

Speak Up!

NOW

WHAT?



YLW
Yale Law Women

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	I
INTRODUCTION	1
1. ANIMATING QUESTIONS	1
2. METHODOLOGY	2
FINDINGS FROM EARLIER STUDIES	4
1. WHAT IS <i>SPEAK UP</i> ?	4
2. ADDITIONAL REPORTS	6
3. CONCLUSION	7
DIVERSITY AT YLS	8
1. STUDENT DIVERSITY	8
2. FACULTY DIVERSITY	10
3. CONCLUSION	12
THE IMPORTANCE OF DIVERSITY	14
1. BENEFITS OF STUDENT DIVERSITY	14
2. BENEFITS OF FACULTY DIVERSITY	17
3. CONCLUSION	20
EFFORTS TO ENCOURAGE DIVERSITY	21
1. INSTITUTIONAL EFFORTS	21
2. STUDENT-LED EFFORTS	25
3. CONCLUSION	30
NOW WHAT?	32
1. DEVELOPING A VISION FOR INCLUSION	32
2. RECRUITING A MORE DIVERSE FACULTY	33
3. ADDRESSING NEEDS OF PROSPECTIVE STUDENTS	34
4. FOSTERING STUDENT ACHIEVEMENT THROUGH INCLUSION	35
5. IMPROVING DATA COLLECTION AND INCREASING TRANSPARENCY	36
CONCLUSION	38

EXECUTIVE SUMMARY

Inspired by earlier research on disparities at the Yale Law School (YLS), Yale Law Women (YLW) convened a working group in the fall of 2014 to delve into issues of climate, diversity, and achievement at YLS. We sought to answer the following three questions:

- (1) Should diversity matter as an institutional value for a place like YLS?
- (2) What steps, if any, have been taken in the last several years to improve diversity, and have they been successful?
- (3) If problems persist, what can students, professors, and administrators do next?

In search of answers, we looked to several sources of evidence. First, to understand diversity at YLS in the context of legal education more broadly, we collected records maintained by the Law School Admission Council (LSAC) and the American Bar Association (ABA). We then analyzed information from law school websites, journal mastheads, and competition announcements. Second, to capture qualitative data about the culture at YLS and recent initiatives, we conducted twenty-five interviews with faculty, students, and administrators. Lastly, we reviewed literature to explore the academic and social implications of diversity.

The goal of this report is to demonstrate the importance of diversity, as measured by many different metrics, to the success of Yale Law students, faculty, and the institution itself. It concludes by proposing next steps for the administration in increasing the inclusion and support of diverse students and faculty at the law school.

SPEAK UP AND BACKGROUND

In 2002 and 2012, YLW released two reports on gender: *Yale Law School Faculty and Students Speak About Gender: A Report on Faculty-Student Relations at Yale Law School* in 2002, followed by *Yale Law School Faculty & Students Speak Up About Gender: Ten Years Later* in 2012. The 2012 Report found that gender disparities exist in and outside of the classroom. The need for faculty diversity is emphasized in a separate, final note in both the 2002 and 2012 reports. The *Speak Up* Reports helped to bring gender issues to the forefront of conversations within the YLS community and legal academy more broadly. Further, the reports provided useful tools for measuring progress at YLS toward gender equity, especially since YLS does not appear to systematically collect and release this type of data.

Since 2012, several student groups at the law school have released reports identifying disparities at YLS and advocating for institutional change. One report, *Class/Action*, exposed and analyzed

the importance of socioeconomic status (SES) at YLS, and identified many of the ways in which external systems of privilege are replicated within the school. *Falling Through the Cracks*, a report on mental health at YLS published in 2014, revealed that students with salient race, gender, sexuality, and SES characteristics reported higher rates of mental health challenges than their peers.

Taken together, the *Speak Up Reports*, *Class/Action*, and *Falling Through the Cracks* show that feelings of alienation and isolation can stem from any number of characteristics that inform students' identities and perspectives, including race, gender, SES, and sexual orientation.

DIVERSITY AT YLS

Although these reports have made an impact, diversity at YLS remains uneven. While breakdowns of the student body along lines of gender and race resemble those of YLS's peer institutions, minority representation has stagnated over the past several years. Between 2011 and 2014, the student body maintained a roughly thirty percent minority student population, with slightly below fifty percent women. This is the smallest proportion of minority students out of Harvard, Stanford, and Columbia Law Schools. Furthermore, students emphasized that there is internal homogeneity within some affinity groups.

Discrepancies persist in the extracurricular sphere as well, particularly on the *Yale Law Journal* and in Moot Court, where students of color and women have been underrepresented. These figures reflect trends at other top law schools. Women, however, have been at parity with men in winning student writing prizes, and outnumber men in clinical work at the law school.

Further, while the faculty is gradually diversifying, women and minorities remain underrepresented. Currently, women comprise only twenty-two out of eighty full-time faculty members. Further, only twelve out of eighty full-time faculty are people of color, although the clinical faculty is more diverse than the non-clinical faculty. Students and faculty also express concerns about the socioeconomic diversity of the faculty and the importance of capturing diversity measures not reflected in statistics. YLS has recently made positive steps, hiring more diverse faculty in the past three years. Yet without clear monitoring, it is difficult to track the law school's progress.

THE IMPORTANCE OF DIVERSITY

Empirical studies and insight from members of the YLS community demonstrate that the benefits of diversity and inclusion flow to the entire YLS community.

Student diversity gives academic, social and career-oriented benefits to the student population. Diversity in the student body improves the level of discourse in classes and makes all students more creative thinkers and problem solvers, benefiting students' academic lives. Diversity in a student body can increase student civic engagement and interest in politics and create a stronger community bond. Student diversity also plays a key role in shaping YLS's reputation in the legal community. Finally, exposure to a diverse student body better prepares students for a future in legal work representing a variety of clients.

Faculty diversity results in innovative scholarship and fosters future generations of diverse scholars. Hiring diverse instructors can often result in expanded areas of innovative research and scholarship. Diverse thinkers also tend to be more innovative and provide differing perspectives to a problem compared to homogenous groups.

Increased faculty diversity has also been linked to greater student academic achievement. Women and minority faculty serve as important role models and mentors for women and minority students, which can be time consuming. The 2012 *Speak Up* Report revealed that women and minority professors are often inundated with advisees and are asked to write more recommendation letters than their counterparts. As a result, a more diverse faculty could help alleviate the workload of current diverse faculty members.

EFFORTS TO ENCOURAGE DIVERSITY

Several groups at YLS have taken steps to promote inclusion and diversity. In response to student concerns, the YLS administration has taken up several diversity initiatives. After student groups gathered data on diversity problems at YLS and put forward several suggestions for reform, the administration commissioned its own study in 2014 to gather data about "covering." The Office of Admissions encourages students from all backgrounds to apply to YLS. And because fewer diverse candidates tend to matriculate at YLS, the Office coordinates with student groups to provide prospective students with an inside look at life at YLS.

Professors have responded differently to the findings of the 2002 and 2012 *Speak Up* Reports: some have been avid adopters of the *Speak Up* recommendations, while others have not. The Clinical Student Board and Professor Michael Wishnie, the law school's Deputy Dean for Experiential Education, have made strides to collect data about clinical admissions and enrollment.

Two of YLS's most prestigious organizations, *Yale Law Journal* (YLJ) and Moot Court, have employed a variety of outreach efforts to encourage participation from a wider swath of students. Affinity groups offer support to students at every stage in their progression through legal

education by playing various roles in admissions, community building, law school success, career assistance, and advocacy.

NOW WHAT?

Diversity is key to the success of the educational project at YLS. It is a value we should recognize, cherish, and pursue. The YLS community has made great progress in pursuing diversity. But there is much work yet to be done.

This Report presents five next steps for the YLS community:

- (1) DEVELOP A VISION FOR INCLUSION:** Increasing and valuing diversity should be an explicit goal embraced by YLS leadership, and shared by all faculty and administrators. The school's leadership should set specific objectives to steer the school to meet this goal and include diversity as a value enunciated in the school's mission statement. By acknowledging this value clearly, the school's leadership can set the tone for a more inclusive, responsive, and enriching climate at YLS and model these expectations for students to carry into their futures.
- (2) RECRUIT A MORE DIVERSE FACULTY:** Faculty diversity is necessary to the school's holistic excellence and provides myriad benefits to the school community. A diverse faculty offers mentorship opportunities to a diverse student body, and diversity in faculty background and expertise leads to more innovative scholarship.
- (3) ADDRESS NEEDS OF DIVERSE PROSPECTIVE STUDENTS:** Casting a wide net during recruitment ensures that YLS can attract the best students from across the world. Diversity within the law school exposes students to a variety of experiences and better prepares them for the real world.
- (4) FOSTER STUDENT ACHIEVEMENT:** YLS must offer equal opportunities to all students, regardless of gender, race, socioeconomic status, or any other characteristic. To that effect, the community should do all it can to support all students in their endeavors inside and outside of the classroom.
- (5) IMPROVE DATA COLLECTION AND TRANSPARENCY:** The YLS community must be able to assess diversity and evaluate the success of initiatives to improve diversity. Accordingly, the administration should collect, track, and report data on diversity in faculty recruitment, student recruitment, and student achievement.

PART I

INTRODUCTION

1. ANIMATING QUESTIONS

Since the 1980s, women students have published articles describing their experiences at YLS, often writing of alienation and the need for better support.¹ Student affinity groups have recently conducted studies showing similar challenges for students across different dimensions of diversity, including lower-income students or students with mental health challenges.² These reports, taken together, persuasively argued that problems of inclusion persist at YLS. At the same time, faculty members and administrators have responded to some student concerns, dedicating faculty workshops to discussing pedagogy and improving student programming.³

In the fall of 2014, YLW convened a working group to study diversity and disparities at YLS.⁴ Working from empirical reports providing data on student achievement and culture, we sought to understand how recent reports have made changes at YLS for incoming and current students and to uncover ideas for key actors—administrators, professors, and student leaders—to tackle going forward. Three main questions animated our research.

(1) *Should diversity matter as an institutional value for a place like Yale Law School?* Our working group sought to examine a premise that is often assumed in advocacy work: does diversity even matter? In order to move forward, we must share an understanding of the role diversity plays in making YLS an exceptional academic institution. By looking to academic

¹ See Paula Gaber, “Just Trying to Be Human in This Place”: *The Legal Education of Twenty Women*, 10 YALE L.J. & FEMINISM 165 (1988); Catherine Weiss & Louise Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299 (1988); and Yale Law Women, *Yale Law School Faculty and Students Speak About Gender: A Report on Faculty-Student Relations at Yale Law School* 7 (April 2002), http://www.law.yale.edu/Speak_up_complete.pdf (describing the findings of the 1995-1996 Dean’s Ad Hoc Committee on the Status of Women at Yale Law School) [hereinafter 2002 Report].

² See Jessie Agatstein et al., *Falling Through the Cracks: A Report on Mental Health at Yale Law School* (Dec. 2014) [hereinafter *Falling Through the Cracks*]; Chase Sackett et al., *Class/Action: A Report on Socioeconomic Class as Experienced by Students at Yale Law School* (Mar. 2013), <https://yale.app.box.com/classactionreport> [hereinafter *Class/Action*] (basing the *Class/Action* report on 243 student responses to a school-wide survey).

