience points to another issue raised by the surveyed women of color: the lack of mentoring. The survey found that 67.3 percent of the women of color would have liked more and/or better mentoring by senior attorneys or partners, compared with 52.3 percent of men of color, 54.6 percent of white women and 31.8 percent of white men.

Terri Ann Motosue, who once practiced with large New York City law firms, believes the lack of mentoring is the No. 1 reason people leave law firms regardless of race or gender.

Finding a mentor is difficult enough, she says, but it's tougher for minority women lawyers because there are so few senior women of color in law firms to whom they can relate.

"Mentoring goes to having a common ground with people, and there are very few minority women partners who can walk you through the process and groom you. But the white males, they had lots of mentoring opportunities," says Motosue, who is now with Carlsmith Ball in Honolulu.

But the degree to which a firm values mentoring also can be influenced by the firm culture, rather than the

ethnicity or gender of its lawyers.

One associate practicing at an Am Law 100 firm says the problem is worse at her firm, where minority partners have no interest and feel no obligation to mentor young minority attorneys. "We just had a new black woman lawyer start here, and I went to meet her," says the associate. "The lawyer said I was the only other black lawyer to come to meet her, and I found that disturbing because there are four of them at the firm."

And unfortunately, she says, she has since fallen in step with the office's standoffish atmosphere. She no longer tries to befriend other young black lawyers at her firm because she knows they will be gone within a year. Yet she acknowledges that "a big reason why they are gone is

FOCUSING ON TREATMENT

The ABA Commission on Women in the Profession convened focus groups in five major cities as part of its study on minority women lawyers leaving large law firms. The goal was to explore the unique experiences of minority women lawyers. What the focus groups revealed were countless stories of disparate treatment at large law firms. Below are excerpts from the transcripts:

"The way we were treated is markedly different. For instance, I'm a second-year, and a first-year Caucasian male was immediately assigned to cases. ... He's already getting a chance to take a deposition, and I still haven't taken any depositions yet."

"We also have a lot of large document reviews, and we always notice that [the African-American associates] ... are always all on the large document reviews. ... Sometimes you'll see more senior minority associates doing document review and we'll be thinking, aren't you a little senior for this?"

"At my law firm ... first-years share an office. And my office mate was a white male. ... That was really an eye-opening experience in terms of, you know, people don't just take assignments that are given. ... There's a whole back-and-forth; there's a whole give-and-take, and oftentimes the white men were much more aggressive about saying, 'Oh no, no. I'm not working with that person' or 'Get me something like this' or 'This is the kind of deal I want to work on.' And minority women, generally, ... would acquiesce and want to be helpful and be there to do their job and be accommodating, ... which made them prone to get work assignments with difficult partners, difficult clients, the less interesting work, or work that was not particularly relevant or involved."

"When I was hired I was a lateral hire, and I'd had significant experiences as a trial litigator. [Yet] they sent the partner who was a judge to go interview the judges that I had tried cases before, and they'd never done that with any other person that they'd hired—black, white, men, women. ... They still put me through the ropes, and then it took another year before they gave me a trial. So I'm sitting here with more trial experience than anybody in the firm, 200 attorneys ... and I sat for a year before they gave me a trial."

because there is no one to support us."

Women of color interviewed for this story say the dearth of senior minority women sends a loud and clear message to them about their futures at large law firms.

Another young lawyer who left an East Coast firm for government work says she chose to leave her six-figure job doing corporate litigation because she felt the writing was on the wall. Though she had several white men who acted as mentors to her, she noticed that the firm had no minority women partners who also were married with children. "I didn't want to take the gamble of altering the course of my life for these people—and if they didn't make me partner, then what did I do? That, coupled with the fact that I am black and female, I thought it made my chances for being partner less, and I didn't want to take that risk," the lawyer says.

Chicago lawyer Nina Fain cringes when she hears these stories. A partner at two large firms who eventually went out on her own to combine her interests in law and real estate, she says mentoring is not an option for any lawyer who wants to succeed—it is more like a requirement.

Although she believes in mentoring as a concept, Fain does not believe the potential of this valuable practice is being realized because of the way most firms are structured. The law firm business model penalizes workers for engaging in intangible—ergo unproductive—activities, which effectively reduces the time and effort lawyers can afford to devote to mentoring efforts.

Yet Fain says it is incumbent on law firms to figure out how to mentor young lawyers, and especially women of color, because the firms will lose business if they do not have truly diverse ranks of attorneys at all levels. "How this is managed in the context of profitability is a challenge. But the corporations who have done this tell you that there is a benefit to social responsibility," she says.

REPORTS OF OVERT RACISM

PERHAPS THE MOST NOTEWORTHY FINDING OF THE WOMEN'S commission study, however, was that nearly half of minority women lawyers reported that they are experiencing frequent and blatantly racist behavior in the workplace.

According to the study, some 49 percent of the women of color surveyed reported experiencing demeaning comments or other types of harassment, compared to 34.1 percent of men of color, 46.9 percent of white women and 2.5 percent of white men. More than 45 percent of women of color also reported experiencing one or more forms of discrimination, compared to 28 percent of men of color, 39.2 percent of white women and 2.5 percent of white men.

Reeves says the level of reported incidents is surprising. "There is a tendency in most workplaces to say we are past the overt and now into the more subtle forms of discrimination," she says. "I was expecting to find a lot more in the gray zone. Instead, I was surprised to find a lot of black-and-white discrimination."

For young lawyers who have come through life without previously experiencing the burdens of race, confronting it at a large law firm is shocking, according to the study and to women interviewed for this article.

Countless women in both the study and in interviews for this article tell of their experiences with racism, about fellow lawyers not recognizing them as professionals, and about degrading assumptions being made about them because of their ethnicity.

