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A COMPREHENSIVE APPROACH TO LAW SCHOOL ACCESS ADMISSIONS

Jeffrey J. Minneti*

INTRODUCTION

This article makes two contributions to this important symposium. First, it provides a theoretical framework for building an Access Admission Program. Second, it gives the framework flesh, color, and voice through a description of the Access Admission Program at Seattle University School of Law.

Others have persuasively argued that there is a need for inclusive law school admission practices, noting that the strength of our democracy is conditioned upon its capacity to represent the interests of all citizens, and that such representation requires advocates who can speak on behalf of underrepresented populations from personal experience.¹ Many of our nation's leaders are lawyers; lawyers play critical roles in the civil and criminal justice systems; lawyers shape the regulatory landscape; and lawyers' critical thinking guides public and private institutions.² Inclusive admission practices ensure that lawyers from underrepresented populations take part in these essential roles.³ As a result, our legal system will have greater integrity and legitimacy.⁴

A lawyer's professional formation begins in law school. Inclusive admission practices ensure that classroom discussion will be

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¹ Paula Lustbader, *Painting Beyond the Numbers: The Art of Providing Inclusive Law School Admission to Ensure Full Representation in the Profession*, 40 CAP. U. L. REV. 71, 79–80 (2012) [hereinafter Lustbader, *Beyond the Numbers*]; Eli Wald, *A Primer on Diversity and Why*, 24 GEO. J. LEGAL ETHICS 1079, 1101–02 (2011).

² Lustbader, *Beyond the Numbers*, *supra* note 1, at 79–80; Wald, *supra* note 1, at 1079.

³ Lustbader, *Beyond the Numbers*, *supra* note 1, at 79–80; Wald, *supra* note 1, at 1101–03.

⁴ Lustbader, *Beyond the Numbers*, *supra* note 1, at 80; Wald, *supra* note 1, at 1101–03.

vibrant, authentic, and genuine, because students from underrepresented populations participate in the conversation, asking important questions, providing unique perspectives, sharing their life experiences, enriching the fabric of the learning community, and enhancing the legal education of all students.⁵

The premise behind inclusive admission practices is that traditional admission criteria, performance on the Law School Admission Test (LSAT) and undergraduate GPA (UGPA), are not accurate predictors of academic success for students from underrepresented populations.⁶ Instead, inclusive practices look beyond the LSAT and UGPA and consider the applicant on a more personal level, exploring criteria such as (1) the applicant's perspective on whether the applicant's LSAT and UGPA are accurate predictors of the applicant's law school success;⁷ (2) the extent to which the applicant has faced and overcome obstacles in the course of the applicant's education, resulting in resilience and grit;⁸ (3) the depth of the student's motivation to study law;⁹ (4) the rigor of the applicant's undergraduate study and trends in the applicant's grades;¹⁰ (5) prior life and work experiences;¹¹ and (6) references' perspectives on the applicants, because a reference may be able to illuminate character qualities that the applicant does not.¹²

⁵ Lustbader, *Beyond the Numbers*, *supra* note 1, at 83; Wald, *supra* note 1, at 1099; see also Rudolph C. Hasl, *Introductory Remarks*, 3 SEATTLE J. SOC. JUST. 143, 144 (2003) (discussing the importance of inclusive admission practices).

⁶ Lustbader, *Beyond the Numbers*, *supra* note 1, at 91–104 (explaining that the LSAT fails as a predictor because it is biased against students from underrepresented populations, it does not consider the impact of stereotype threat or psychological stress, and it does not account for other factors that influence law school success, including the provision of academic support; UGPA is a weak predictor of law school success for students from underrepresented populations because it does not express the lack of resources, educational opportunities, and preparedness for academic study that are common among such students).

⁷ *Id.* at 136.

⁸ *Id.* at 138.

⁹ *Id.*

¹⁰ *Id.* at 139.

¹¹ Lustbader, *Beyond the Numbers*, *supra* note 1, at 140.

¹² *Id.* at 141.

The need for inclusive admission practices remains great. The table below combines data from the United States Census Bureau,¹³ the Institute for Inclusion in the Legal Profession,¹⁴ and Gallup News¹⁵ demonstrates the significant disparities between general population in the United States and the population of lawyers in the United States.

Table 1: National Data on Diverse Populations

	Gender	% Black	% Latino	% Asian	% Minority	% LGBTQ	% Disabled
General Population	50.8 female	13.3 ¹⁶	17.8 ¹⁷	5.7 ¹⁸	23.1 ¹⁹	4.1 ²⁰	19 ²¹
Lawyers	34.5 ²²	4.6 ²³	5.1 ²⁴	4.8 ²⁵	14.5 ²⁶	3.1 associates; 1.8 partners ²⁷	0.3 associates; 0.3 partners ²⁸

The vast majority of Seattle University School of Law's graduates sit for the Washington State Bar. As the chart below details, there are significant disparities between the number of individuals from

¹³ U.S. Census Bureau, *QuickFacts United States*, U.S. DEP'T. OF COM., <https://www.census.gov/quickfacts/fact/table/US/PST045216> (last updated July 1, 2017).

¹⁴ Elizabeth Chambliss, *The Demographics of the Profession*, IILP REV. 2017: THE ST. OF DIVERSITY AND INCLUSION IN THE LEGAL PROF., 2017 (2017), http://theiilp.com/resources/Pictures/IILP_2016_Final_LowRes.pdf.

¹⁵ Gary J. Gates, *In U.S., More Adults Identifying as LGBT*, GALLUP NEWS (Jan. 11, 2017), <http://news.gallup.com/poll/201731/lgbt-identification-rises.aspx>.

¹⁶ U.S. Census Bureau, *QuickFacts United States*, U.S. DEP'T. OF COM., <https://www.census.gov/quickfacts/fact/table/US/PST045216> (last updated July 1, 2017).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* This estimate was calculated by subtracting the White alone population (76.9%) from 100%.

²⁰ Gates, *supra* note 15.

²¹ U.S. Census Bureau, *Nearly 1 in 5 People Have a Disability in the U.S.*, *Census Bureau Reports*, U.S. DEP'T. OF COM. (July 25, 2012), <https://www.census.gov/newsroom/releases/archives/miscellaneous/cb12-134.html>.

²² Chambliss, *supra* note 14, at 13, 18.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Chambliss, *supra* note 14, at 29.

²⁸ *Id.*

underrepresented groups within the state of Washington and the number of individuals from those same underrepresented groups who are members of the Washington State Bar Association (WSBA). The WSBA completed a Diversity, Intersectionality, and WSBA Membership Report in 2015.²⁹ At that time, there were approximately 37,000 members of the WSBA.³⁰ Of that group, only 10,546 identified as women and 2,760 identified as attorneys of color.³¹ Since its inception, the Access Admission program has graduated approximately 700 attorneys, most of whom are members of the WSBA.³² Thus, the Access Admission Program has added diversity to the WSBA, but it has much work yet to do.

²⁹ W. Vesneski et al., *Diversity, Intersectionality & WSBA Membership*, WASH. ST. BAR ASS'N, at 1, 3 (2015), <https://www.wsba.org/docs/default-source/about-wsba/diversity/wsba-intersectionality-report-2015.pdf?sfvrsn=3f5738f>.

³⁰ *Id.* at 1.

³¹ *Id.* at 3.

³² *About the Academic Resource Center*, SEATTLE UNIV. SCH. OF LAW, <https://law.seattleu.edu/academics/academic-support/academic-resource-center/about-arc> (last visited Feb. 21, 2018).

Table 2: Washington State Data on Diverse Populations

	Gender	People of Color	LGBTQ	Disabilities	Veterans
Washington Population	50% ³³	20% ³⁴	4.6% ³⁵	12.8% ³⁶	593,350 ³⁷
Washington Lawyers	28.5% ³⁸	7.4% ³⁹	1.3% ⁴⁰	1.4% ⁴¹	Not reported

The balance of this article focuses on meeting that need. Part I provides a theoretical framework for Access Admission Programs, rooted in well-established learning and teaching principles applicable to all students and adds elements specific to students from underrepresented populations, such as an acute need for belonging and the importance of addressing topics such as stereotype threat, past instances of discrimination, and underdeveloped academic skills.⁴² Part II describes the Access Admission Program at Seattle University School of Law, from its admission of students to its support of the students through their success on the bar exam.⁴³ The Conclusion notes that many of the most significant aspects of the program at Seattle

³³ U.S. Census Bureau, *QuickFacts Washington*, U.S. DEP'T. OF COM., <https://www.census.gov/quickfacts/fact/table/WA/SEX255216#viewtop> (last updated July 1, 2016).

³⁴ *Id.* This estimate was calculated by subtracting the White alone population (80%) from 100%.

³⁵ Gary J. Gates, *Vermont Leads States in LGBT Identification*, GALLUP NEWS (Feb. 6, 2017), <http://news.gallup.com/poll/203513/vermont-leads-states-lgbt-identification.aspx>.