³ See discussion *infra* Part IV.

⁴ This study does not analyze every axis of diversity. There are many other axes of diversity that we might have studied, including but not limited to ideology, gender identity, geography, and age. The absence of these metrics does not express any value judgment about the importance of those axes of diversity as compared to the three (gender, race, and socioeconomic status) that the *Speak Up: Now What?* working group addressed.

PART I: INTRODUCTION

literature on the values of diversity, both intellectual and social, we sought to provide an answer to this baseline question.

(2) *What steps, if any, have been taken in the last several years to improve diversity, and have they been successful?* Diversity remains a frequent topic of conversation at YLS. In response to perceived problems, student leaders, faculty members, and administrators have enacted changes on several fronts. Our goal was to develop a comprehensive understanding of the new initiatives that have emerged over the last several years. We sought to understand not only what changes have occurred, but also the extent of collaboration (or lack thereof) among leaders at YLS.

(3) *If problems persist, what can students, professors, and administrators do next?* Because of the perceived importance of diversity to students, we looked to external research to develop new ideas for change. We gleaned information from initiatives taken on by other institutions and sought to adapt success stories to the specific workings of YLS. By discussing new ideas in interviews, we attempted to understand the feasibility of these new approaches.

2. METHODOLOGY

A. DATA COLLECTION

Data on diversity for *Speak Up: Now What?* (SUNW) was generally collected from publicly available sources, with some help from the YLS administration. We collected the data on student diversity at Yale Law School and other law schools from records maintained by the Law School Admission Council (LSAC) and the American Bar Association (ABA). Data on diversity within extracurricular activities, including *YLJ* and Moot Court, was collected from publicly available sources such as mastheads and competition announcements. As these sources do not specify genders of participants, the data team used its best judgment to code genders based on names.

Data on overall faculty diversity was collected from publicly available listings of faculty at different law schools, and the YLS Faculty Hiring Committee provided data on recent faculty hires. While law school faculty pages do not identify the genders of faculty members, the data team used its best judgment to code gender and race based on names and photographs. Although we recognize the limitations of this approach, particularly in light of its effects on gender non-conforming individuals in our community, we were unable to utilize an alternate mechanism in light of time constraints.

B. RESEARCH INTERVIEWS

In order to elicit a variety of different perspectives on faculty and student diversity at Yale, the SUNW interview team conducted a series of interviews with members of the law school community. The interviews touched on experiences in the classroom, in admissions, in the

PART I: INTRODUCTION

faculty hiring process, and in social life at the school. Interviews were conducted verbally with a note taker, and all quotations were reviewed and approved by the quoted individuals.

The team conducted nine interviews with YLS faculty members (including a clinical professor and a visiting professor) and four interviews with deans or deputy deans in the administration, one of whom is also a professor. The faculty members and administrators interviewed were roughly evenly split between men and women. The team also conducted eight interviews with representatives of student affinity groups, two interviews with representatives of student-run extracurricular activities, and two interviews with representatives from legal employers in the New York City metropolitan area.

C. LITERATURE REVIEW

The SUNW team reviewed the available academic literature on the importance of diversity in law school student bodies and faculties, with an eye toward understanding the implications of diversity for learning and for participation in academic, extracurricular, and social life at school. We studied recent literature from various social science fields including sociology, psychology, and law and compiled our understandings from academic articles.

PART II

FINDINGS FROM EARLIER STUDIES

Several studies by YLW and other student organizations have documented disparities in the YLS experience rooted in gender, race, socioeconomic status, and other distinguishing characteristics. These reports have repeatedly urged the YLS administration to take steps to combat these disparities. This section summarizes relevant findings and recommendations from these past reports.

1. WHAT IS *SPEAK UP*?

In 2002, YLW published *Yale Law School Faculty and Students Speak About Gender: A Report on Faculty-Student Relations at Yale Law School*.⁵ This landmark report assessed gender dynamics at YLS through faculty interviews, monitoring of classroom participation, and a student survey. It also noted the relevance of other forms of identity, including socioeconomic status, racial and ethnic background, and sexual orientation.⁶ In 2012, YLW released a follow-up study exploring changes in gender dynamics over the previous decade, called *Yale Law School Faculty & Students Speak Up About Gender: Ten Years Later*.⁷ Both reports charted the progress achieved toward eliminating gender disparities at YLS, started a dialogue on inclusion within the YLS community, and identified areas for future improvement.

Although the 2012 Report serves as the primary inspiration for this document, inquiries dating back to the 1980s have investigated gender dynamics and disparities at YLS. These studies have consistently raised issues related to the experience of women at YLS, including gender disparities in classroom participation, a lack of student satisfaction with access to role models, and the need for more diverse faculty and classroom management techniques that allow a greater range of voices to be heard.⁸

⁵ See 2002 Report, *supra* note 1.

⁶ *Id.* at 11-12.

⁷ Yale Law Women, *Yale Law School Faculty & Students Speak Up About Gender: Ten Years Later* (April 2012), http://issuu.com/yalelawwomen/docs/ylw_speak_up_study [hereinafter 2012 Report]. The 2012 Report was based on interviews with fifty-four faculty members, observations of student participation rates in one hundred thirteen class sessions, and the results of a student survey that yielded responses from over half the student body.

⁸ See Gaber, *supra* note 1; Weiss & Melling, *supra* note 1; and 2002 Report, *supra* note 1, at 7 (describing the findings of the 1995-96 Dean's Ad Hoc Committee on the Status of Women at Yale Law School).

PART II: FINDINGS FROM EARLIER STUDIES

A. KEY FINDINGS FROM THE 2012 REPORT

The 2012 Report's classroom monitoring data revealed that class participation rates at YLS were skewed by gender. During the study, men participated in class more than women, contributing fifty-eight percent of in-class "participation events."⁹ Both class size and classroom management style affected the magnitude of participation disparities. Smaller classes yielded smaller disparities in classroom participation. The cold call system produced the least gender-disparate result of different management techniques (although men still accounted for the majority of cold-calling responses).¹⁰ The report's qualitative evidence suggested that these participation patterns may be due in part to high levels of social pressure on women at YLS.

Furthermore, the report revealed that gender also affected the development of faculty relationships. Men reported greater comfort speaking to professors after class, attending scheduled office hours, meeting with professors outside of office hours, and communicating with professors via email. Men also reported visiting office hours more often than women.¹¹ Although a slightly higher percentage of women than men reported considering at least one YLS faculty member a mentor, women were generally more dissatisfied with mentoring opportunities than men were. Nearly two-thirds of women reported that they did not have three or more professors that they could ask for a letter of recommendation.¹² While women reported regularly engaging in collaborative work with faculty by providing research and teaching assistance,¹³ men were likely to start writing earlier and were more likely to keep in contact with the professor with whom they had their first writing relationship.

Interestingly, faculty of both genders noted that women faculty members could become overburdened because of the strong desire for mentorship among students. Among the professors interviewed, women wrote significantly more letters of recommendation than men (an average of 7.1 letters compared to 4.0 letters), suggesting that the relatively small number of women on the faculty at YLS bear a large share of the workload of advocating for students.¹⁴

B. RECOMMENDATIONS FROM THE 2012 REPORT

To address these disparities, the 2012 Report made several recommendations to YLS faculty and administrators:

⁹ Participation events included volunteered responses to questions, answers to cold calls, comments, and interruptions. Men participated at a higher rate than women even when the participation numbers were adjusted to reflect gender imbalances in YLS enrollment. 2012 Report, *supra* note 6, at 19.

¹⁰ Men accounted for 54.8% of cold calling responses in monitored classrooms. *Id.* at 29.

¹¹ Among the students who completed the survey, men attended office hours an average of 3.6 times per semester, compared to an average of only 2.6 visits for women students. *Id.* at 37.

¹² Just under half of the men surveyed reported the same. *Id.* at 43.

¹³ Women students held fifty-eight percent of reported research assistant positions and fifty-four percent of reported teaching assistant positions. *Id.* at 51.

¹⁴ *Id.* at 41.

PART II: FINDINGS FROM EARLIER STUDIES

- YLS faculty should encourage classroom participation from a wide range of voices,¹⁵
- YLS should support students and faculty in building relationships outside of the classroom,¹⁶ and
- YLS should seek to diversify the faculty by recruiting more women, full-time clinical professors, professors of color, and professors with a variety of academic interests. The need for faculty diversity is emphasized in a separate, final note in both the 2002 and 2012 reports.¹⁷

The releases of the 2002 and 2012 Reports were watershed moments in bringing gender issues to the forefront of conversations within the YLS community and legal academy more broadly.¹⁸ The reports also provided useful tools for measuring our community's progress toward gender equity. For instance, the 2002 Report provided recommendations to improve gender equity in classroom participation, and some faculty members reported adopting those changes. However, women were only 1.5% more likely to speak in class in 2012 than they were in 2002.¹⁹ Similarly, in the 2011-2012 school year, twenty-two out of one hundred and four YLS professors were women (21.2%).²⁰ For the 2014-2015 term, twenty-nine out of one hundred and sixteen professors are women (25.0%).²¹ Because administrators at YLS do not appear to systematically collect and release this type of data, these reports provide critical benchmarks against which we can chart progress and re-evaluate where YLS is, how far the institution has come, and where it can go next.

2. ADDITIONAL REPORTS

In the years since YLW issued the 2012 Report, several student groups have written reports identifying disparities at YLS and advocating for administrative change. For example, the 2013 *Class/Action* report exposed and analyzed the importance of SES at YLS and identified many of the ways in which external systems of privilege are replicated within YLS.²² According to *Class/Action*, forty percent of students who identified as working or lower SES strongly agreed

¹⁵ 2002 Report, *supra* note 1, at 13-25; 2012 Report, *supra* note 7, at 61-62.

¹⁶ 2002 Report, *supra* note 1, at 16-22; 2012 Report, *supra* note 7, at 7-9.

¹⁷ 2002 Report, *supra* note 1, at 80; 2012 Report, *supra* note 7, at 63-64.

¹⁸ The study was replicated at Harvard Law School. See Adam Neufeld, *Costs of an Outdated Pedagogy? Study on Gender at Harvard Law School*, 13 J. GENDER, SOC. POL'Y & L. 511 (2005). It was also cited in numerous scholarly articles. See, e.g., 2012 Report, *supra* note 7, at 17.

¹⁹ 2012 Report, *supra* note 6, at 23.

²⁰ 2012 Report, *supra* note 7, at 9. This number included visiting, clinical, adjunct, and emeritus professors.

²¹ This number was estimated by examining the Yale Law Faculty website. See *Faculty*, YALE L. SCH. <http://www.law.yale.edu/faculty/faculty.htm> (last visited Feb. 16, 2015). Although gender was not specifically listed, we used our best judgment to code gender based on the professors' names and photographs. This number included visiting, clinical, adjunct, and emeritus professors.

²² *Class/Action*, *supra* note 2. *Class/Action* was based on 243 student responses to a school-wide survey.

