

## Response from Conrad Johnson to deans' listserve message from Daniel Bernstine of LSAC

Jan. 15, 2009

I appreciate the chance to respond on the LEAP-Dean's Listserve to the LSAC email that outlined concerns about my clinic's study of law school enrollment trends among African-American and Mexican-American students. As background, the facts and figures that were released on January 5, 2010, are an update to a study conducted two years ago by my clinic, Lawyering in the Digital Age, based on data collected from LSAC.

In 2005, the Society of American Law Teachers (SALT) approached me about collaborating on a project that would ultimately help further the ongoing conversation about diversity at the nation's law schools. The collaboration resulted in the study that was released in 2007. In 2009, SALT asked that we update the study.

To produce the original study, we used data provided directly by LSAC. That data was not taken from their public website and contained no cautions about data-collection methodology. Prior to the release of the study in 2007, LSAC reviewed the study's data and confirmed its accuracy. Since that time, I have received no inquiries from LSAC questioning the methodology or conclusions of the study. The data for the updated study was also provided directly by LSAC and contained figures through 2008.

To date, our principal assertion remains uncontested: **In the period between 1993 and 2008, an additional 3,000 first-year seats became available nationally, and did not go to African-American or Mexican-American candidates.** This study makes no assumptions as to why.

The LSAC email refers to "diversity among law school matriculants" between Fall 2001 and Fall 2008 and not specifically to the decrease in proportional representation of African-Americans and Mexican-Americans at U.S. law schools during this period. I do not contest the assertion that diversity has increased somewhat; however, we have been very clear and quite careful in making a distinction between minority law school enrollment and the decline in African-American and Mexican-American law school enrollment.

LSAC's email states, "While there may be positive or negative movements in figures from one end point (e.g. Fall 2001) to another (e.g. Fall 2008), there is variability in the interim years." What this fails to recognize is the fact that in each year from 1994 through 2008, the number of African-American matriculants is less than the number in 1993, which was the base year of our study. For Mexican-Americans the number of matriculants was lower in 10 of the 15 years reported by LSAC, including each of the past nine years.

I am gratified the study continues to receive national attention. We had hoped the study would spark discussion of the larger issue of diversity at law schools.

Thank you.

Sincerely,

Conrad Johnson  
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Columbia Law School