³⁶ YANG-TAN INSTITUTE ON EMPLOYMENT AND DISABILITY AT THE CORNELL U. ILR SCH., 2015 DISABILITY STATUS REPORT: WASHINGTON 1, 5 (2016), http://www.disabilitystatistics.org/StatusReports/2015-PDF/2015-StatusReport_WA.pdf?CFID=2301776&CFTOKEN=1d037a475b661d21-EA208906-C406-2154-29F0C9915F4005DB.

³⁷ *Veterans Statistics Spreadsheet*, WASH. ST. DEP'T. VETERAN AFF., <http://www.dva.wa.gov/veterans-statistics-spreadsheet> (last visited Jan. 27, 2018).

³⁸ Vesneski, et al., *supra* note 29, at 3. The report cites 37,000 current Washington State Bar Members; percentages are drawn from the numbers depicted on the chart on page three of the report.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *See infra* Section I.

⁴³ *See infra* Section II.

University are scalable and exhorts schools to join Seattle University in its mission to meaningfully diversify the legal profession.⁴⁴

I. THEORETICAL FRAMEWORK OF ACCESS ADMISSION PROGRAMS

Academic Support Programs trace their roots to law schools' interest in diversifying the legal profession by admitting diverse students and supporting them throughout their legal education and bar passage.⁴⁵ The June 1992 Academic Assistance Training Workshop hosted by the Law School Admission Council at the University of Colorado in Boulder marked one of the first opportunities for Academic Support Professionals to gather and establish a common mission: "to provide diverse persons access to legal education, help create community, help diverse students succeed and excel academically, and most importantly, preserve students' feelings of self-worth and value."⁴⁶ Attendees recognized that to accomplish their mission, they would need to engage in a number of activities, including impacting admission decisions, providing pedagogical resources to their faculties and the legal academy, and helping students overcome "feelings of stigma, disenfranchisement, and alienation" that arise from differences between themselves and their classmates on factors such as race, ethnicity, gender, sexual orientation, and disability.⁴⁷

Over the years, Academic Support Professionals have educated themselves on learning theory, educational psychology, teaching methods, community building, and bar exam testing.⁴⁸ And their work has paid off: the students they connect with have outperformed traditional predictors of law school and bar exam success, such as LSAT scores and undergraduate GPAs, demonstrating that the thought patterns and academic and executive function skills necessary for success in law school and the bar exam can be learned in law school.⁴⁹

⁴⁴ See *infra* Conclusion.

⁴⁵ Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support Programs*, 31 U.S.F. L. REV. 839, 840 (1997) [hereinafter Lustbader, *Dreams to Reality*].

⁴⁶ *Id.* at 842.

⁴⁷ *Id.* at 842–43.

⁴⁸ *Id.* at 844.

⁴⁹ *Id.* at 843–44.

Learning is a complex process that results in the long-term assimilation of new knowledge, skills, and values.⁵⁰ In light of learning's complexity, a comprehensive access admission program must be built upon solid learning and teaching principles. Learning principles include those that spring from students' cognitive learning domain.⁵¹ The mechanics of the learning process are best expressed in the Self-Regulated Learning Cycle.⁵² Motivation to learn fuels the learning process.⁵³ Students' motivation to learn requires consideration of students' purpose for learning and the extent to which learning meets their needs.⁵⁴ Linked to motivation, effective learning requires that students sense that they belong in the learning community.⁵⁵ The need to belong is especially critical for students from underrepresented populations who may be the sole members of their groups on campus and who may encounter stereotype threat and macro and micro aggressions based on their status.⁵⁶ This part of the paper addresses each topic in turn by (1) summarizing the cognitive learning domain and the neurobiology of learning;⁵⁷ (2) describing the Self-Regulated Learning Cycle;⁵⁸ (3) discussing motivation through the Self-Determination Theory;⁵⁹ (4) explaining diverse students' need for belonging;⁶⁰ and (5) highlighting a set of practices professors can implement to create an optimal learning environment for diverse students.⁶¹

A. *Cognitive Domain and the Neurobiology of Learning: The Science of Learning*

The cognitive learning domain targets students' assimilation of information and intellectual skills.⁶² There are six levels of cognitive

⁵⁰ See *infra* Parts I.A–D.

⁵¹ See *infra* Part I.A.

⁵² See *infra* Part I.B.

⁵³ See *infra* Part I.C.

⁵⁴ See *infra* Part I.C.

⁵⁵ See *infra* Part I.D.

⁵⁶ See *infra* Part I.D.

⁵⁷ See *infra* Part I.A.

⁵⁸ See *infra* Part I.B.

⁵⁹ See *infra* Part I.C.

⁶⁰ See *infra* Part I.D.

⁶¹ See *infra* Part I.E.

⁶² A COMM. OF COLL. AND UNIV. EXAM'RS, TAXONOMY OF EDUCATIONAL OBJECTIVES 7 (Benjamin S. Bloom ed., 1956).

learning, which increase in complexity: (1) Knowledge: recognizing and recalling facts and basic concepts, policies, or rules, without necessarily understanding what they mean;⁶³ (2) Comprehension: understanding information by translating it into other language, interpreting it into a form that is more personal to the learner, and extrapolating from it through estimates or predictions;⁶⁴ (3) Application: using comprehended information to solve novel problems where no hint of the solution is provided;⁶⁵ (4) Analysis: the assessment of the information's component parts, including how the parts relate to one another and detecting patterns in information;⁶⁶ (5) Synthesis: the construction of a pattern from diverse elements;⁶⁷ and (6) Evaluating: the formation and presentation of opinions, predictions, and judgments about the information based on a set of criteria.⁶⁸ Learning objectives should contemplate the range of levels in the cognitive domain, providing instruction, assessment, and feedback on each.⁶⁹

To know information at even the most basic level, students must allocate space for the information in their memory. Upon receiving and attending to information, students' neurons are activated and generated.⁷⁰ Synapses between the neurons provide a communication pathway among a cluster of activated and generated neurons.⁷¹ Upon initial receipt of the information, the cluster of neurons and synapses is stored in the brain's temporary memory area, called the working

⁶³ *Id.* at 62.

⁶⁴ *Id.* at 89–90.

⁶⁵ *Id.* at 120. Given how critical problem solving is to the work of lawyers, this level of cognition must be developed during law school.

⁶⁶ *Id.* at 144. Because lawyers are frequently called upon to explore the structure of law through court decisions and statutory schemes, legal education must develop students' analytic skills.

⁶⁷ *Id.* at 162.

⁶⁸ A COMM. OF COLL. AND UNIV. EXAM'RS, *supra* note 62, at 185.

⁶⁹ *Id.* at 6–7.

⁷⁰ E. Scott Fruehwald, *How to Help Students from Disadvantaged Backgrounds Succeed in Law School*, 1 TEX. A&M L. REV. 83, 86 (2013); Louis N. Schulze, Jr., *Using Science to Build Better Learners: One School's Successful Efforts to Raise its Bar Passage Rates in an Era of Decline*, 12 FLA. INT'L UNIV. COLL. OF LAW (forthcoming 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2960192 (citing text at footnotes 44–47) [hereinafter Schulze, *Better Learners*].

⁷¹ Fruehwald, *supra* note 70, at 86; Schulze, *Better Learners*, *supra* note 70, at text accompanying footnotes 44–47; PETER C. BROWN ET AL., *MAKE IT STICK: THE SCIENCE OF SUCCESSFUL LEARNING* 169–71 (2014).

memory.⁷² If the cluster does not decay, it activates a permanent memory trace of the cluster in the cortical region of the brain.⁷³ The permanent memory trace is long-term memory.⁷⁴ Retention of a long-term memory trace requires retrieval of the information from the long-term memory into the short-term memory, which generates a neural pathway for the information.⁷⁵ Automaticity arises once students can access information in their long-term memory with little effort.⁷⁶ Discrete clusters of neurons and synapses are schemata or structured understandings of information.⁷⁷ Thus, the process of learning requires the creation of schemata in the working memory, the transfer of the schemata into the long-term memory, and the retention of the schemata in the long-term memory over time through retrieval, building to automaticity with the information.⁷⁸

Human neurobiology is elastic, which means that students have the capacity to generate new neurons, synapses, and retrieval pathways, thereby increasing their working memories, long-term memories, and the pathways that give them access to the memories.⁷⁹ Thus, students' learning capacities are malleable.⁸⁰ If provided the insight and tools necessary, they can enhance their capacities for knowledge and skills, and as a result, have greater academic success. When provided with this information, students learn to attribute their academic success to their own self-discipline, work drive,⁸¹ resilience, and grit, not luck, third-

⁷² Fruehwald, *supra* note 70, at 86.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.* at 86–88.

⁷⁶ BROWN ET AL., *supra* note 71, at 183–85 (emphasizing the need for deliberate, effortful practice and memory cues [tools that enable students to hold and access information in their long-term memories] to develop expertise).