PART II: FINDINGS FROM EARLIER STUDIES

that their class background and socioeconomic status affected their YLS experience.²³ Seventy percent of students from lower- or working-class backgrounds reported that their peers did not understand the experiences of people from all socioeconomic backgrounds.²⁴

Falling Through the Cracks is a report on mental health at YLS published by the Yale Law School Mental Health Alliance in 2014. It revealed that students with salient race, gender, sexuality, and SES characteristics report higher rates of mental health challenges than their peers.²⁵ More than seventy-five percent of women respondents faced mental health challenges, compared to just sixty-one percent of men respondents.²⁶

3. CONCLUSION

Student-driven reports, including the 2002 and 2012 Reports, *Class/Action*, and *Falling Through the Cracks*, show that feelings of isolation, which have real impacts on educational and professional outcomes, can stem from characteristics including race, gender, SES, and sexual orientation. These reports outline administrative changes needed to better support students and faculty at YLS. Making YLS a more open, transparent, and empathetic institution will necessarily affect and involve all students. *Speak Up: Now What?* aims to continue this ongoing conversation about how best to encourage students, staff, administrators, and faculty to join in this effort. The report sparks this dialogue by putting together statistics about diversity amongst students and faculty, academic literature describing the benefits of diversity for institutions and individuals, efforts to enhance this diversity undertaken by students, faculty, and members of the administration, and potential next steps culled from our research and other model institutions.

²³ *Id.* at 13.

²⁴ *Id.* at 16-17. Over forty percent (42.7%) of all YLS students disagreed with the statement that YLS students are understanding of the experiences of people from all socioeconomic backgrounds. Qualitative responses underscored this sentiment, with some respondents discussing “unexplored assumptions” about class and biases that come to light in informal conversations as well as classroom discussions.

²⁵ *Falling the Cracks*, *supra* note 2. Eighty-four percent of respondents identifying as lesbian, gay, or bisexual reported experiencing mental health challenges, compared to sixty-seven percent of straight respondents. *Id.* at 16. Seventy-four percent of respondents of color reported experiencing mental health challenges, compared to sixty-seven percent of respondents identifying as white. *Id.* at 17. Eighty-four percent of respondents with family incomes under \$50,000 reported experiencing mental health challenges, compared to fifty-nine percent of respondents with family incomes over \$300,000. *Id.* at 17-18. *Falling Through the Cracks* was based on 296 student responses to a school-wide survey. *Id.* at 3. According to the authors, the phrase “mental health challenges” used in their report refers “to a broad range of conditions and experiences . . . includ[ing but not limited to]: anxiety or stress serious enough to cause disruption (e.g., in sleep quality, concentration, memory, or emotional stability), depression, intrusive thoughts, suicidal ideation, survival of sexual abuse or other trauma, substance abuse, eating disorders, and any other mental or psychological condition that may require treatment from a medical professional.” *Id.* at 13.

²⁶ Women were also more likely to seek treatment for their mental health challenges than men (thirty-nine percent vs. thirty percent). *Id.* at 16.

PART III

DIVERSITY AT YLS

Despite the recommendations of the reports outlined in Part II, diversity at YLS remains uneven. While breakdowns of the student body along lines of gender and race resemble those of YLS's peer institutions, minority representation has stagnated over the past several years. Students emphasize that extracurricular groups, including some affinity groups, are prone to an internal homogeneity. And while the faculty is gradually diversifying, women and minorities remain dramatically underrepresented.

1. STUDENT DIVERSITY

A. DIVERSITY AT YLS IN CONTEXT

Diversity by race and gender at YLS has remained relatively constant in recent years. Between 2011 and 2014, the student body has maintained a roughly thirty percent minority student population,²⁷ with slightly below fifty percent women.²⁸ Asian students are the largest minority population, representing between thirteen and fourteen percent of the student body, followed by Hispanic and Black or African American students, who each comprise approximately seven percent of the student body. In contrast, on a national level in 2013, Asians, African Americans, and Hispanics each represented roughly ten percent of admitted law school students.²⁹

With slight variations, these breakdowns are relatively consistent with other peer institutions, including Harvard Law School (HLS), Stanford Law School (SLS), and Columbia Law School (CLS). Like YLS, these three schools have consistently maintained a higher percentage of men than women. Since 2011, YLS has maintained the lowest percentage of minority students of the four schools, averaging a minority of population of thirty-one percent compared to thirty-two percent at HLS, thirty-three percent at CLS, and thirty-eight percent at SLS.³⁰ Further, since the

²⁷ The percentage of minorities overall, between 2011 and 2013, has remained relatively constant with marginal decreases in 2012 and offsetting increases in 2013.

²⁸ Although it is difficult to extrapolate trends due to the relatively small class sizes at YLS (roughly two hundred students per class), the percentage of women at YLS decreased slightly from 2011 (forty-nine percent) to 2013 (forty-six percent), although there was a slightly greater percentage in the 2014-2015 student body (forty-eight percent).

²⁹ *Admitted Applicants by Ethnic and Gender Group*, LAW SCH. ADMISSIONS COUNCIL, <http://www.lisac.org/lisacresources/data/ethnic-gender-admits> (last visited Feb. 15, 2015).

³⁰ Section of Legal Education and Admission to the Bar, *Standard 509 Information Reports*, THE AM. BAR ASS'N, <http://www.abarequireddisclosures.org/> (last visited Feb. 15, 2015).

PART III: DIVERSITY AT YLS

student bodies at HLS and CLS are larger than YLS, the absolute numbers of women and minority students are significantly higher than those of YLS despite the similar percentages.³¹

Gender discrepancies persist in the extracurricular sphere as well. Two of YLS's most traditionally prestigious activities, Moot Court and *YLJ*, recently faced criticism for lacking diverse representation. In fall 2013, six of seven Officers of *YLJ* were men, and none were students of color.³² At the same time, interviews revealed that only thirty percent Moot Court competitors were women, and in the fall of 2014, women were roughly twenty percent of participants. All four Moot Court finalists in the fall of 2013 were white men, and in the fall of 2014, all finalists were men.³³

These figures reflect trends at other top law schools. According to a 2013 report from Ms. JD, a nonprofit dedicated to the success of young women lawyers, and New York Law School Law Review, in 2012-2013 women averaged forty-five percent of student enrollment at Top 50 law schools and forty-six percent of student leadership on law reviews, but only thirty-eight percent of law reviews had a woman Editor-in-Chief.³⁴ The percentages of women editors for flagship journals in 2014 were forty-five percent at YLS, thirty-eight percent at HLS, forty percent at SLS, and forty-one percent at CLS.³⁵

B. INTRA-GROUP DIVERSITY

Interviews with student leaders and administrators also raised questions about the extent of diversity among students who identify as minorities.³⁶ The Asian Pacific American Law Students Association (APALSA), for instance, counts very few South or Southeast Asian students as members; most members identify as Chinese or Korean American. Similarly, the Latino Law Students Association (LLSA) is made up largely of Cuban American students.

Being part of a diverse Latino community is important. It is a different experience if you are second-generation American than if you are an immigrant yourself or your parents came to this country and have struggled with learning English and adapting to a new country. We have

³¹ *Id.*

³² *Volume 123 Masthead*, YALE LAW JOURNAL, <http://www.yalelawjournal.org/masthead/volume-123> (last visited Feb. 24, 2015).

³³ *Morris Tyler Moot Court of Appeals Competition History*, YALE LAW SCHOOL, <http://www.law.yale.edu/stuorgs/8407.htm> (last visited Feb. 24, 2015).

³⁴ *2012-2013 Law Review Diversity Report*, N.Y.L. SCH. L. REV. (Dec. 2013), <http://www.nylslawreview.com/wp-content/uploads/sites/16/2013/12/Law-Review-Diversity-Report-2013.pdf>.

³⁵ These percentages were estimated by examining each journal's masthead. Although gender was not specifically listed, we used our best judgment to code gender based on the editors' names.

³⁶ While the small sample size precludes statistical analysis of internal minority group diversity, anecdotal evidence suggests that groups also lack internal diversity.

PART III: DIVERSITY AT YLS

advocated to the law school to have a more diverse Latino community, one that is representative of the Latino population in this country. In many ways, many of us at Yale are those Latinos who have had the most advantages to begin with.

JULIA SOLÓRZANO '16, VICE-PRESIDENT, LATINO LAW STUDENTS ASSOCIATION.

Similarly, within OutLaws, YLS's LGBTQA affinity group, men are represented in dramatically higher numbers than women, and there are very few members who identify as transgender or gender non-conforming rather than cisgender.

Statistics that track overall group numbers tend to elide these issues of internal non-inclusivity. However, these subtle distinctions are important to the experience of diversity at YLS and should be recognized as we move forward.

C. STUDENT ACHIEVEMENT

YLS does not collect data on classroom achievement and diversity, and information on grading was unavailable. A study of prize awards for student papers and performances over the past three years, however, suggested relative gender parity – women won on average forty-eight percent of prizes.³⁷ That fact, while encouraging, does not mean that the academic experience at YLS is the same for men and women. Research from the 2002 and 2012 *Speak Up* Reports demonstrates that even in the same classes, men and women have different classroom experiences.³⁸

Furthermore, student choices and opportunities while at YLS seem to vary. As mentioned above, more white students and men participate in activities like Moot Court than women and students of color. In addition, women outnumber men as clinic participants and have at least since 2006.³⁹

2. FACULTY DIVERSITY

Although the faculty of YLS has gradually become more diverse in terms of race, gender, and sexual orientation over the past several years, it is still relatively homogenous. While about half of the student body identify as women, women comprise only twenty-eight percent (twenty-two out of eighty) of full-time faculty.⁴⁰ This is a problem across peer schools as well – women

³⁷ However, according to members of the Alliance for Diversity, few minority students received prizes.

³⁸ In 2002, the rate of men volunteering responses exceeded the rate of women volunteering in 16 classes monitored, while the opposite was true for seven classes monitored. 2002 Report, *supra* note 1, at 35. In 2012, men accounted for 55% or more of the participation events in 12 of the 21 classes monitored. 2012 Report, *supra* note 6, at 22.

³⁹ Dean Wishnie recalled that women have outnumbered men in clinics throughout his tenure at YLS, which began in 2006.

⁴⁰ This number was estimated by examining the Yale Law Faculty website, *supra* note 21. Although gender was not specifically listed, we used our best judgment to code gender based on the professors' names and photographs. This

PART III: DIVERSITY AT YLS

represent twenty-nine percent of the faculty at SLS, thirty-one percent of the faculty at CLS, and only twenty percent at HLS.⁴¹ Furthermore, only twelve out of eighty (fifteen percent) of full-time faculty members are people of color.⁴² The clinical faculty, though considerably smaller in size, is more diverse than non-clinical faculty and faculty overall. There are currently 8.5 non-emeritus clinical faculty, three of whom are women, four of whom are people of color, and one of whom is LGBT.⁴³

According to a 2014 study conducted by the YLS Student Representatives, most students at YLS were concerned about faculty gender and ethnic diversity. Women and minorities tended to be especially concerned about the lack of diversity.⁴⁴ Nearly half of all students surveyed by the Student Representatives also expressed their concern about a lack of socioeconomic diversity on the faculty.⁴⁵

The faculty does not represent the student body.

DIVYA MUSINIPALLY '16, CHAIR, SOUTH ASIAN LAW STUDENTS ASSOCIATION.