Among the anecdotes:

- Many minority women lawyers of the same ethnicity were often addressed with the same name.
- Several Latina attorneys say it was a given that they could speak Spanish and liked spicy food; other Hispanic women lawyers say that they were often asked about their immigration status, even though they were United States citizens.
- Asian-American women reported confronting stereotypes about being subservient or willing to work nonstop.
- African-American women often found themselves confronting old stereotypes about affirmative action or having quick-to-flash personalities.

Meanwhile, many Native American women reported experiencing little or no discriminatory behavior, according to the survey. Many suspected it was because they were too light-skinned for their ethnicity to come into play or because their majority counterparts found their heritage to be "cool." Others also reported working in American Indian-related practice groups where their heritage was considered a benefit. Nonetheless, many still reported accounts of racist remarks, including being referred to as "Pocahontas" or being subjected to jokes about scalping people.

The Am Law 100 associate says many women she knows have found that, no matter how well-educated they are, they cannot endure the treatment they suffered at these law firms because of racism. "It breaks my heart because their spirits were broken here," she says.

This lawyer says she does not know why she has put up with the discrimination she personally has experienced, but she now is enjoying seeing senior lawyers be solicitous to her after she developed a substantial book of business. "I've learned that black does not matter; green does."

Though many women of color believe the burdens of both race and gender account for their law firm experiences, others believe it is strictly a gender issue.

One Latina lawyer in Dallas believes the biggest problem women face is work-life balance. "You have to be superhuman as a woman to make it," she says.

Indeed, the commission's study shows that the single biggest reason women of color reported leaving firms was to obtain greater work-life balance. That was also the most frequently cited reason for all other groups surveyed.

The Dallas lawyer left her large law firm to go in-house primarily for work-life balance issues. But she also questioned whether, as a Latina, she would ever have been able to develop the kind of business that she saw the white men bringing in to make partner at the firm where she previously worked. "For one reason or the other, it is easier for them to do it because the people in the positions of power are still men," she says.

While her company is making efforts to ensure its outside counsel are diverse in gender, race and ethnicity, she still sees little progress in the way that work is assigned to outside counsel. The general counsel there still directs most of the firm's business to his law school buddies—

white men.

Frances Gauthier of Stradley Ronon Stevens & Young in Wilmington, Del., also relates much of the challenges she's faced to being a woman. Most of the men she has worked with had wives who didn't work. She believes that these men are often valued more than women who choose to work because the men are seen as supporting families, while it is assumed that the women are providing only for themselves or earning secondary incomes.

SUCCESS, DESPITE THE ODDS

THOUGH THE PATTERN OF ATTRITION FOR WOMEN LAWYERS of color is unmistakable, there still are those who have broken through the barriers, leaving observers to wonder what it is about them that distinguished their careers.

Some, like Tchen, feel they were fortunate enough to work in a true meritocracy. And others like Motosue say they were prepared to come up against racial and gender barriers and simply ignored them.

While in law school, Motosue recalls, she attended a recruiting presentation given by a large investment bank. At the presentation, one of the recruiters told the Asian-American audience members that they might find clients who do not want to work with them because of their ethnicity. "He told us if your boss tells you to leave the room because the client does not like Asians, just do it and don't take it personally. That set the tone for me," she recalls.

Other women of color say they are actively fighting to grab hold of what is rightfully theirs. "I have worked too hard and spent too much time away from my family to let them take it away from me," says an African-American partner in the Washington, D.C., office of a large national firm. "For me, the test is, 'Do you like what you are doing?' I do. Some little thing, some stupid person—I won't let them take it away from me."

Gauthier is the only woman of color at her five-lawyer satellite office in Wilmington (although the firm in general is much more diverse). Regardless, she feels an obligation to stay—to start forming that critical mass for younger women of color. She is hopeful that more women of her age will act similarly; Fain believes women like Gauthier are the first step in getting real change in law firms for women of color.

Female lawyers of color interviewed for this story uniformly stressed the need for firms to move beyond merely appointing diversity committees—which may do little more than churn out newsletters or tout recruiting statistics—and start making serious institutional changes such as promoting women of color to management positions.

"There is a lot of lip service about diversity, and that is more alienating than anything else," says the Washington-D.C. based partner of her experience with law firm management. "When they talk about it but do not actually deal with you about what it actually means to be an African-American woman at a law firm, it is more alienating."

Fain says, "At the end of the day you have to have a commitment to something more than just marketing and cosmetics."

Clients also can be effective motivators. The African-American partner at the D.C. law firm credits her success—

ful career to a forward-thinking client who demanded diversity from her outside counsel long before it was in vogue to do so. The client also was willing to foot the bill for the training required to get these young minority lawyers brought up to speed on its matters.

She believes law firms can learn an important lesson from this client. "Firms have to have a willingness to make the effort. It costs money," she says.

Law firms "need to make it a mandate that the diversity effort does not stop at recruitment," she says. Too often, the attitude is focused on hiring a "critical mass" of attorneys of color in the belief that "as long as we get a whole bunch of them here, then more will come. Not too many firms are serious about training and development issues until the clients are serious."

Tchen acknowledges that no one has yet to hit on the right solution for women lawyers of color. But she also cautions other minority women to think carefully about

whether women of color actually need solutions specially tailored for them. "It's a delicate balance: What do you do to attack the problem because you don't want to make it worse?" she says.

For Brown, the answer is not about special treatment for women of color. "It's about equal treatment," she says. "It's putting them on a level playing field." ■

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For more information on the *Visible Invisibility* report, please contact the Commission on Women in the Profession at www.abanet.org/women.