⁷⁷ MICHAEL HUNTER SCHWARTZ, EXPERT LEARNING FOR LAW STUDENTS 25–26 (2d ed. 2008); Fruehwald, *supra* note 70, at 86 (stating that knowledge is stored in chunks); Lustbader, *Dreams to Reality*, *supra* note 45, at 848.

⁷⁸ BROWN ET AL., *supra* note 71, at 100 (characterizing the process as encoding, consolidating, and retrieval).

⁷⁹ *Id.* at 166–73.

⁸⁰ *Id.* at 166.

⁸¹ For a discussion of work drive and its impact on academic performance, see Jeffrey J. Minneti, *Work Drive Matters: An Assessment of the Relationship Between Law Students' Work-Related Preferences and Academic Performance*, 42 MITCHELL HAMLIN L. REV. 150 (2016).

party conduct, favoritism, or immutable characteristics over which they have no control.⁸² The question becomes “How smart do you want to be?” not “How smart are you?”.

B. Self-Regulated Learning Cycle: The Process of Learning

Self-Regulated Learning Cycle (SRLC) is an approach to learning that provides students with the insight and tools necessary to manage their own learning.⁸³ As Schwartz discusses, “The SRL cycle involves three phases: forethought, performance, and reflection.”⁸⁴

Forethought has metacognitive and environmental dimensions. The metacognitive dimension requires that students consider their learning preferences and the nature of the information, skill, or value they seek to acquire.⁸⁵ From there, students must set learning goals⁸⁶ and identify the most appropriate strategies for learning the material.⁸⁷ Learning preferences include students’ preference for receiving the information visually, through text and/or diagrams, orally, through lectures, from a global perspective that provides a sense of the big picture concepts associated with the material, or from an analytical perspective, which is organized in a linear manner communicating the information from general concepts to specific concepts.⁸⁸ Some learners

⁸² BROWN ET AL., *supra* note 71, at 183 (citing, among other authors, Carol Dweck’s research on growth mindset).

⁸³ SCHWARTZ, *supra* note 77, at 29.

⁸⁴ *Id.*

⁸⁵ *Id.* at 35–37.

⁸⁶ See Fruehwald, *supra* note 70, at 92–97 (discussing the elements of successful learning goals).

⁸⁷ SCHWARTZ, *supra* note 77, at 47.

⁸⁸ *Id.* at 63–65. Brown et al. argue that learning styles have become “part of the folklore of educational practice.” They are not persuaded that students learn best when instruction matches students learning preferences. BROWN ET AL., *supra* note 71, at 132–33. Instead, they assert that learners should adopt a growth mindset, appreciating that an individual’s neurobiology has the elasticity necessary to refine existing schemata and develop new ones. *Id.* at 166–73. When students appreciate that their learning capacities are not fixed, but subject to growth, and focus their attention on mastering knowledge and skills rather than validating their perceptions of their abilities, students learn more and retain the information better. *Id.* at 179–81 (discussing Carol Dweck’s research). Brown et al. emphasize that self-discipline, grit, and persistence factor into learning far more than the match between a student’s learning preferences and instruction. *Id.* at 183.

are skilled at abstraction and can imagine or visualize the material with ease.⁸⁹ Other learners are more concrete, needing specific, real-life examples of the material before they can learn it.⁹⁰ As they consider the material they are about to learn, students should draw their existing schemata into their working memory, setting a context for the learning. That way, as the students engage in the learning task they will be able to refine, clarify, and add to their existing schema, which will enhance the long-term memory trace to the information. The environmental dimension has students think through the learning task, the work product they must produce, and the optimal conditions for completing the task, such as time of day, location of study, and the extent to which they can or should be connected to social media.⁹¹

Performance refers to the act of learning, the process described above of refining existing schemata and further developing them.⁹² The learning task may vary from reading text, to listening to lecture, to completing a set of practice exercises. Regardless of the nature of the task, the student must be actively engaged with the material, making personal connections with it based upon the student's chosen learning strategy.⁹³ Research on reading comprehension reveals that more effective readers employ rhetorical and problematizing strategies as they read.⁹⁴ Those strategies include linking the text with the student's purpose for reading the text, attending to the context of the text, resolving confusion about the text before moving on and asking questions about the text, making predictions about the text, and connecting the text to the student's own experiences, and anticipating the professor's questions about the text.⁹⁵ Readers who merely

⁸⁹ SCHWARTZ, *supra* note 77, at 63.

⁹⁰ *Id.*

⁹¹ *Id.* at 47–51.

⁹² *See id.* at 67–71.

⁹³ *See id.*; BROWN ET AL., *supra* note 71, at 82–90 (describing learning strategies that require the student to actively attend to the learning process, such as rehearsing the information through spaced, varied and interleaved practice, creating mental models of the information and broadening mastery of it).

⁹⁴ LEAH M. CHRISTENSEN, *LEARNING OUTSIDE THE BOX: A HANDBOOK FOR LAW STUDENTS WHO LEARN DIFFERENTLY* 36–38 (defining problematizing and rhetorical strategies) (2011); *Id.* at 41–42 (finding that higher performing law students more frequently used problematizing and rhetorical strategies).

⁹⁵ *Id.* at 43–50.

underline, highlight, or paraphrase the text are not as actively engaged with it, and as a result tend not to comprehend it as well.⁹⁶ Completing practice exercises is a form of retrieval, which links information held in the long-term memory with that stored in the working memory.⁹⁷ Engaging in practice questions that require effort is more useful than completing simple questions.⁹⁸ Research on practice exercises suggests that students should vary the level of difficulty of the practice questions they respond to, that they should interweave the subject matter of the questions, rather than focusing on a single topic, and that they should space out their practice sets so that the learning is more effortful.⁹⁹ When students engage in problem solving on their own prior to being shown the solution, retention of the information is stronger, even if students get the problem wrong, as long as they receive corrective feedback.¹⁰⁰

Reflection requires that the students assess whether they accomplished their learning goal and whether they did so in the most efficient way possible.¹⁰¹ Novice learners in a field are poor judges of whether they have assimilated the information they sought to acquire, so reflection should involve formative assessments that provide students with objective feedback regarding their level of acquisition of the material they sought to learn.¹⁰² Building the neural pathways necessary for long-term retention and efficient, timely access to the information requires that students space their learning sessions out over time and that between learning sessions, they give themselves the opportunity to forget the information.¹⁰³ Thus, having assessed whether they have learned the information, students should plan to return to the material in the future, once enough time has passed for their recall of the

⁹⁶ *Id.* at 50–51.

⁹⁷ See BROWN ET AL., *supra* note 71, at 43–44.

⁹⁸ *Id.* at 43, 100.

⁹⁹ *Id.* at 47.

¹⁰⁰ *Id.* at 101.

¹⁰¹ SCHWARTZ, *supra* note 77, at 73.

¹⁰² See, e.g., BROWN ET AL., *supra* note 71, at 33–39 (describing examples of frequent, low-stakes quizzing in student retention of new information). Brown also notes that reflection is an important form of retrieval that assists schemata retention. *Id.* at 66.

¹⁰³ *Id.* at 63.

information to be a challenge, until their retrieval of the information is automatic.¹⁰⁴

Students should also consider whether the learning strategies they employed and the learning environment they set for themselves were useful and effective, revising the strategies and environment as necessary to optimize their learning.¹⁰⁵

C. Motivation: Fuel to Learn

Motivation impacts students' working memory by directing more of a student's cognitive energy to a task.¹⁰⁶ The more motivated a student is to learn, the more attention the student will pay to the information.¹⁰⁷ The more attention a student pays to the information, the stronger the neural trace in the working memory and ultimately, the long-term memory.¹⁰⁸ Thus, motivation is critical to learning.

Motivation to learn arises from cognitive and emotional motivators.¹⁰⁹ Cognitive motivators are stimuli that compel students to satisfy "needs for recognition, achievement, esteem, respect, and confidence."¹¹⁰ Emotional motivators are linked to pleasure and pain.¹¹¹ Motivators can be extrinsic or intrinsic.¹¹² Extrinsic learning motivators are those that are external to the student, such as grades and class rank.¹¹³ Intrinsic learning motivators arise from within the student, tapping into the student's natural human tendency to satisfy needs and interests and exercise capabilities.¹¹⁴ Students who link their learning

¹⁰⁴ Schulze notes that to optimize learning, students should not engage in retrieval practice at regular intervals; instead they should gradually extend the amount of time between retrieval practices and prioritize less well-known information in later sessions, until the retrieval becomes automatic. Schulze, *Better Learners*, *supra* note 70, at text accompanying notes 51–53.

¹⁰⁵ *Id.* at 73–77.

¹⁰⁶ Fruehwald, *supra* note 70, at 87.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at 91.

¹¹⁰ *Id.*

¹¹¹ Fruehwald, *supra* note 70, at 96.

¹¹² *Id.* at 92.

¹¹³ *Id.* at 92–93.