Although faculty diversity remains a cause for concern among members of the YLS community, the administration has taken positive steps in recent years. Some faculty note with positivity the methodological diversity present among professors at YLS. Professor Douglas Kysar noted that his colleagues include “economists, sociologists, psychologists, philosophers, and historians. It is a really appealing part of the intellectual community.”

number includes clinical professors and professors emeritus, but excludes visiting professors and adjunct faculty and lecturers.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.* One non-emeritus clinical faculty member allots half of his time to teaching at the law school and half of his time to teaching at another graduate school at the University.

⁴⁴ Seventy-eight percent of female students surveyed reported feeling “bad” or “somewhat bad” compared to thirty-two percent of male students. One hundred eighteen female students completed the survey compared with sixty-seven male students. Fifty-eight percent of white students reported feeling “bad” or “somewhat bad” about faculty gender diversity compared with sixty-eight percent of minorities. One hundred thirty-eight white students, twenty-nine Asian students, ten Latino students, and five black students completed the survey. Email from Jaclyn Harris, Student Representative, Yale Law School, to Claire Simonich (Nov. 14, 2014 at 11:59 AM) (on file with authors).

⁴⁵ Women and men surveyed by student representatives felt similarly about the socioeconomic diversity of faculty at YLS with fifty-two percent and forty-three percent, respectively, feeling “bad” or “somewhat bad” and forty-two percent and forty-eight percent, respectively, feeling “neutral.” Students of each ethnicity studied also reported their concerns about the faculty’s socioeconomic diversity. Students from lower socioeconomic backgrounds expressed feeling worse about the socioeconomic diversity on the faculty—eighty percent of those students felt “bad” or “somewhat bad” compared with thirty-four percent of upper class students. *See Id.*

PART III: DIVERSITY AT YLS

Further, in the last three years, seven professors joined the YLS faculty—five of whom are women, and two of whom are people of color.⁴⁶ Notable recent hires included Walter Hale Hamilton Professor Tracey Meares, who was YLS’s first woman African American professor and hired in 2007, and Professor Cristina Rodríguez, who was YLS’s first Latino/a professor and hired in 2013.⁴⁷ This trend may increase in future years, as a result of early intervention efforts focused on diversity. Professor John Witt, for example, noted that YLS faculty today are encouraging diverse faculty tomorrow through the law teaching program.

Although there is a notable generational difference among faculty currently, in recent years, YLS has begun hiring younger academics. In opening the pool of candidates to younger hires, it is likely that more women academics and academics of color will be considered for full-time positions.⁴⁸ According to one professor, younger faculty also tend to be more engaged with student extracurricular activities.

One reason why positive change has been gradual may be the difficulty of incorporating diversity values into faculty hiring. Several professors acknowledged the importance of faculty diversity but noted that diversity is not explicitly considered or discussed during faculty hiring meetings, though intellectual diversity may be. One professor called diversity a “taboo” word, and another stated that “it wouldn’t be productive to argue based on diversity considerations.”⁴⁹

3. CONCLUSION

Diversity at YLS remains an issue requiring attention. Student diversity is both understudied and underappreciated. Proportions of women and minorities in the student body have remained

⁴⁶ *Yale Law School Spring E-Newsletter*, YALE LAW SCH. (June 3, 2014), <http://t.e2ma.net/webview/gwsgg/7d64d47foa13ab3231cbecebfo023047>; *Yale Law School Winter E-Newsletter*, YALE LAW SCH. (Feb. 20, 2013), http://www.law.yale.edu/alumni/13-1_newsletter.htm; *Yale Law School Spring E-Newsletter 2012*, YALE LAW SCH. (June 1, 2012), http://www.law.yale.edu/alumni/12-2_newsletter.htm.

⁴⁷ This information was shared with members of our research team during interviews with former and current members of the Appointments Committee.

⁴⁸ According to ABA statistics, students of color made up 26.9% of enrollment at ABA-approved law schools in Fall 2013, compared to just 6.1% in the 1971-72 academic year. Section of Legal Education and Admissions to the Bar, *Longitudinal Charts: First-Year & Total JD Minority*, AM. BAR ASS’N, http://www.americanbar.org/groups/legal_education/resources/statistics.html (last visited Feb. 15, 2015); see also Kevin R. Johnson, *The Importance of Student and Faculty Diversity in Law Schools: One Dean’s Perspective*, 96 IOWA L. REV. 1549, 1559 (2011) (“The persuasiveness of the ‘pool problem’ excuse [that there are not enough qualified candidates to diversify law school faculties] . . . has markedly declined since the 1950s as law-school student bodies have slowly but surely become more diverse. With respect to women, few could dispute that, in these times, with women comprising approximately one-half of all law students, there are plenty of well-qualified women law-school graduates in the pool of potential law professors.”) (internal footnote omitted).

⁴⁹ Two other professors encouraged us to work towards faculty diversity in backwards or hidden ways, for example by putting forward diverse faculty for consideration for hiring without explicitly mentioning diversity.

PART III: DIVERSITY AT YLS

stagnant for several years. Similarly, faculty diversity is improving, but remains a cause for concern among students.

Moreover, students and faculty experience diversity in important ways that are not reflected in statistics. Students highlight areas of diversity that are not reliably measured in publicly available sources (i.e. socioeconomic status, age, intra-group diversity). Faculty members call attention to an institutional reluctance to discuss diversity in explicit terms. Without clear tracking and monitoring of these additional elements of diversity and institutional commitment to diversity goals, progress is unattainable.

The challenges faced by the YLS administration and the frustrations felt by students and faculty are not unique to this institution. On the contrary, YLS has remained in lockstep with peer schools. Because the trends emerging at YLS are similar at peer institutions and in the legal profession at large, YLS has the opportunity to be a bellwether of change by becoming an early promoter of greater institutional diversity.

PART IV

THE IMPORTANCE OF DIVERSITY

YLS would have much to gain by becoming a champion for institutional diversity, not only to assuage the experiences of isolation and disadvantage as documented in Parts II and III, but also because of the evidenced benefits of diversity. This Part suggests the benefits of improved diversity and inclusion flow not only to those students with diverse backgrounds but also to the entire YLS community. Empirical studies and anecdotal observations from members of the YLS community demonstrate the importance of diversity—across multiple dimensions—in the law school setting. A brief overview of the literature reveals the range of benefits accorded to both students and faculty when diversity is expanded at all levels of the school. In particular, student diversity gives academic, social, and career-oriented benefits to the student population, while faculty diversity results in innovative scholarship and fosters future generations of diverse scholars.

However, studies have also emphasized that the benefits of diversity cannot be sustained by the presence of just a few “token” minority members from each disadvantaged group. Tokenism produces a feeling of alienation, of being “othered” from an institution of higher learning and privilege. Students can feel shut out in a way that actually *damages* interracial interactions.⁵⁰ By focusing on diversity to ensure that critical mass is reached, YLS can ensure that students of different backgrounds do not feel marginalized⁵¹ and reap the myriad benefits of diversity that accrue to all students and the institution itself.

1. BENEFITS OF STUDENT DIVERSITY

A. ACADEMIC AND INSTITUTIONAL BENEFITS

Diversity and heterogeneity among students benefits YLS by improving the level of discourse in classes and by making all students more creative thinkers and problem-solvers.⁵² Once critical mass is achieved at an education institution, students from minority groups tend to perform better academically.⁵³ Furthermore, when asked about student diversity, many YLS community

⁵⁰ Julie J. Park et al., *Does Socioeconomic Diversity make a Difference? Examining the Effects of Racial and Socioeconomic Diversity on the Campus Climate for Diversity*, 50 AM. ED. RES. J. 3, 44 (2012).

⁵¹ Linda Serra Hagedorn et al, *An Investigation of Critical Mass: The Role of Latino Representation in the Success of Urban Community College Students*, 48 RES. IN HIGHER ED. 1, 74 (2007).

⁵² Roy Y.J. Chua, *Innovating at the World’s Crossroads: How Multicultural Networks Promote Creativity* 16-17, (Harv. Bus. Sch. Working Paper No. 11-085, 2011), available at <http://www.hbs.edu/faculty/Publication%20Files/11-085.pdf>.

⁵³ See Hagedorn, *supra* note 51.

PART IV: THE IMPORTANCE OF DIVERSITY

members highlighted the academic benefits to all students. Professors spoke about how incorporating different points of view—whether through cold-calling or other conscious measures of bringing different voices into the conversation—produces more dynamic classroom discussions and builds students’ confidence. Professor Abbe Gluck commented that faculty appreciate the value of a diverse classroom environment: “It enriches the conversation and creates a classroom dynamic of inclusion and respect for multiple perspectives.”

Students also emphasized the importance of inclusion of diverse voices in elevating class discussion. Grace Kao, Co-Chair of the Alliance for Diversity (AfD), tied student diversity back to innovation in scholarship, noting that “if [YLS students and professors] are people that will decide legal precedent and design laws, they need to understand a perspective that is not their own. There will be no challenge to intellectual thought unless you bring in different perspectives to give abstract notions of justice a more multifaceted and nuanced analysis.”

In my criminal law class, several black students spoke about how criminal law affects racial minorities in a way that the white professor simply could not.

SECOND-YEAR STUDENT, YALE LAW SCHOOL.

Even beyond the classroom, the benefits of diversity continue to accrue. Diverse groups of individuals tend to think more creatively when presented with a situation that requires them to think more globally.⁵⁴ Studies show that heterogeneous groups tend to be better problem-solvers compared to homogenous groups.⁵⁵ These benefits accrue to individuals as well. Katherine Phillips recently demonstrated that having more diverse people in one’s social networks encourages one to think more creatively and to apply a number of different perspectives learned from prior interactions.⁵⁶ With its emphasis on the small group experience and innovative thinking, YLS already has the necessary motivations to build a more diverse student body. Increased student diversity will result in more diverse small groups and therefore will create more fora in which students can share differing perspectives shaped by SES, race, gender, sexuality, and nationality.

B. COMMUNITY-WIDE BENEFITS

Diversity in a student body can also increase student civic engagement and interest in politics.⁵⁷ One study found that a group of diverse students who participated in a policy discussion on a weekly basis for as little as two hours emerged with a stronger tendency to appreciate university

⁵⁴ Chua, *supra* note 52, at 16-17.

⁵⁵ Katherine Phillips, *How Diversity Makes Us Smarter*, SCI. AM (Sept. 16, 2014), <http://www.scientificamerican.com/article/how-diversity-makes-us-smarter/>.

⁵⁶ *Id.*

⁵⁷ Patricia Gurin, *The Benefits of Diversity in Education for Democratic Citizenship*, J. OF SOC. ISSUES 13, 14 (2004).

PART IV: THE IMPORTANCE OF DIVERSITY

diversity policies and view verbal conflict in a positive manner. In fact, participants in the study were more likely to participate in campus political activities if they had attended the group discussions.⁵⁸

YLS students, faculty and administrators also spoke about the social benefits of diversity in strengthening the community. Leaders of the Black Law Students' Association (BLSA) and First Generation Professionals (FGP) seek to increase civic engagement by fostering school-wide conversations around race and SES. Current students and faculty members, like Professor Douglas Kysar, also described the important role that women and students of color play in providing mentorship through their extracurricular activities, which in turn fosters academic achievement and a more vibrant law school community.

I cannot emphasize enough how important it is to have a place where you can bring your whole self: your gender, your race, your entire multifaceted identity, and feel that your experiences are validated.

BOARD MEMBER, WOMEN OF COLOR COLLECTIVE (WOCC).

Further, student diversity plays a key role in shaping YLS's reputation in the legal community. According to the Office of Admissions, student diversity is important for representation purposes. Prospective law students may highly value how diverse schools are. Thus, if applicants sense that YLS is not a place that values diversity, this impression may affect the students that the school ultimately attracts.

There is a seed planted by other schools that Yale is not a good place for minorities for a number of reasons—lack of structure and objective metrics, the idea that you need to be on an inside track because there are no grades, etc.—so some prospective students worry that they will end up on the margins of the system if they come here. There is a potential to lose these students, who are often the cream of the crop and heavily recruited by our peers, to merit scholarship offers.

ASHA RANGAPPA, DEAN OF ADMISSIONS.

C. CAREER-RELATED BENEFITS

In addition to corroborating findings from studies about the academic and social benefits of student diversity, our interviews highlighted the many benefits that a diverse student population can bring to YLS graduates' careers. Exposure to a diverse student body provides better preparation for legal work in the future. Emma Andersson, YLS '08 and current staff attorney at a legal non-profit, shared her belief in the importance of consciousness and the ability to work

⁵⁸ *Id.*

PART IV: THE IMPORTANCE OF DIVERSITY

with diverse populations across all aspects of diversity: “It’s a softer skill, but it’s related to the work I do. Where you’re pushing boundaries – creating new law, developing a greater quotient of humanity, thinking creatively within the constraints of the system – you need to not only have a perspective of self but the ability to listen to others who have different perspectives and life experiences.” Diane Patrick, co-managing partner of Ropes & Gray LLP in Boston, discussed how diversity benefits lawyers and the legal profession specifically: “It’s very clear that having people come from diverse backgrounds helps us to better inform our clients. If all you have to offer a client is a narrow view of what’s going on, you are not serving your client as well.”

In addition, diversity has become a definitive focus of job recruitment. By increasing student diversity, law schools provide a more attractive pool of candidates for job placement. Ms. Patrick described the long-term trend of corporate clients demanding more diverse teams of lawyers. The same is also reflected in smaller, non-corporate firms. Kate Kimpel, Managing Partner at Sanford Heisler Kimpel LLP, a private public-interest firm, emphasized how maintaining a diverse office ensures that her firm assembles the strongest and best team possible. When recruiting summer and first-year associates, her firm communicates that they prioritize diversity in hiring considerations. They further reach out to affinity groups on law school campuses to convey this messaging more directly. Because legal employers now seek to build diverse teams of attorneys, YLS might do a disservice to its students if it did not also emphasize diversity, both in student recruitment and in training law students to work collaboratively.

Diversity is on the agenda. I have spoken at partner retreats and reported to the partners on diversity. Clients are stepping up to the plate and demanding diversity in their firms. There’s a business imperative, so we talk about it all the time. When an organization like IBM or Coca-Cola says that they are a better company and profits are better because we have everyone sitting at the table, you have to believe that. We make sure that our colleagues are aware of this.

DIANE PATRICK, CO-MANAGING PARTNER OF ROPES & GRAY LLP IN BOSTON.

2. BENEFITS OF FACULTY DIVERSITY

A. ACADEMIC AND INSTITUTIONAL BENEFITS

Faculty diversity similarly benefits both the academic institution and the student body. Social science research has demonstrated that hiring diverse instructors can often result in expanded areas of innovative research and scholarship. One comprehensive study conducted in 2002 found that faculty of color spent more time conducting research compared to their white counterparts.⁵⁹

⁵⁹ Anthony Lising Antonio, *Faculty of Color Reconsidered: Reassessing Contributions to Scholarship*, 37 J. HIGHER EDUC. 582, 591 (2002).

PART IV: THE IMPORTANCE OF DIVERSITY

The same study also found that faculty of color significantly emphasized many more goals in teaching than their white counterparts. Some of these goals included developing a student's moral character, enhancing a student's self-understanding, preparing a student to be a responsible citizen, and instilling a commitment to public service.⁶⁰ These findings have been echoed in other social science research, which found similar results with respect to women professors.⁶¹

On a broader scale, studies have also found that groups of diverse thinkers tend to be more innovative and provide better responses and perspectives to a problem compared to homogenous groups. For example, when tasked with brainstorming ways to lure greater numbers of tourists to the United States, a racially diverse group came up with ideas that demonstrated greater feasibility and higher effectiveness than those created by the racially homogenous groups.⁶² Professors across the legal academy echo this research. Professor Ian Ayres, for example, shared his belief that faculty diversity is critically important to law in ways that it may not be to other areas of academia, and emphasized its particular salience in certain areas of law like family law or employment law. Dean Kevin R. Johnson of the University of California, Davis School of Law has also written about the value of a diverse faculty to a law school—specifically, that members of different minority groups contribute “different life experiences, perspectives, and knowledge” to scholarship than their white counterparts.⁶³ This is not to say that all minority members will have a “colored” or “gendered” perspective on scholarship that becomes their sole focus, but rather that the addition of minority members can increase diversity across a number of ideological lines and expand scholarship in areas that may be lacking in research.

YLS professors have also highlighted the pedagogical contributions of a diverse law faculty. Professor Amy Chua described how she exposes her first-year contracts students to a variety of theoretical perspectives, including not just law and economics, but also feminist theory, libertarianism, and critical race theory. Divya Musinipally also emphasized the value of diversity in the classroom: “I am only exposed to race- and gender-based perspectives on the law in indirect ways, such as through student events. Faculty diversity would shift some burden away from student groups, which often bear the responsibility of educating the student body about every legal issue that has to do with race and gender.”

⁶⁰ *Id.* at 593.

⁶¹ See Jeffrey F. Millem & Paul D. Umbach, *The Influence of Precollege Factors on Students' Predispositions Regarding Diversity Activities in College*, 44 J. OF C. STUDENT DEV. 611 (2003).

⁶² Poppy Laretta McLeod et al., *Ethnic Diversity and Creativity in Small Groups*, SMALL GROUP RES. 591 (May 1996).

⁶³ Johnson, *supra* note 48, at 1562.

PART IV: THE IMPORTANCE OF DIVERSITY

As a minority woman, I sometimes feel it's easier for me to introduce diverse perspectives and issues and issues of ethnicity, gender, and class in the classroom.

AMY CHUA, JOHN M. DUFF JR. PROFESSOR OF LAW.

For students, there are manifold benefits to faculty diversity. Increased faculty diversity has been linked to greater student academic achievement. For example, a quantitative study of Latino college students found a positive relationship between their academic success and the proportion of Latino students and faculty.⁶⁴ The results of the same study also suggested that the presence of Latino faculty helped those students feel like they belonged at the school.⁶⁵ Another study found that having a woman professor had a strong positive effect on female college students' achievement in STEM (science, technology, engineering, and math) courses.⁶⁶ This analysis may have implications for women law students, as law has also been a historically male-dominated field.

B. COMMUNITY-WIDE BENEFITS

Women and minority faculty also serve as important role models and mentors for women and minority students.⁶⁷ Professor Chua recounted how many diverse students—not just women or Asian students—seek out her support since they can identify and confide in her on issues of feeling excluded at the school. She pointed out: “I walked into a clerkship meeting once and there were so few minority students. I think that’s a real concern. If we want more diversity in the judiciary and in academia, we need a bigger pipeline.”

On a related note, a more diverse faculty could help alleviate the workload of current diverse faculty members, freeing time for academic pursuits through sharing mentorship roles. The 2012 Report revealed that women and minority professors are often inundated with advisees and are asked to write more recommendation letters than their counterparts.⁶⁸ Similarly, Professor Alvin Klevorick remarked that, because of a commendable desire for a diversity of perspectives on faculty committees, “service on committees has historically been unduly burdensome on women and on members of underrepresented minority groups.” Other professors have reiterated this observation. For instance, Professor Douglas Kysar stated: “Women and minority faculty members are asked to do more in terms of student events and faculty committees.” Further, Professor Tracey Meares noted: “There is an unequal burden on female professors serving on

⁶⁴ Hagedorn, *supra* note 51, at 88-89.

⁶⁵ *Id.* at 89.

⁶⁶ Scott E. Carrell et al., *Sex and Science: How Professor Gender Perpetuates the Gender Gap*, 125 Q. J. OF ECON. 1101, 1142 (2010).

⁶⁷ Susan Fiske, *Stereotyping, Prejudice, and Discrimination*, in HANDBOOK OF SOCIAL PSYCH. (D. T. Gilbert, S. T. Fiske & G. Lindzey 4th ed., 1998); *see also* Johnson, *supra* note 48, at 1563-64.

⁶⁸ 2012 Report, *supra* note 7, at 57.

PART IV: THE IMPORTANCE OF DIVERSITY

committees each year.” Professor Gluck expressed that female faculty members highly value their time mentoring and working with students but sometimes feel that their commitments to students comes into tension with producing scholarship—the primary way in which law professors make their national reputation. Professor Chua emphasized: “I love being a mentor to women and minorities, but it’s a tremendous commitment in terms of time and energy.” By increasing faculty diversity, and thereby expanding the pool of mentorship resources, students and faculty members alike will benefit.

3. CONCLUSION

The benefits of student and faculty diversity manifest across many aspects of the law school environment. Minority students benefit academically and socially from increased student and faculty diversity, and all students benefit from a more diverse intellectual community that better trains them for legal careers, improves creative thinking, and encourages civic engagement. Minority faculty members benefit from the ability to spread responsibility for mentoring, and all faculty members benefit intellectually from the opportunity to debate and share ideas among a heterogeneous group. Finally, YLS as an institution accrues many benefits from increased diversity. By increasing student diversity, YLS can ensure that it remains attractive to future students and future employers alike; by increasing faculty diversity, YLS will likely find professors who are innovative scholars with broader areas of interest than it otherwise would. As one student commented, “Diversity matters, because access to an elite institution such as YLS, which confers enormous power and privilege to its graduates, is an issue of justice. If people from certain backgrounds are excluded from institutions such as YLS, or are unable to thrive at YLS once they’re here, it carries implications for the status of those groups in our society.”

PART V

EFFORTS TO ENCOURAGE DIVERSITY

Individuals and groups across YLS have undertaken efforts to encourage diversity in race, ethnicity, sexual orientation, gender and socioeconomic status. Students, affinity groups, faculty, and administrators play key roles in the patchwork effort to make YLS more amenable to all students. By placing these efforts together in conversation, we hope to highlight ways in which actors can work together and learn from one another so we can attain the full benefits of diversity highlighted in Part IV.

1. INSTITUTIONAL EFFORTS

A. ADMISSIONS

Although the racial and gender diversity among YLS students has remained stagnant in recent years,⁶⁹ the Office of Admissions continues to take proactive steps to encourage application and matriculation to YLS by students from all backgrounds. During the admission season, the Admissions Office attempts to increase its outreach efforts by creating webinars designed to reach candidates that would not otherwise have information about YLS. And class composition, although in large part stagnant, is improving in some areas—for example, interviews revealed that, in the past several years, YLS has admitted an increasing number of students identifying as first generation professionals.

However, acceptance is not the only hurdle to admissions. According to Dean Rangappa, although the overall yield on new offers is high,⁷⁰ the yield for women is typically lower than for men in any given admissions cycle. To improve matriculation among diverse students, the Admissions Office coordinates with current students and affinity groups to provide prospective students with an inside look at what life at YLS is like. The Office runs an “admitted student buddy” system and facilitates communication to students directly from affinity groups, which can be especially effective for those with little background information on law school.