¹¹⁴ *Id.* at 92–93; Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers*

goals to intrinsic motivators are more likely to be academically successful than those who link their learning to extrinsic motivators because¹¹⁵ satisfaction of intrinsic motivators leads to a stronger sense of well-being, which is correlated to academic success.¹¹⁶ Professors Lawrence S. Krieger's and Kennon M. Sheldon's scholarship has provided a framework for understanding law students' subjective well-being and offered suggestions to law schools for creating an environment where students' sense of well-being can flourish.¹¹⁷ The authors defined subjective well-being as a combination of life satisfaction and positive affect.¹¹⁸ Life satisfaction is rooted in an individual's "personal (subjective) evaluation of objective circumstances – such as one's work, home, relationships, possessions, [and] income."¹¹⁹ Positive affect is an individual's purely subjective perception of whether the individual feels good or bad.¹²⁰ The authors noted that while moods are transiently experienced, "they have been found to persist over time in stable ways."¹²¹ The authors derived their definition of well-being from Self-Determination Theory, which posits that humans have three basic psychological needs: "to feel [1] competent/effective, [2] autonomous/authentic, and [3] related/connected with others."¹²² Competence requires that an individual feel that she is "good at what [she does] or can become good

Happy?: A Data-Driving Prescription to Redefine Professional Success, 83 GEO. WASH. L. REV. 554, 564–65 [hereinafter Krieger & Sheldon, *Professional Success*] (stating that intrinsic values and goals include "personal growth, love, helping others, and building community." An individual is internally motivated to behave when the individual finds the behavior inherently enjoyable or meaningful. Alternatively, extrinsic values "include affluence, beauty, status, or power." Externally motivated individuals act because they are "compelled by guilt, fear, pressure," or their desire "to please or impress others.").

¹¹⁵ Fruehwald, *supra* note 70, at 93.

¹¹⁶ Krieger & Sheldon, *Professional Success*, *supra* note 114, at 560.

¹¹⁷ *Id.* at 560–61.

¹¹⁸ *Id.* at 562.

¹¹⁹ *Id.* at 563.

¹²⁰ *Id.*

¹²¹ Krieger & Sheldon, *Professional Success*, *supra* note 114, at 563.

¹²² *Id.* at 564. For additional description of the Self-Determination Theory, *see also* Louis N. Schulze Jr., *Alternative Justifications for Law School Academic Support Programs: Self-Determination Theory, Autonomy Support, and Humanizing Law School*, 5 CHARLESTON L. REV. 269 (2011) [hereinafter Schulze, *Alternative Justifications*] (describing how an academic support program would help law school conditions of self-determination theory and provide autonomy support).

at it.”¹²³ Autonomy requires that the individual feel that she is doing what she has chosen to do, wants to be doing, and perhaps believes in doing.¹²⁴ Relatedness refers to an individual’s need to feel that as she acts, she does so in a meaningful relationship with others.¹²⁵

Self Determination Theory considers the impact of values, goals, and motivations. Research has found that intrinsic values and goals and internal motivation are more predictive of well-being than extrinsic values and goals and external motivators.¹²⁶ The Theory contemplates the impact of supportive as compared to controlling authority figures on an individual’s well-being.¹²⁷ Past research revealed that when those in authority provided autonomy support to subordinates, the subordinates’ “ability to perform maximally, fulfill their psychological needs, and experience well-being” was enhanced.¹²⁸

In their study, Sheldon and Krieger evaluated responses from approximately 6,200 lawyers from four geographically diverse regions of the country to assess which variables, if any, were correlated with lawyer well-being.¹²⁹ The authors found that the variables that had the most significant impact on lawyer wellness were (1) autonomy need satisfaction; (2) relatedness need satisfaction; (3) competence need satisfaction; and (4) internal work motivation.¹³⁰ Law school class rank, law school debt, and income after graduation were among the least associated with lawyer well-being.¹³¹ Significantly and most

¹²³ Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY AND SOC. PSYCHOL. BULL. 883, 885 (2007) [hereinafter Sheldon & Krieger, *Self-Determination Theory*]; Carol L. Wallinger, *Autonomy Support 101: How Using Proven Autonomy Support Techniques Can Increase Law Student Autonomy, Engender Hope, and Improve Outcomes*, 48 DUQ. L. REV. 385, 392 (2010) (discussing “flow” as an expression of one’s sense of competence and defining flow as “deep enjoyment” that arises from the “combined effect of intense concentration and a rewarding sense of accomplishment”).

¹²⁴ Sheldon & Krieger, *Self-Determination Theory*, *supra* note 123, at 885.

¹²⁵ *Id.*

¹²⁶ Sheldon & Krieger, *Professional Success*, *supra* note 114, at 565.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.* at 571–72.

¹³⁰ *Id.* at 583.

¹³¹ Sheldon & Kreiger, *Professional Success*, *supra* note 114, at 583.

troublingly, the authors found that “the psychological factors seen to erode during law school are the very factors most important for the well-being of lawyers.”¹³²

The authors recommended that law schools shift from emphasizing “competition, status, and tangible benefits” to promoting “support, collaboration, interest, and personal purpose.”¹³³ More specifically, noting that law teachers “impact students early in the formation of professional attitudes and identities,” the authors recommended that professors

approach the task of teaching legal analysis with humility, clearly conveying to students that, while this skill will enable them to dispassionately analyze and argue legal issues while setting aside their own instincts, values, morals, and sense of caring for others, such a skill must be narrowly confined to those analytic situations.¹³⁴

The authors advised that law students “would realize greater well-being from culturing their sense of self, internal purpose, and positive relationships with other people in personal and professional life than from focusing intensely on rewards and recognition.”¹³⁵

Previous studies have found that the benefits of strong well-being include “improved accomplishment of complex mental tasks, generally improved work performance, and greater culturally valued success.”¹³⁶ Increases in law students’ “well-being and internal motivation (resulting from enhanced autonomy support and need satisfaction) were accompanied by better grade and bar exam performance.”¹³⁷ Law students in an autonomy-supportive educational environment experienced “greater well-being, more internal motivation, and higher performance” than law students in a less

¹³² *Id.* at 560 (emphasis omitted).

¹³³ *Id.* at 624.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ Sheldon & Kreiger, *Professional Success*, *supra* note 114, at 622 (noting that the correlation of need satisfaction with well-being was five times stronger than class rank and 3.5 times stronger than income or school debt).

¹³⁷ *Id.*

supportive environment.¹³⁸ More specifically, autonomy support predicted students' final law school GPA and may explain students' performance on the Multi-State Bar Exam.¹³⁹ Instruction provides autonomy support when it nurtures students' intrinsic motivations and internalization processes.¹⁴⁰

Building an autonomy-supportive law school environment requires three general components. First, law schools should grant students as much choice as possible in their legal education.¹⁴¹ Second, when such choice is not possible, the institution should explain why students' choices cannot dictate the institution's course of conduct.¹⁴² Third, the institution should demonstrate that it is aware of and cares about the students' point of view.¹⁴³

Professors can take a number of steps to increase autonomy support in the classroom. First, to the extent possible, professors could invite students to participate in course design.¹⁴⁴ Students could provide input on the use of electronic learning management systems, provision of hard copies of documents, whether and when to take a break during class, and perhaps which topics to focus on. Next, professors should reflect on how they respond to students' questions.¹⁴⁵ Professors' responses to student questions are opportunities to nurture students' intrinsic motivations and internalization.¹⁴⁶ Abrupt, curt, or denigrating responses are obviously troublesome, but so too are responses that are rooted in negative assumptions or judgments about students. Professors can and should seek feedback from their colleagues on their teaching.¹⁴⁷ And finally, during the course, professors should seek anonymous

¹³⁸ *Id.* at 567–68.

¹³⁹ Sheldon & Kreiger, *Self-Determination Theory*, *supra* note 123, at 894.

¹⁴⁰ Wallinger, *supra* note 123, at 395.

¹⁴¹ Sheldon & Krieger, *Self-Determination Theory*, *supra* note 123, at 884.

¹⁴² *Id.* at 884.

¹⁴³ *Id.*

¹⁴⁴ Wallinger, *supra* note 123, at 401.

¹⁴⁵ *Id.* at 400–01 (providing the example of reminders when answering student questions about information on the syllabus).

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

feedback from their students by asking questions such as “What is working well?; What should change or need improvement?”¹⁴⁸

D. Diverse Students’ Need for a Sense of Belonging

Decades ago, in addressing motivational theory, Abraham Maslow defined a set of human needs organized in a hierarchy and opined that individuals are motivated to satisfy the needs.¹⁴⁹ Our most basic needs are physiologic needs such as nutrition and rest; once satisfied, we seek safety and security.¹⁵⁰ From there, we seek to satisfy psychological needs, including the need for belonging and love of others, and esteem needs, such as feeling a sense of prestige and accomplishment.¹⁵¹ Lastly, we are motivated to seek self-fulfillment through self-actualization by achieving our full potential.¹⁵²

To this well-established model, Professor Terrell Lamont Strayhorn adds that by satisfying their need for belonging in the context of school, students will experience significant positive outcomes, such as greater engagement in school and stronger achievement, in addition to being able to reach their fundamental human needs for esteem and self-fulfillment.¹⁵³ He notes that a student belongs when the student perceives social support on campus, feels connected to others, and feels cared about, accepted, and valued by the campus community.¹⁵⁴ More specifically, Strayhorn developed seven core elements that define a student’s sense of belonging.¹⁵⁵ First, a sense of belonging is a basic human need, and thus a basic need for students.¹⁵⁶ As such, that need must be satisfied before a student can address the student’s desire for higher-order needs, including a student’s quest for knowledge, understanding, and self-actualization.¹⁵⁷ Second, belonging is a “motive

¹⁴⁸ *Id.* at 401–02.