⁶⁹ *Standard 509 Information Reports*, *supra* note 30.

⁷⁰ The yield on new offers to the YLS Class of 2017 was 83.5%. *Entering Class Profile*, YALE LAW SCH., <http://www.law.yale.edu/admissions/admissions.htm> (last visited Feb. 5, 2015). Historically, YLS has been consistently ranked first in yield rates, with a wide gulf between its rate and the second place rate. See Delece Smith-Barrow, *10 Law Schools Where Accepted Students Usually Enroll*, U.S. NEWS & WORLD REP. (Mar. 13, 2014), <http://www.usnews.com/education/best-graduate-schools/the-short-list-grad-school/articles/2014/03/13/10-law-schools-where-accepted-students-usually-enroll>.

PART V: EFFORTS TO ENCOURAGE DIVERSITY

B. CLASSROOM PARTICIPATION AND SUCCESS

Members of the YLS faculty have responded differently to the findings of the 2002 and 2012 Reports, which put forth numerous suggestions for encouraging participation from all types of students, especially those less likely to speak out. For example, Professor Nicholas R. Parrillo has been an avid adopter of the *Speak Up* recommendations. He begins each semester with a statement encouraging everyone to participate, waits five seconds before calling on students, and pairs students off before cold-calling to discuss class questions. In past classes, Professor Parrillo has also attempted to set up a panel system for class recitation, distribute discussion questions beforehand, and set up mandatory office hours.

Other professors have implemented their own versions of the recommendations based on their own beliefs about classroom dynamics. For example, Professor Ian Ayres believes that waiting five seconds deflates the in-class discussion. However, he has instituted his own interventions, which include requiring nametags and using a randomized excel sheet for cold calls. These approaches ensure that he does not disproportionately call on some individuals instead of others, and that he does not alienate specific individuals by mispronouncing their names. Furthermore, he lets students check the randomized cold call list before class so that they do not feel overwhelmed by the uncertainty of the cold-calling process.

I was shocked by the results of the initial Speak Up report. My colleagues and I act in good faith but we were not even conscious of the classroom disparities until the results were released. Overall, however, randomization has been a big win for me in encouraging participation from most of my students.

IAN AYRES, WILLIAM K. TOWNSEND PROFESSOR OF LAW.

Other professors seem to agree with Professor Ayres's approach. For example, Professor Harold Koh aims to ensure that everyone is called at least twice, warns students they are on call in advance, and opens up office hours, where he encourages students to discuss anything, even if they do not have particular questions. Professor Tracy Meares uses several strategies to encourage participation, including giving out written assignments ahead of time so that students are prepared to contribute. Professor Margaret Lemos, who visited at YLS in the fall of 2014, uses random flashcards for cold calls in an attempt to spread out participation throughout the class. These professors remain committed to increasing the variety of class participants and shared encouraging results from their efforts.

PART V: EFFORTS TO ENCOURAGE DIVERSITY

C. DATA COLLECTION IN CLINICAL ADMISSIONS

In the spring of 2014, thirty-one first-year students were not admitted to any clinics. Fortunately, this number dropped to fourteen after the course-shopping period.⁷¹ Still, a number of law students expressed concern about the lack of transparency in the clinical admissions process and the potential effects it could have on minority, and especially women, students.

Dean Michael Wishnie, the law school's Deputy Dean for Experiential Education, acknowledged that the law school had not previously kept detailed data on clinical admissions. In response to student concerns about clinic placements at the start of the semester, however, Dean Wishnie asked the Registrar's Office to compile more nuanced data, including not only total placements but also data analyzed by gender and class year. Dean Robert Post and Dean Wishnie then shared the relevant statistics through an email to the student body and expressed the intention to engage in further data collection moving forward.

The clinical admissions process is incredibly decentralized and each instructor has his or her own admissions method. Some randomly select, some try to balance experienced and inexperienced students, and some use essays and bid preferences. It is hard to get a good picture of what is going on but I would be interested in collecting better data on the process in the future.

MICHAEL WISHNIE, DEPUTY DEAN FOR EXPERIENTIAL EDUCATION.

The Clinical Student Board (CSB), a collection of students representing a diverse array of law school clinics, has worked with the YLS clinical faculty on a range of initiatives, including increased transparency in the clinical admissions process. For example, the CSB revised the Clinical Student Guide to demystify the clinical admissions process for new students.⁷² In addition to the annual clinics fair and clinics panel, the CSB increased the number of ways in which interested students can connect with senior clinic members.⁷³ The CSB also advocated for the release of clinical admissions data, both when initial admissions decisions are made and after add/drop period has ended.

The CSB has taken each of these actions in hopes of increasing information flow throughout the law school and enabling students to make informed decisions about their experiential learning. In

⁷¹ Email from Michael Wishnie, Deputy Dean for Experiential Education, Yale Law School, to Yale Law School Students (Feb. 12, 2014 at 6:06 PM) (on file with authors).

⁷² Specifically, the CSB included the number and percentage of students admitted to each clinic, the supervisors' desired statement of interest lengths, substantive admissions criteria favored by supervisors, and other details.

⁷³ New CSB initiatives include drop-in hours, at which new students can consult with senior clinic members about clinic admissions and a clinical student contact spreadsheet allowing new students to email senior students with questions regarding specific clinics.

PART V: EFFORTS TO ENCOURAGE DIVERSITY

the spring of 2015, twenty-five students who had applied to two or more clinics and had not previously enrolled in a clinic were not accepted into any clinic during pre-registration. After the registration period ended, that number dropped to sixteen.⁷⁴ Looking forward, the CSB will continue to push for more detailed data on clinical admissions in an attempt to make transparency a norm, rather than an item to be demanded, and may look to the administration for further support in advancing this goal.

On an individual level, many new students do not have access to informal information networks, and they may be disadvantaged during the clinical admissions process as a result. Transparency acts as an equalizer. On the aggregate level, both students and administrators should have access to comprehensive data so that clinical offerings can be more responsive to students' interests.

SWAPNA REDDY '16, CO-CHAIR, CLINICAL STUDENT BOARD.

D. LONG-TERM DIVERSITY AND INCLUSION INITIATIVES

In response to student concerns, the YLS administration has taken up several diversity initiatives. According to Dean Kathleen Overly, Associate Dean of Student Affairs, the administration views it as a primary responsibility to provide programming for students and make information available to all students. These include events about summer internships, legal writing, clerkships, and other aspects of the law school experience. Student affinity groups have organized similar programming, and Dean Overly stressed that the Office of Student Affairs (OSA), Career Development Office (CDO), Financial Aid Office, and others are always available as a resource. She suggested that administrators could work together with affinity groups to provide follow-up information tailored to individual groups' needs if requested. Other interviewed members of the administration agreed that administrators have a responsibility to increase diversity and remain receptive to student suggestions.

Students' responsibility is to study and to learn—in short, to be students. Their suggestions about additions to the faculty are important. But students shouldn't need to take on the faculty's responsibility for identifying valuable appointments and in particular for identifying candidates who would enhance faculty diversity.

ALVIN KLEVORICK, JOHN THOMAS SMITH PROFESSOR OF LAW.

Professor Klevorick noted that the administration has promoted diversity in several ways. First, it has encouraged faculty members to incorporate findings from the 2012 Report into their

⁷⁴ Email from Michael Wishnie, Deputy Dean for Experiential Education, Yale Law School, to Yale Law School Faculty and Students (Feb. 15, 2015 at 10:08 AM) (on file with authors).

PART V: EFFORTS TO ENCOURAGE DIVERSITY

classroom pedagogy. Professor Ayres noted that this official endorsement by the administration encouraged more faculty compliance. The administration also secured first-term small-group faculty's agreement to follow a standard, announced selection process for Coker Fellows, third-year students who serve as writing instructors and mentors for small groups. This agreement decreased reliance on the previously informal process in which faculty often depended on pre-existing relationships in selecting Coker Fellows.

After student groups gathered data on diversity problems at YLS and put forward several suggestions for reform in the 2002 and 2012 Reports, *Class/Action*, and *Falling Through the Cracks* reports, the administration commissioned its own study in 2014. According to Deans Overly and Klevorick, the study, led by NYU Professor Kenji Yoshino, focuses on “covering” one's diversity to blend in. This study was sponsored to gather data about why students feel they don't belong and determine what work the administration should do in response. Professor Yoshino will present his findings at a school-wide lecture in the spring of 2015 and provide recommendations in a faculty workshop. This would be the second workshop of its kind, after Deputy Dean Kysar presented the findings and recommendations of *Speak Up* in the fall of 2013.

2. STUDENT-LED EFFORTS

Affinity groups and student leaders do an incredible amount of work to promote diversity within the law school community. These groups offer support to students at every stage of their progression through legal education by playing various roles in admissions, community building, law school success, career assistance, and advocacy.

A. ADMISSIONS

As early as the admissions stage, affinity groups play a vital role in increasing the representativeness of the incoming student body. While affinity groups have not traditionally hosted events during Admitted Students Weekend, in 2014, groups such as BLSA successfully pushed to be included in the weekend's programming in the hopes of making the diversity at Yale more visible to prospective students. Similarly, LLSA has started a mentoring program with the Latino community at Yale College in order to provide encouragement for students hoping to proceed to law school. A new student group, FGP, has been pushing for recruitment at more state schools and for reform in the application fee waiver process to increase socioeconomic diversity in the applicant pool.

When you haven't planned your life to end up at Yale Law School and it's suddenly an option on the table, it can be a daunting experience. I didn't have anyone to turn to who had attended YLS or any other top law school.

RUTH SWIFT '15, PRESIDENT, FIRST GENERATION PROFESSIONALS.

PART V: EFFORTS TO ENCOURAGE DIVERSITY

Various affinity groups work with students who have been admitted to answer questions about the YLS experience and to facilitate information sharing. By sending out informational emails over the summer and pairing admitted women with upperclassman buddies, YLW takes early efforts to foster a community and promote transparent access to information within YLS.

B. COMMUNITY BUILDING

From the stressful first semester to students' third year, affinity groups foster communities that allow students to express themselves and provide the support necessary to succeed. A well-known effort is the BLSA Retreat, a weekend when twenty to twenty-five BLSA members come together for both social bonding and opportunities for individualized conversations with upperclassmen regarding law school and career success. In the spring of 2015, LLSA also held its first retreat. Students also find support through myriad "buddy" systems, in which they are paired with upper-class students through affinity groups like YLW or interest groups like the American Constitution Society (ACS).

I hope to provide a space for members to recognize that they are not the only ones feeling a certain way. At the first BLSA meeting of the year, I told members that BLSA can and should be a lot of things for lot of people. Members should take what they need and, hopefully, give some back.

JEVON POTTS '16, PRESIDENT, YALE BLACK LAW STUDENTS ASSOCIATION.

Affinity groups are also working to account for diversity *within* their communities. Leaders of OutLaws, Yale Law School's LGBTQA student group, recognized that transgender and gender nonconforming individuals, women, and racial minority students were underrepresented within the affinity group. In response, OutLaws diversified the organization's social activities to appeal to and welcome a wider range of students while fostering individual outreach among members.