¹⁴⁹ TERRELL LAMONT STRAYHORN, COLLEGE STUDENTS’ SENSE OF BELONGING: A KEY TO EDUCATIONAL SUCCESS FOR ALL STUDENTS 24 (2012).

¹⁵⁰ *Id.* at 24.

¹⁵¹ *Id.*

¹⁵² *Id.* at 25.

¹⁵³ *Id.* at 25.

¹⁵⁴ STRAYHORN, *supra* note 149, at 16–18.

¹⁵⁵ *Id.* at 18.

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

that can affect human behavior(s).”¹⁵⁸ A student’s need to belong motivates the student to act, whether in ways that advances the student’s self-interest or cuts against it.¹⁵⁹ Seeking to gratify the need to belong motivates students to do “something with others who share their commitments, interests, and goals.”¹⁶⁰ Third, a student’s need for belonging increases in specific contexts and at specific times.¹⁶¹ To the extent that a student is able to satisfy the student’s need for belonging in a particular context, such as law school, the student is better able to address the outcomes in that context, such as academic performance or cultivating a professional identity.¹⁶² Strayhorn notes that situations that challenge other basic needs increase a student’s need for belonging as well.¹⁶³ For example, threats of harm, uncertainty, or being a newcomer in a group will generally increase a student’s need to be connected with others.¹⁶⁴ Fourth, to belong is related to a student’s need to matter, that is to feel “rightly or wrongly, that one matters, is valued, or appreciated by others.”¹⁶⁵ To belong, a student must believe that someone cares for her.¹⁶⁶ The drive to believe that one matters has a motivational dimension.¹⁶⁷ A student tends to “identif[y] and emulate[] the practices of those to whom [the student] is or might desire to be attached.”¹⁶⁸ Fifth, not only does a student’s need for belonging depend upon specific contexts and times, the need is dynamically related to a student’s social identities.¹⁶⁹ Social identities include how a student perceives himself in light of attributes that include his race, ethnicity, gender preference, sexual orientation, and religion.¹⁷⁰ In a given setting, a student’s various social identities converge and intersect, impacting the student’s need for

¹⁵⁸ *Id.* at 19.

¹⁵⁹ STRAYHORN, *supra* note 149, at 24.

¹⁶⁰ *Id.* at 19–20.

¹⁶¹ *Id.* at 20.

¹⁶² *Id.*

¹⁶³ *Id.* at 21.

¹⁶⁴ STRAYHORN, *supra* note 149, at 20–21.

¹⁶⁵ *Id.* at 21.

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.* at 21–22 (quoting Richard M. Ryan & Jerome Stiller, *The Social Contexts of Internalization: Parent and Teacher Influences on Autonomy, Motivation, and Learning*, in 7 *ADVANCED IN MOTIVATION AND ACHIEVEMENT* 115, 121 (Martin L. Maehr & Paul R. Pintrich eds., 1991)).

¹⁶⁹ STRAYHORN, *supra* note 149, at 22.

¹⁷⁰ *Id.*

belonging.¹⁷¹ Sixth, a student's satisfaction of the student's need for belonging leads to important positive outcomes, including "achievement, wellbeing, happiness, and optimal functioning."¹⁷² Seventh, a student's need to belong is "malleable and susceptible to influence."¹⁷³ Should the need be disrupted and not subsequently satiated, the student may feel a "diminished interest in life, loneliness, self-hatred, disengagement from life (often through suicide) or in the context of education, disengagement from college through attrition."¹⁷⁴

Strayhorn has found that students from underrepresented populations face special challenges in satisfying their need for belonging.¹⁷⁵ Though his studies primarily focus on undergraduate students, his findings apply with equal force to law students.¹⁷⁶ His research on students of color reveals that the students report less of a sense of belonging than their white peers.¹⁷⁷ He attributes the lessened sense of belonging to a number of factors.¹⁷⁸ Students of color frequently arrive on college campuses with different forms of "sociocultural capital" than that which is necessary for success in college.¹⁷⁹ As a result, students must, in addition to all of the other demands of college, acquire that necessary capital, often at the expense of their need to belong.¹⁸⁰ More specifically, his research of Latino students reveals that the students are more likely to be the first in their families to attend college and come from lower socioeconomic backgrounds than their White peers, and that the students tend to arrive at school carrying more family obligations, including the obligation to provide emotional and financial support to their families back home.¹⁸¹

¹⁷¹ *Id.*

¹⁷² *Id.* at 120.

¹⁷³ *Id.* at 23 (quoting Carol Goodenow, *The Psychological Sense of School Membership Among Adolescents: Scale Development and Educational Correlates*, 30 PSYCHOL. SCH. 79, 81 (1993)).

¹⁷⁴ STRAYHORN, *supra* note 149, at 23.

¹⁷⁵ *See generally id.* (dedicating chapters to the unique belonging needs of Latino, gay, and Black students).

¹⁷⁶ *Id.* at xiii.

¹⁷⁷ STRAYHORN, *supra* note 149, at 33 (Latino students); 42–43 (gay students); 70–71 (STEM students, including men and women of color); 86–89 (Black men).

¹⁷⁸ *Id.* at 29 (using Latino students as an example).

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.* at 34–35.

Strayhorn notes similar trends among Black male students, finding that they often feel isolated, marginalized, and alienated because predominately White schools tend to be less welcoming, supportive and sympathetic to Black students than historically Black schools.¹⁸² Gay male students of color demonstrated a compelling need to belong, with some unfortunately turning to risky behavior to satisfy the need, including an increase in the use of drugs, alcohol, and unsafe sex because campus environments, such as dorms, cultural centers, fraternities, and classrooms, left them feeling isolated or alienated.¹⁸³ Others cultivated a sense of belonging through participation in gay community events, spirituality and religion, and relationships.¹⁸⁴ Having satisfied their need for belonging, gay students sought to fashion a healthy sense of self.¹⁸⁵

With respect to graduate students, Strayhorn notes that students have a significant need for belonging and that need requires that they become socialized into the graduate school environment.¹⁸⁶ Such socialization requires that students understand the values, beliefs, mores, and norms of the graduate school classroom and the professional field the students seek to enter.¹⁸⁷ To facilitate the sense of belonging, Strayhorn advocates the intentional, deliberate, and thoughtful instruction and advice on such topics, clarifying the school's expectations regarding students' behaviors in and out of class, degree requirements, and the transition to professional careers.¹⁸⁸ Strayhorn notes that engagement with students, staff, and especially faculty on these matters is important.¹⁸⁹

Addressing the need for belonging for students from underrepresented populations generally, Strayhorn writes “[t]o overcome feelings of marginality and to adjust to the new social and cultural context of college, students must be validated and positive, meaningful interactions with others on campus are a key aspect of the

¹⁸² STRAYHORN, *supra* note 149, at 80.

¹⁸³ *Id.* at 42–44.

¹⁸⁴ *Id.* at 44–45.

¹⁸⁵ *Id.* at 47.

¹⁸⁶ *Id.* at 92.

¹⁸⁷ STRAYHORN, *supra* note 149, at 102.

¹⁸⁸ *Id.* at 102–03.

¹⁸⁹ *Id.* at 103.

validation process.”¹⁹⁰ He further states that “involvement with others on campus, especially interactions with diverse peers and faculty, may influence one’s sense of affiliation, membership, or sense of belonging on campus.”¹⁹¹

E. Creating an Optimal Learning Environment for Diverse Students

Authors Sean Darling-Hammond and Kristen Holmquist conducted interviews with faculty members at the University of California Berkeley Law School that students had identified as being skilled at creating classroom environments where students of all backgrounds could feel safe and achieve academic success.¹⁹² In studying the interviews, the authors discerned ten practices consistent among the faculty that enabled students from underrepresented populations to perform well in their classes.¹⁹³

The authors’ decision to interview the faculty members arose, in part, from data collected from a student-initiated survey that questioned students at Berkley Law about their law school experiences.¹⁹⁴ The survey revealed significant disparities in the students’ experiences that were connected with the students’ race, gender, and socio-economic status.¹⁹⁵ For example, the authors found that Latino and Black students and students from low-income families were “much more likely to feel the law school had failed to ensure they ‘knew how to study the law . . . before they were expected to learn legal content’” than their White colleagues from higher-income families.¹⁹⁶ Latino and Black students were much more likely than White students to state professors did not teach foundational content; and Latino, Black, and female students were more likely than their White male colleagues to feel that their professors

¹⁹⁰ *Id.* at 31–32.