I want all kinds of people under the LGBTQA umbrella to be able to feel like OutLaws is their community.

ABIGAIL RICH '16, CO-PRESIDENT, OUTLAWS.

C. STUDENT ACHIEVEMENT

Given the number of student-led studies and reports demonstrating that success at YLS might be more difficult for diverse students to achieve,⁷⁵ affinity group leaders work to provide appropriate information and training. On its own or in cooperation with other groups, each affinity group holds formal panels, talks, and workshops to inform members about a range of topics including taking the *YLJ* Bluebook examination, participating in Moot Court, becoming a Coker fellow,

⁷⁵ See *supra* Part II.

PART V: EFFORTS TO ENCOURAGE DIVERSITY

succeeding academically, and getting published. Members of the APALSA, one of the largest affinity groups at the law school, have found this avenue of community support incredibly helpful.

Most of us are first or second generation immigrants, and our parents are not lawyers. In this respect, professional development trainings allow us to support students of all backgrounds.

MICHELLE CHO '16, CO-PRESIDENT, ASIAN PACIFIC AMERICAN LAW STUDENTS ASSOCIATION.

At the same time, many affinity groups try not to impose the idea of “gold star” activities on all their members. All of the group leaders interviewed for this report recognize that minority students have diverse interests and may choose their own paths at YLS to better reflect their particular career goals. YLW, for example, provides information around key law school decisions, like participation in Moot Court or *YLJ*, and facilitates networking among students rather than advising students on how to decide what to do. YLW’s guides on selecting courses, navigating paper writing, and secondary journals are available to the entire YLS community, as are the YLW Outline Bank and YLW Bar Exam Bank, databases of outlines designed to share information and improve transparency.

We don’t want to push students into doing things for “prestige.” Everyone has different conceptions of how to make valuable use of their time here. At the same time, however, we recognize the career benefits of “gold stars.” As such, our primary goal is simply transparency.

CLAIRE SIMONICH '16, OUTREACH CHAIR, YALE LAW WOMEN.

D. EXTRACURRICULAR ACTIVITIES

Given concerns about diversity in some extracurricular activities, the leaders of two YLS organizations, Moot Court and *YLJ*, have employed a variety of outreach efforts to encourage participation from a wider swath of students.

Moot Court Board members (themselves past finalists) and interested students have tried differing publicity tactics to encourage diversity among competitors. These have included emailing the student body at large about the benefits of participation, reaching out to diverse students that had expressed interest in the competition or had been involved in similar activities, and, notably in the spring of 2014, issuing a “call to action” encouraging women to sign up. In the spring of 2014, Jane Chong '14 became the first Asian American to win the Thurman Arnold Prize for best oralist. Additionally, of the four finalists, three were women, two were students of color, and one identified as gay. In the fall of 2014, however, all of the finalists were men and

PART V: EFFORTS TO ENCOURAGE DIVERSITY

three of the four finalists were white students.⁷⁶ Only one woman reached the semi-finals round.⁷⁷ Although students most frequently note a lack of sustained gender and racial diversity when describing Moot Court, Board Member Courtney Dixon also suggested that Moot Court likely suffers from a lack of socioeconomic diversity as well.

Most recently, the Moot Court Board switched to an online sign-up system in an effort to remove any barriers to participation that resulted from the process of public sign-ups. Further, they instituted training sessions on oral advocacy and brief writing to make the activity inherently more valuable and to better equip participants for the competition. Ultimately, however, the structure of the Moot Court Board itself might make amelioration difficult. Each year, the Board is comprised of the previous session's Moot Court finalists who have not yet graduated. As such, the Moot Court Board switches hands frequently, making data gathering difficult and affecting the Board's capacity to instigate long-lasting change.

While the structure of the Moot Court Board makes long-term change a challenge, we are looking into how we can run things so that Moot Court is more proactive rather than reactive and represents the diversity of the law school's student body.

COURTNEY DIXON '15, MOOT COURT EXECUTIVE BOARD MEMBER.

YLJ has similarly made strides in the promotion of diversity within its first-year editorial staff and its second-year editorial board. To promote a greater range of candidates, *YLJ* sponsors training and outreach events directed at the first-year class in advance of admissions, with a particular focus on collaboration with other student groups. Moreover, the second-year *YLJ* editors reached out to all first-year students individually, held open office hours, and expanded training for the critical essay portion of admissions. The goal of new outreach efforts was to ensure that all students had access to the same information and could access it in less intimidating spaces.

To help encourage diversity in student publishing, a *YLJ* editor released a comprehensive guide to writing comments and notes based on summer jobs, clinics, or research assistant work. Additionally, *YLJ* editors instituted office hours in the dining hall to discuss publication submissions, created an anonymous Google form for students to submit questions about preparing their work, and assigned specific editors to any student who requested guidance in the scholarship development process. Finally, *YLJ* has collaborated with multiple affinity groups to host informal events wherein diverse students can share their ideas with current *YLJ* members

⁷⁶ *Morris Tyler Moot Court of Appeals Competition History*, *supra* note 33.

⁷⁷ Email from Benjamin Field, Moot Court Executive Board Member, to Moot Court Competitors (Oct. 28, 2014 at 10:33PM) (on file with authors).

PART V: EFFORTS TO ENCOURAGE DIVERSITY

and gain insights into the publication process. In creating a wide array of initiatives, *YLJ* editors hope to foster an environment in which no student feels unable to reach out for help or advice.

The Yale Law Journal has historically experienced challenges in terms of the diversity of its membership, authorship, and leadership. This year, there have been a number of positive developments, and the efforts will certainly continue.

MEMBER OF THE *YLJ* VOLUME 124 LEADERSHIP.

Although extracurricular groups are generally managed and led by students who are attuned to diversity and equality, the administration does play a role, which at times contributes to feelings of inequality. For example, the Office of the Dean sends a bi-annual congratulatory email to the winners of Moot Court,⁷⁸ but not for other student accomplishments like major clinical victories or the Jessup International Moot. Although diverse students have made enormous strides in extracurricular achievement, work remains to be done.

E. CAREER ASSISTANCE

Because YLS is a professional school, most students find immense value in learning about different career trajectories and making connections with people in the field. Affinity groups provide both types of support. YLW, for example, facilitates networking among interested academics through listservs and attendance at YLS's annual "moot camp." YLW also hosts panels around key career decision points for students of all years and creates guides for the full student body, like the Top Ten Family Friendly Firms Survey Report and the Public Interest Career Glossary.

Affinity groups also support student careers by building strong alumni networks of former affinity group members where students can look for career ideas, advice, and mentoring. In addition, student groups like LLSA have begun reaching out to career professionals who are not YLS alumni, asking them to speak at the law school, both to offer career advice and simply to offer students mentors and sources of inspiration.

Because we are historically a small portion of the student body, my goal is to create more information channels and connections within the Latino legal community.

JULIA SOLÓRZANO '16, VICE-PRESIDENT, LATINO LAW STUDENTS ASSOCIATION.

⁷⁸ See, e.g., Email from Robert Post, Dean, Yale Law School, to the Law School Community (Dec. 9, 2014 at 10:48 AM) (on file with authors).

PART V: EFFORTS TO ENCOURAGE DIVERSITY

F. ADVOCACY

Beyond internal support, each affinity group also advocates on behalf of its students to ensure that the needs of all students are met and the voices of all students are heard. OutLaws, for example, is currently working with YLW to create a guide for transgender and gender non-conforming students and allies at YLS. Similarly, YLW is striving to increase the diversity of portraits on the walls of the law school to reinforce, visually, the importance of representing women and racially diverse leaders as role models for students.

Affinity group leaders note that the Alliance for Diversity, an umbrella organization that brings affinity groups together, increasingly allows students to advocate collectively for important issues concerning diversity within the law school. Not only does the existence of such a group allow students to coordinate and share ideas, but advocacy through the Alliance for Diversity may also streamline similar efforts happening through affinity groups, decreasing the work that individual affinity group leaders feel the need to take on.

The heads of affinity groups are disproportionately women and minorities, and these groups tend to take up a lot of time. For instance, affinity groups used to have to find housing for students of color during Admitted Students' Weekend until affinity groups made enough of a fuss about it to the administration. We are students, but we also do the job of admissions officials, put on academic programming, and so on, on top of our schoolwork. We spend a lot of time on these issues because we care, and if we don't do something, no one else is going to care. The administration has the responsibility to take on some of this work and show students that the school cares as well.

ALLIANCE FOR DIVERSITY MEMBER.

3. CONCLUSION

Over the last several years, key members of the YLS administration, faculty, and student body have developed new strategies to encourage a more diverse student body, improve outcomes and opportunities for all students, and foster a more inclusive culture at YLS.

Broadening the pipeline of student applicants, the Office of Admissions has increased its outreach efforts, and groups like LLSA have focused on building interest and encouragement for students even before they apply. Post-admission, the Office of Admissions and affinity groups work closely to build relationships with admitted students and to encourage matriculation from underrepresented populations.

PART V: EFFORTS TO ENCOURAGE DIVERSITY

Once at YLS, students can take advantage of continuing efforts to improve informational transparency, from accessing the YLW Outline Bank to attending OSA workshops on taking exams and finding student mentorship. Affinity groups leaders have worked closely with student leaders of *YLJ* and Moot Court to provide more information to students, improve transparency, and work toward more equitable outcomes without putting pressure on individual student choice.

Faculty members, administrators, and student leaders have all contributed to efforts to make YLS more diverse and inclusive. However, students and administrators alike have noted that women and minority students dedicate a disproportionate amount of time and resources to help diverse students succeed—a trend that could prove problematic.

PART VI

NOW WHAT?

Diversity is key to the success of the educational project at YLS. It is a value we should recognize, cherish, and doggedly pursue. Thanks to the efforts of students, administrators, and faculty members, the YLS community has made great progress in pursuing diversity. But there is much work yet to be done. This Part contains ideas for improving equality and diversity that were gleaned in part from our conversations with members of the YLS community and in part from other leading institutions.

1. DEVELOPING A VISION FOR INCLUSION

Other institutions have enhanced diversity by embracing diversity as an explicit goal. As a baseline first step, YLS administrators and faculty should likewise openly embrace the goal of diversity. By acknowledging this value clearly, the school's leaders can set the tone for a more inclusive, responsive, and enriching climate at YLS and model these expectations for students to carry into their futures.

Establishing a formal commitment to diversity can cultivate a more welcoming environment and set norms for intellectual and interpersonal engagement at the law school. Other law schools celebrate diversity as a central goal. In its mission and values statement, Harvard Law School emphasizes “[r]espect for the rights, differences, and dignity of others.”⁷⁹ Diversity and pluralism are also key tenets of the missions of the City University of New York system.⁸⁰ The YLS mission statement should reflect a consensus that diversity and inclusion with respect to gender, sexuality, race, and socioeconomic status matters on an individual and institutional level.

Ideas for Consideration:

1. **Updating the YLS mission statement** to articulate values of diversity and inclusion. For example: “Our students are expected to advance our knowledge and understanding of the law, to expand the reach of the law, and to inculcate knowledge about the central role

⁷⁹ *Harvard Law School's Mission and Values*, HARV. LAW SCH., <http://hls.harvard.edu/dept/hr/policies-manuals-and-forms/harvard-law-schools-missionvalues/> (last updated 2015).