¹⁹¹ *Id.* at 32.

¹⁹² Sean Darling-Hammond & Kristen Holmquist, *Creating Wise Classrooms to Empower Diverse Law Students: Lessons in Pedagogy from Transformative Law Professors*, 25 BERKELEY LA RAZA L.J. 1 (2015).

¹⁹³ *Id.* at 17–18.

¹⁹⁴ *Id.* at 4–5, 8–9.

¹⁹⁵ *Id.* at 4–8.

¹⁹⁶ *Id.* at 6.

did not teach in a way that allowed all students to learn.¹⁹⁷ Black, Latino, and students from low-income families were more likely than White students from higher-income families to state that the way their teachers taught negatively impacted their academic performance.¹⁹⁸ Regarding stereotype threat, female, Latino, and Black students were more likely than White male students to worry about confirming stereotypes when performing academically.¹⁹⁹ And the same groups, female, Latino, and Black students, were much more likely to feel that their law school professors pre-judged their academic capability based on their gender or race.²⁰⁰ The authors observed that the survey “strongly suggests that low-income, minority, and female students are experiencing law school differently than wealthy, White, and male students.”²⁰¹

The authors described external and internal factors that may account for the disparity in performance of Latino and Black student achievement at compared to White students.²⁰² External factors include disadvantages linked to race and class that a student brings with her into the law school environment, such as past experiences with discrimination, poor schools, and low socioeconomic status.²⁰³ Internal factors include those within the law school environment itself, such as stereotype threat, discrimination, and sometimes hostility.²⁰⁴ The authors argue that by employing strategic teaching practices, law professors can negate the power of the external and internal impacts and thus narrow if not remove completely the achievement gap.²⁰⁵ The authors express the practices in the form of ten habits, listed below, which when executed, create an optimal learning environment for students.

¹⁹⁷ *Id.*

¹⁹⁸ Darling-Hammond & Holmquist, *supra* note 192, at 7.

¹⁹⁹ *Id.* at 7–8.

²⁰⁰ *Id.* at 8.

²⁰¹ *Id.* at 8.

²⁰² *Id.* at 10.

²⁰³ Darling-Hammond & Holmquist, *supra* note 192, at 10.

²⁰⁴ *Id.*

²⁰⁵ *Id.* at 15.

1. Approach teaching with a sense of Empathy and Enthusiasm. Aim to understand the student experience and inspire passion.
2. Communicate high expectations while creating safe classroom environments.
3. Provide context for comprehension. Assume intelligence of every student, but never assume prior experience or legal skills.
4. Give the material structure to make it stick. Structure the semester around a narrative arc or web of related themes or techniques and be transparent about how concepts fit together.
5. Get feedback. Use tools like clickers, breakouts, office hours, and mid-semester evaluations to understand and adapt to your students' progress and needs.
6. Give feedback. Provide assessment opportunities throughout the semester to help students learn and self-correct.
7. Get practical. Provide opportunities for students to learn practical and academic skills by assigning and reviewing briefs and motions and by reviewing practice exams in class and outlines during office hours.
8. Use the Socratic method to teach, not intimidate. Create an environment where compassionate cold calling is the norm.
9. Modernize. Transcend classical cases and embrace discussions about the modern political and social phenomena that attracted many students to law school.
10. Learn from fellow professors as much as possible.²⁰⁶

²⁰⁶ *Id.* at 17–18. For a discussion of how professors can build inclusive learning communities in their classrooms, see Paula Lustbader, *Walk the Talk: Creating*

The authors implore law professors to draw upon the habits listed above and improve their pedagogy because their teaching has the power to level the academic playing field for all students and narrow race-based achievement gaps.²⁰⁷

This section has established a theoretical framework for building an Access Admission Program, grounding the program in an understanding of students' cognitive learning domain and the neurobiology of learning; the process of learning as expressed in the SRLC; the role motivation and belonging play in learning; and the pedagogical practices necessary to create optimal learning environments for students from underrepresented populations. The article next explains how that model finds expression in an actual program, the Access Admission Program at Seattle University School of Law.

II. THE ACCESS ADMISSION PROGRAM AT SEATTLE UNIVERSITY SCHOOL OF LAW

A. *Institutional Framework*

Seattle University School of Law has developed a comprehensive academic support program that first makes contact with students during orientation and partners with them throughout law school and their first-time bar passage.²⁰⁸ The program is called the Academic Resource Center (ARC).²⁰⁹ Its vision and mission is:

Learning Communities to Promote a Pedagogy of Justice, 4 SEATTLE J. SOC. JUST. 613, 636–44 (2006) [hereinafter Lustbader, *Creating Learning Communities*] (proposing strategies including appreciating students' diverse perspectives by using a wide array of teaching and assessment methods, emphasizing active learning strategies and the need for reflection, and fostering community by getting to know the students and enabling them to get to know one another).

²⁰⁷ Darling-Hammond & Holmquist, *supra* note 192, at 67.

²⁰⁸ For a brief history of the Access Admission Program at Seattle University School of Law and the distributive, communicative, and social justice aspects of its work, see Lustbader, *Creating Learning Communities*, *supra* note 206, at 629–35.

²⁰⁹ *Id.* at 629.

Vision: The Academic Resource Center will diversify the legal profession, empower law students to accomplish their personal best in law school, and lead graduates to first-time bar passage.

Mission: The ARC provides access to legal education for underrepresented populations through inclusive admission practices.

The ARC delivers the resources and guidance necessary for all students to acquire the skills they need to succeed in law school and to pass the bar exam on their first attempt.

The ARC supports faculty efforts to enhance student learning.²¹⁰

The ARC Team includes: a Director, who is also a full-time tenure-track professor; a Director of Bar Studies, who is a staff member who teaches the School of Law's Bar Exam Strategies and Skills course; two Assistant Directors, who run workshops and meet with individual students; and two administrative support staff members, who manage program logistics.²¹¹ The Team works collaboratively, with each member having professional expertise on skills and knowledge related to academic support and bar preparation. General ARC resources are available to all students, but there is a distinct set of resources dedicated exclusively to the Access Admission Program, making it a fundamental pillar of the ARC.

Significantly, the Access Admission Program is woven into the fabric of the University's Mission, Vision, and Values and the Mission of the School of Law. Among the University's core values, is the celebration of "educational excellence achieved through diversity."²¹²

²¹⁰ SEATTLE UNIVERSITY SCHOOL OF LAW STUDENT HANDBOOK 2017–2018, SEATTLE UNIV. SCHOOL OF LAW 49 (2017), <https://law.seattleu.edu/student-life/student-handbook>.

²¹¹ *Faculty and Staff*, SEATTLE UNIV. SCH. OF L., <https://law.seattleu.edu/academics/academic-support/academic-resource-center/faculty-and-staff> (last visited Jan. 31, 2018).

²¹² *Mission, Vision and Values*, SEATTLE UNIV. SCH. OF L., <https://www.seattleu.edu/about/mission/> (last visited Feb. 20, 2018). Seattle University's Mission, Vision, and Values include the following: "Mission—Seattle University is dedicated to educating the whole person, to professional formation, and

The School of Law expresses that value through its commitment to “seek and support a diverse and distinguished group of students.”²¹³ That the University and the School of Law have prioritized diversity in the student body provides the Access Admission program with fundamental and significant institutional support.

B. Admissions Process

The School of Law admits approximately 10% of its entering class from underrepresented populations who, because of their low entering credentials, would not otherwise be admitted to the school.²¹⁴ Underrepresented populations include women, students of color, LGBTQ students, students with disabilities, and veterans. To be considered for Access Admission, prospective students’ entering credentials generally fall within the following ranges: a high LSAT of approximately 150-142 and an undergraduate GPAs approximately from 3.00-2.30. The School of Law’s Admissions team is especially sensitive to applicants who have overcome difficult circumstances, demonstrating the grit necessary to withstand the rigors of law school.

There are three levels to the Access Admission process. First, the School of Law’s Admissions Team identifies prospective Access Admission applicants who satisfy the criteria noted above. The Admissions Team places the applications in a pool to which the ARC

to empowering leaders for a just and humane world. Vision—We will be the premier independent university of the Northwest in academic quality, Jesuit Catholic inspiration, and service to society. Values—Care: We put the good of students first. Academic Excellence: We value excellence in learning with great teachers who are active scholars. Diversity: We celebrate educational excellence achieved through diversity. Faith: We treasure our Jesuit Catholic ethos and the enrichment from many faiths of our university community. Justice: We foster a concern for justice and the competence to promote it. Leadership: We seek to develop responsible leaders committed to the common good.” *Id.*

²¹³ *About Us*, SEATTLE UNIV. SCH. OF L., <https://law.seattleu.edu/about-us> (last visited Feb. 20, 2018). Seattle University School of Law’s mission states: “We seek and support a diverse and distinguished group of students. We immerse our students in the legal knowledge, skills, and experiences needed to solve real world problems. We develop leaders who make a difference for their clients and their communities.” *Id.*

²¹⁴ *Access Admission Program*, SEATTLE UNIV. SCH. OF L., <https://law.seattleu.edu/admission/access-admission> (last visited Jan. 31, 2018).

Team has access. Second, at least two members of the ARC Team thoroughly and thoughtfully review each file, paying special attention to the applicant's personal statement, letters of recommendation, undergraduate course of study, and other materials that shed light on the applicant's levels of ambition, perseverance, and resilience, and the applicant's reason for seeking admission to Seattle University. From the pool of applications, the ARC Team recommends admission for a cadre of applicants. Should an applicant demonstrate exceptional qualities, the ARC Team also recommends that the applicant be considered for an Access Admission scholarship. Third, the Admissions Team considers the ARC Team recommendations, and then assesses whether to offer admission and whether to combine that offer with a scholarship award.

The deadline for applications to the program is February 1.²¹⁵ Applicants who are familiar with the program can ask that the Admissions Office consider their application for Access Admission or the Admissions Team itself can identify an applicant for consideration. The yield on admissions offers is roughly 50%, so the Admissions Team generally make twice as many offers as needed to fill the class. Because the students' first class begins in mid-June, applicants generally commit to the program through the payment of a seat deposit by April 15. Upon accepting the offer of admission, the students are fully admitted to the School of Law just as any other student; there is no condition subsequent tied to their matriculation, other than those that apply to all law students.²¹⁶

C. Endowment

The Access Admission program is fortunate to be supported by two scholarship funds. The first is an endowment from an anonymous patron of the School of Law, who, when he learned about the focus of the Access Admission program, gave a series of significant gifts over

²¹⁵ *Id.*

²¹⁶ Any student who fails to achieve a GPA threshold upon completion of the student's first thirty credit hours is subject to academic dismissal. *See Academic Requirements*, SEATTLE UNIV. SCH. OF L., <https://law.seattleu.edu/academics/curriculum/requirements> (last visited Feb. 20, 2018) ("Students admitted in 2016 or later must achieve a cumulative grade point average of 2.30. Students admitted before 2016 must achieve a cumulative grade point average of 2.25.").

several years. The second is the Boerner-Lustbater Bar Success Scholarship.²¹⁷

The story of the anonymous patron's connection with Seattle University is important because it demonstrates the fruit that careful, thoughtful cultivation of relationships can bear.²¹⁸ William F. LeRoux, S.J. came to Seattle University in 1958 as a professor of theology.²¹⁹ He served as dean of the College of Arts and Sciences (1977 – 82) and was an assistant to the Vice President for University Advancement from 1982 until his death in 2004.²²⁰ Fr. LeRoux was a much-beloved ambassador to alumni and friends and worked with many of Seattle University's generous donors.²²¹ In 1996, Fr. LeRoux, then Seattle University President Fr. Bill Sullivan, and current President Fr. Stephen Sundborg began a twenty-seven year relationship with the patron. The individual was not an alum of Seattle University but had a deep connection to Seattle University and the legal community. Initial conversations were around the personal stories of a few Access Admission students. The stories moved the patron enough to request more information about specific financial need and academic achievement for each of Access Admission student. The Access Admission Director, Professor Emeritus Paula Lustbader, provided detailed information in a way that maintained student anonymity, and in 2001 the donor made the first of several \$1 million gifts to establish an Access Admission Endowment, providing scholarships to Access Admission students. The 2001 gift came with a requirement to provide a one-year outcomes report. The Director prepared a thoughtful report that was so thorough, the donor was moved to continue giving to the endowment. In 2005, the donor made a second \$1 million gift and specifically credited the previous gift stewardship as the impetus for the commitment. By the time the donor passed away, he had given over \$9 million to the endowment he had established. Key to the donor's

²¹⁷ *Boerner Lustbader Access Admission Bar Success Scholarship*, SEATTLE UNIV. SCH. OF L., <https://law.seattleu.edu/academics/academic-support/academic-resource-center/access-admission-scholarship> (last visited Mar. 9, 2018).

²¹⁸ Pat McCowan, Chief Advancement Officer at the School of Law, provided the information regarding the patron's gifts.

²¹⁹ *William F. Leroux, S.J. Endowed Chair*, C. OF ARTS & SCI., <https://www.seattleu.edu/artsci/office-of-the-dean/endowments-and-partnerships/william-f-leroux-sj-endowed-chair/> (last visited Feb. 19, 2018).

²²⁰ *Id.*

²²¹ *Id.*

generosity was the detailed annual reports, the personal letters of gratitude written by the scholarship recipients, and the personal relationships with program, school, and university leadership. The funds are awarded at two points in time: first upon offer of admission and second to students who perform well during the summer Criminal Law course.

The Boerner-Lustbater Bar Success Scholarship was established in 2016. It awards funds to Access Admissions students who have graduated from the School of Law and are sitting for the bar exam.²²² The scholarship was named for the Access Admission Program founders, Professors Emeritus Dave Boerner and Paula Lustbader, in honor of their contributions to the program and the program's 30th anniversary.²²³ As the ARC was preparing to celebrate its 30th anniversary, law school advancement staff worked to gather success stories from Access Admission students.²²⁴ The University and Law School Advancement Teams approached three Access Admission alumni, hoping that they were at a point in their careers where they would be interested in honoring the program that helped launch their success. The efforts led to large gifts from two former Access Admission Program alumni, a matching gift, and several contributions made during the ARC 30th Celebration event – a total exceeding \$100,000. These efforts also resulted in a planned gift for the ARC program from another highly successful Access Admission alumnus

Any graduating Access Admission student can apply for the Boerner-Lustbater Bar Success Scholarship.²²⁵ Awards are made based on a showing of financial need and accomplishments during law school, including law GPA and contributions to the legal community.²²⁶ In addition to gathering information from applicants to make award decisions, the application is also a bar exam planning tool, which requires the applicants to thoughtfully consider how they plan to approach the bar exam.²²⁷ Applications are reviewed by a Scholarship

²²² *Boerner Lustbater Access Admission Bar Success Scholarship*, *supra* note 217.

²²³ *Id.*

²²⁴ Pat McCowan, Chief Advancement Officer at the School of Law, provided the information regarding the gift development efforts.

²²⁵ *Boerner Lustbater Access Admission Bar Success Scholarship*, *supra* note 217.

²²⁶ *Id.*

²²⁷ *Id.*

Committee composed University faculty and staff. The Scholarship Committee awards the scholarships twice annually to December and May graduates.²²⁸

D. Access Admission First-Year Program

Access Admission students begin their study of law in mid-June with an intensive course in Criminal Law and Introduction to Legal Writing.²²⁹ The course meets Monday – Friday from roughly 9:00 AM – 4:00 PM for seven weeks.²³⁰ The ARC Director teaches the Criminal Law materials and most of the academic skill sessions, a member of the School of Law’s renowned Legal Writing faculty teaches an Introduction to Legal Writing, and teaching assistants provide additional support to the students in large-group and individual settings.

During the first week of classes, the program places significant emphasis on cultivating students’ sense of belonging in law school, nurturing their intrinsic motivations for studying law, and providing sufficient autonomy support for the students to invest in the program. The program facilitates each student’s connection with the law school classroom, the law school community, and the legal profession. The program also builds a sense of community and camaraderie among the program participants. On the first day, following an opportunity for students to learn general information about each other, the Director provides a more detailed account of how he came to serve in his role, including some of the struggles he faced and continues to face as lawyer and a member of an underrepresented population. The story is told with sufficient transparency and touches on points of vulnerability, giving students permission to share similar stories. Students are then invited, but not required, to share their journey to law school and the fears and challenges that they carry with them into the start of class. Most students choose to tell their stories, and they do so with humility and candor, revealing sometimes painful experiences that have compelled them to apply to law school. After sharing their stories, having their stories heard by their colleagues, and listening to their colleagues’ stories, students become personally invested in their relationships with one another, they learn that they have more in common with their colleagues

²²⁸ *Id.*

²²⁹ *About the Academic Resource Center, supra* note 32.

²³⁰ *Id.*

than not, and they learn that they are not alone in holding fears and concerns about law school. The shared experience exposes the impact of more hidden forms of diversity and discrimination on students' journey to law school. Their stories recount struggles with low socio-economic status that left some sleeping in cars during their undergraduate studies, others being kicked out of their homes due to their LGBTQ status, and still others struggling to overcome experiences of abuse and violence. Students often remark that they feared they would be the only members of their law school class to have overcome such challenges; to know that they are not alone in their experience is of great comfort. Conversations include students' perceptions of stereotype threat, macro and micro aggressions.