⁸⁰ President's Office, *Mission, Vision, & Values*, CITY UNIV. OF N.Y., <http://www.csi.cuny.edu/presidentsoffice/mission.php> (last updated 2014) (“We embrace the strength of our diversity, foster civic mindedness, and nurture responsible citizens for our city, country, and the world.”); *Mission Statement*, CITY UNIV. OF N.Y., http://www.bmcc.cuny.edu/about_bmcc/page.jsp?pid=1076&n=Mission%20Statement%20and%20Goals (last accessed Dec. 31, 2014) (pledging to “promote multicultural awareness and understanding in our college community and respect for pluralism and diversity in our society”).

PART VI: NOW WHAT?

that the rule of law plays in a free **and diverse** society. The professional orientation of the Law School is deeply enriched by an intellectual environment that embraces a wide variety of intellectual currents and is designed to produce lawyers who are creative, **inclusive**, and open to new ideas.”

2. Emphasizing publicly that the leadership of YLS, including the Office of the Dean, the Office of Students Affairs, the Office of Admissions, the Deputy Deans, and the Governing Board, share a **commitment to equality and a vision for long-term change** needed to make YLS more inclusive.

2. RECRUITING A MORE DIVERSE FACULTY

As our review of the academic literature indicated, faculty diversity is crucial to a school’s holistic excellence. A diverse faculty offers mentorship opportunities to a diverse student body and also leads to more innovative scholarship. Actively promoting diversity in faculty hiring now can make a school more attractive to talented professors in the future. Finally, improving faculty diversity evens the workload that students, affinity groups, and underrepresented faculty currently carry to educate the school community on issues of inequity in legal practice and society.

Increasing faculty diversity can better serve a school, both as a bastion of intellectual excellence and as a community of individuals needing legal training and mentorship. Other institutions provide models for how to increase faculty diversity: MIT faculty passed a unanimous resolution to double the percentage of underrepresented minority faculty members within ten years. McKinsey’s *Women Matter* reports show that successful companies carefully monitor women’s representation.⁸¹ The institutions set numerical targets and assess whether or not those targets are met.⁸²

Ideas for Consideration:

1. **Hosting workshops for faculty** about the possible ways that implicit bias could affect faculty hiring. Google has taken this strategy with workshops that aim to reveal unconscious bias and show how this bias affects their interactions as well as the company itself.⁸³

⁸¹ *Women Matter*, MCKINSEY & CO., http://www.mckinsey.com/features/women_matter (last accessed Dec. 31, 2014).

⁸² *Id.* While quotas increase diversity in the most direct sense, they are not sufficient to change attitudes as they change numbers. In the context of a small institution however, there are some practices that are transferable and can inform YLS’s conscious, accountable efforts to increase faculty diversity.

⁸³ *Diversity at Google*, GOOGLE, <http://www.google.com/diversity/at-google.html> (last accessed Dec. 31, 2014); see also Farhad Manjoo, *Exposing Hidden Bias at Google*, N.Y. TIMES, Sept. 24, 2014, <http://www.nytimes.com/>

PART VI: NOW WHAT?

2. Continuing to ensure women faculty, faculty of color, and faculty who openly support diversity are **part of the Appointments Committee**. For a cautionary tale, one might look to Dartmouth's failure to include faculty of color in important decision-making roles in recruitment, which contributed to many faculty members of color leaving for other institutions.⁸⁴
3. Encouraging faculty members to look for scholars of color and women scholars in their network by **fostering and maintaining ties** with circles of female professors and professors of color at other institutions.
4. Requiring that a **minimum percentage of potential hires considered** by the Appointments Committee each semester are candidates of color or women.
5. Encouraging students of color and women to **pursue academia** in order to broaden the pipeline. The administration's Law Teaching Series as well as the student scholarship website⁸⁵ are welcome steps in this direction.
6. Funding an **endowed chair, professor, or fellow** dedicated to the study of critical theory or diversity in the law.

3. ADDRESSING NEEDS OF PROSPECTIVE STUDENTS

Our research suggested that a diverse student body, like a diverse faculty, brings many benefits to the whole community. Diversity within the law school exposes students to a variety of experiences and prepares them better for the real world. In addition, a critical mass of students within a minority community benefits students socially and academically.⁸⁶ Continuing to cast a wide net in recruiting students and emphasizing matriculation of underrepresented minorities will ensure that YLS can attract the best students from across the board.

Ideas for Consideration:

1. Providing **programming during the Admitted Students' Program** that directly addresses and celebrates diversity.
2. **Assessing** why some admitted students, including many women and students of color, choose not to attend YLS.

2014/09/25/technology/exposing-hidden-biases-at-google-to-improve-diversity.html (noting Google's approach was designed to appeal to the empirically-minded).

⁸⁴ Michael Qian & Jasmine Sachar, *Minority Faculty Retention Remains Concern at College*, THE DARTMOUTH, Nov. 14, 2013, <http://thedartmouth.com/2013/11/14/news/minority-faculty-retentions-remains-concern-at-college>. While we recognize the existing burden this work places on faculty of color, the only long-term solution is greater faculty diversity.

⁸⁵ See *supra* Part IV.

⁸⁶ See *Grutter v. Bollinger*, 539 U.S. 306 (2003).

PART VI: NOW WHAT?

4. FOSTERING STUDENT ACHIEVEMENT THROUGH INCLUSION

Any institution of higher education must offer equal opportunities to all students, regardless of gender, race, socioeconomic status, or any other distinguishing characteristic. To that effect, the community should do everything it can to support all students in their endeavors inside and outside of the classroom.

Success at YLS often requires information and influence relayed through networks of privilege. Of course, women, students of color, and students from lower and working class backgrounds win paper prizes, lead student groups, participate in *YLJ*, do clinical work, and succeed in many other ways. Nonetheless, there are troubling achievement gaps in Moot Court and other areas. Student achievement is due in part to the information and the influence available in personal networks. The YLS community can mitigate the outsized role of these privileged networks and ensure that all students have an equal opportunity to succeed.

Ideas for Consideration:

1. Recognizing professors who have adopted *Speak Up* classroom recommendations and/or promoted innovations in pedagogy. **Recognition of professors who have implemented successful pedagogical tools** by the Deputy Dean can serve as a signal that diverse teaching skills are valued at YLS.
2. Creating a **timeline** to map out diversity in faculty and student achievement over the years. A timeline, set forth by the Office of Student Affairs, could include milestones such as the first woman to become Editor-in-Chief of *YLJ* and the first person of color to be a Moot Court finalist. This strategy is modeled after *Women at Yale: A Tour*, a university-wide effort to catalogue milestones of gender diversity at Yale.⁸⁷
3. **Discussing values and norms** during orientation. The Office of Student Affairs should emphasize the need to remain respectful in all discourse, including in the classroom and on the Wall listserv. Students should have the opportunity to discuss norms in smaller groups as well as in a larger setting, such as at a town hall on civil discourse.
4. **Hosting welcome events during the first weeks of school.** The Office of Student Affairs can support affinity groups seeking to host these types of events. Welcome events foster community and provide support for 1Ls during an often difficult transition to law school. For students who may not have access to personal networks at YLS, welcome events provide an early opportunity to join established, student group networks.

⁸⁷ See *Women at Yale: A Tour*, YALE UNIV., http://www.yale.edu/womenatyale/Women_at_Yale_Tour.pdf (last accessed Dec. 27, 2014).

PART VI: NOW WHAT?

5. **Providing administrative support for faculty who interact with students outside the classroom.** A number of student groups, including ACS, YLW, APALSA, and FGP, host dinners where students can interact with faculty members outside of the law school. The administration should continue to support these efforts financially. The Office of Student Affairs should also plan student-faculty events, open to all students with seats allocated by lottery.⁸⁸

5. IMPROVING DATA COLLECTION AND INCREASING TRANSPARENCY

Regularly assessing diversity and evaluating the success of initiatives to improve diversity is crucial. Accordingly, our administration should collect and track data on diversity in faculty recruitment, student recruitment, and student achievement.

Efforts to enhance diversity and equality depend crucially on thorough and regular data. The Provost at MIT, a leading institution in fields consistently lacking female and minority representation, charged a committee of faculty to conduct an in-depth study on the state of faculty diversity and inclusion at their school, current processes for sourcing candidates, faculty experiences, and challenges faced. Literature on diversity in organizations, such as McKinsey's *Women Matter* reports,⁸⁹ emphasize the importance of data collection at all levels of an organization.

YLS has gathered data on diversity. For example, the upcoming Kenji Yoshino study explores data on “covering” a phenomenon whereby students hide diverse aspects of their identity. However, this effort studies only one aspect of diversity, and is not a regular data collection effort. Similarly, the Office of Admissions collects general data on race, gender, and sexual orientation, but largely elides intra-group distinctions as well as socioeconomic background. With respect to the faculty, there is no available data on prospective faculty members who were considered but ultimately not hired. In order to set goals and evaluate success in faculty recruitment, student recruitment, and student achievement, regularly collecting and tracking diversity data is paramount.

Ideas for Consideration:

1. Discussing and identifying metrics that can **measure success** in diversifying faculty recruitment, student recruitment, and student achievement. This discussion can be

⁸⁸ This recommended strategy builds on one program the administration has successfully run: a series of lunch events for 1Ls with Dean Post.

⁸⁹ See *Women Matter 2012: Making the Breakthrough*, MCKINSEY & CO. (Mar. 2012), http://www.mckinsey.com/~/media/McKinsey/dotcom/client_service/Organization/PDFs/Women_matter_mar2012_english.ashx.

PART VI: NOW WHAT?

conducted via survey or a town hall-style meeting, and should include faculty, students, and administrators.

2. Regularly **collecting and monitoring diversity metrics**. Administrators across several offices can institute a more structured process of data collection. The Office of Admissions could collect more data on intra-group diversity, such as ethnicity, nationality, and socioeconomic background of applicants. The Deputy Dean can track demographic data in student achievement, including paper prizes, clerkships, and Moot Court. Finally, the Appointments Committee can track diversity metrics of candidates who were considered but not ultimately hired.
3. Making information on diversity demographics and efforts available to the community. **Transparency** in administrative processes as well as in **data collection** can fuel a community-wide discussion on diversity and ensure that efforts to improve diversity are accountable.

CONCLUSION

Several groups at YLS have published reports showing the differing challenges and opportunities that women and minority students and faculty face at YLS. To shed more light on these issues, the YLW *Speak Up: Now What?* team endeavored to uncover the state of diversity at YLS along several dimensions and the value of diversity to faculty, students, and YLS as a whole.

The state of diversity at YLS is uneven, with women and people of color underrepresented in the faculty and stagnating rates of matriculation for minority students. Our interviews further demonstrate that women and students of color have different experiences while in law school. Yet, the benefits of diversity in the academic and broader legal world are well documented—including bringing innovative ideas and perspectives to communities, improving scholarship, and promoting community.

Thus, it is crucial for YLS to continue to focus on diversity initiatives in a targeted and documented manner. Groups within YLS—including the Office of Admissions, the Office of Student Affairs, and student-run affinity groups—have been implementing various measures to increase diversity at the school and to ensure that minorities feel included as an integral and valuable part of the community. However, there are still many changes needed, several of which we have suggested, to realize the full benefits that a diverse faculty and student body might bring to the law school, as well as to the careers of all faculty and students.