During the first day of class, conversation shifts to the students' and the professor's expectations of the summer course. A product of that discussion is a set of agreements, to which all class members ascribe. The agreements are prominently posted in the classroom and on the course website. The Summer 2017 agreements touched on perhaps predictable themes: respecting the dignity of each class member, investing a good faith effort in class preparation, and taking care of one's whole self, not just the academic, cognitive self.²³¹ The process of generating, posting, and abiding by the agreements enhances students' motivation to learn and provides autonomy support by drawing the students into course design.

Further cultivating their sense of belonging, during their first week of classes and periodically through the summer term, School of Law faculty of color are invited to join the class for lunch. During these sessions the professors share about their journeys to law school,

²³¹ The full text of the Summer 2017 Agreements follows:

Assume: Positive Intent.

Be kind: Think BEFORE you speak; be sensitive to the diversity of backgrounds in the room.

Be gracious: Appreciate that we are all working though difficult material; one may unwittingly communicate information in an offensive way.

Be thoughtful: Do not assume that any member of a minority community speaks on behalf of all members of that community; instead, we will all think and cogently speak about the concerns of the underrepresented.

Be prepared: Invest a good faith effort into each task; appear in class ready to engage with your colleagues about the material.

Be well: Take good care of yourself outside of class; bring all of your identities and your whole best self to class.

including the obstacles they overcame to get into school, thrive in it, and enter the profession. The sessions end with a question and answer period that has sparked meaningful conversations between the faculty and the students. Having established a rapport with the faculty, the students are more comfortable working with them during future semesters; several go on to serve as research or teaching assistants for the professors. To build a sense of belonging with Access Admission upper level students, at the end of the first week of classes, a number of upper-level Access students participate in a panel discussion, sharing about their experiences during their first summer and first year or two of school. As with the faculty lunch, the panel discussion becomes a free-flowing conversation, helping the students feel more at ease about the law school experience and offering the students practical tips for law study and entering the legal profession. Within the first two weeks of school, Access Admission graduates join the students for a session that welcomes the students to the Access Admission Family, and provides the students with a sense of perspective on how the Access Admission Program contributes to success in law school and law practice. By the end of the first two weeks of the course, students have a much clearer and genuine understanding of the demands and opportunities that a legal education provides. They begin to appreciate what it means to practice law, sensing, for perhaps the first time, that their visions of becoming a lawyer will become reality.

A significant strength of the Access Admission academic program is that it fuses substantive criminal law with academic, executive function, and legal writing skills. As each topic is covered, instruction includes the substantive law and the academic and executive function skills necessary to learn it. Each day instructional time is directed at the acquisition of criminal law. Because some skills require direct instruction, weekly, time is set aside in “learning labs” to focus directly on a particular skill. The skill instruction uses the substantive law covered in the class as a basis for teaching and practicing the skill. Because reflection is integral to the learning process, each week, students engage in reflection on their acquisition of the substantive law and skills covered during the week. And because students need autonomy support in their schedules, each week students participate in a study hall where they can work individually or collaboratively, with or without instructor support, to advance their assimilation of the week’s materials. Finally, each week the students experience a formal

formative assessment of the acquisition of the knowledge and skills covered in the course. The legal writing materials are all placed in the context of Washington state law and build off the substantive law and academic and executive function skills covered in the criminal law class. Students meet at least twice weekly with the legal writing professor.

The substantive law portion introduces students to the theories, doctrine, and policies of criminal law, emphasizing the doctrine that is most frequently bar tested. The material is presented in a spiral curriculum format, starting with a more general overview of the material covered in the course and gradually diving deeper and deeper into the material. Content spans the cognitive learning domain, from knowledge to evaluation. For example, having studied self-defense and privilege, the students critically evaluate statutes authorizing police to use deadly force. The professor draws upon the habits Darling-Hammond and Holmquist identified as essential for creating an optimal learning environment for students from underrepresented populations.²³² For example, the professor approaches the students and the course with empathy and enthusiasm; the professor assumes each student has the requisite intellectual capacity to learn substantive law but may lack important contexts or vocabulary. The professor uses the Socratic method and other techniques employing compassionate cold calling. Substantive criminal law is ideal for the summer program because the statutes and cases are accessible, the vocabulary is generally familiar, and the theories and policies spark spirited and meaningful debate among the students. As noted above, Seattle University is committed to social justice; many Access Admission students attend Seattle University Law because of that commitment. Especially in recent years, the study of criminal law has provided many authentic opportunities to integrate current social justice concerns into the classroom, adding to the optimal learning environment in the classroom.²³³

²³² See Darling-Hammond & Holmquist, *supra* note 192, at 17–18 (identifying core themes that define the pedagogy of transformative professors).

²³³ See, e.g., Rosemary Cairns Way & Daphne Gilbert, *Resisting the Hidden Curriculum: Teaching for Social Justice*, 2 CANADIAN LEGAL EDUC. ANN. REV. 1, 4 (2008).

Academic skills are the skills necessary to assimilate the law.²³⁴ As noted above, assimilation includes the acquisition, synthesis, retention, recall, application and evaluation of the legal doctrine, theories, and policies.²³⁵ Acquiring the law requires comprehending legal texts. Because statutes, cases, and other legal materials are written in a format that is foreign to non-law trained readers, the Access Admission program provides students with direct skill instruction on reading each form of text. The process begins before students arrive on campus with a suite of online orientation materials that includes an introduction to law school, an overview of the U.S. legal system, and an introduction to case reading and briefing. The introduction to law school introduces learning theory through the Self-Regulated Learning Cycle (SRLC), compares and contrasts legal education with undergraduate and other graduate programs, and encourages students to begin casting a vision for success in law school.²³⁶ The overview of the U.S. legal system introduces the sources of U.S. law and the structure of the U.S. court system. The materials reading and briefing case law introduces students to the anatomy of a court decision and how lawyers, read, brief, and use cases. Students are also provided with a bibliography of law school academic success literature, should they wish to review such texts prior to the start of classes.

Once on campus, the professor provides direct instruction on the SRLC, focusing on active reading strategies, reading and parsing statutes, and reading and briefing cases, again applying a spiral curriculum approach. Instruction includes guided, shared, and independent practice on reading comprehension skills. Guided practice occurs as the professor briefs portions of cases and parses portions of statutes with the class. Shared practice happens when the students work collaboratively on the same tasks, and independent practice happens when students complete the reading, classifying, and summarizing work on their own. Throughout the process students receive informal ungraded feedback on their work product.

²³⁴ *Core Skills for Law School*, MICH. ST. UNIV. COLL. OF L., <https://www.law.msu.edu/admissions/core-skills.html> (last visited Feb. 20, 2018).

²³⁵ See A COMM. OF COLL. AND UNIV. EXAM'RS, *supra* note 62, at 62, 89–90, 120, 144, 162, 185.

²³⁶ See *supra* Section I.

Legal synthesis requires that the students reason inductively to generate rule structures for the substantive criminal law topics. Instruction begins with an introduction into the general types of legal rules and how they are built. Legal rules are equated to patterns of law that repeat themselves across the legal landscape. Once they are familiar with the patterns, students learn to synthesize legal rules from a line of cases on a single topic. They then learn to synthesize statutes and case law rules. Again, the process is spiral, moving from general to specific in a recursive manner. And again, instruction involves guided, shared, and independent practice.

Application requires that the students apply the legal rules they have synthesized to novel situations. The outcome of that application is legal argument, which is syllogistic in form and content. Students are introduced to the structure of legal argument through the IRAC acronym and provided with a legal analysis rubric that articulates standards from developing IRAC skills through mastery of the skills. Having become familiar with each portion of IRAC, students first identify legal argument in the court decisions they have read. They evaluate the merits of the arguments. Students then begin crafting their own arguments, adhering to the IRAC structure, and using the rules they have synthesized. Regularly, students evaluate their own arguments and those of their peers.

Executive function skills are those associated with the management of time, resources, materials, tasks, and stress.²³⁷ Instruction on executive function skills begins prior to the start of the summer term, as part of the suite of orientation materials. As noted above the SRLC begins with forethought—students are taught to think about the learning task at hand, any work product they will be required to produce, and to thoughtfully consider the time they will spend on the assignment and how to create the best possible learning environment for the learning task.²³⁸ In the reflection phase, students are taught to evaluate their study session, assessing not only whether they accomplished their goals, but whether they did so in the most efficient manner possible. Emphasis here is on a growth mindset approach to learning – each student’s brain is capable of learning the law and the

²³⁷ Adele Diamond, *Executive Functions*, 64 ANN. REV. PSYCHOL. 135–36 (2013).

²³⁸ See *supra* Part I.B.

requisite skills; each student must learn to recognize the student's learning preferences for each learning task and create a study environment where they can master the substantive content and skills. Once they arrive on campus, students are provided with an outline of the program sessions in calendar form, detailing how each hour will be spent. Students are encouraged to use the calendar to generate their own schedules, which include time spent preparing for class, time in class, and time spent reflecting on class. Teaching assistants and upper-level students offer additional tips on making the best use of time and the resources available. Speakers also provide guidance on prioritizing and managing students' law school and home life obligations and maintaining a healthy lifestyle in the midst of a busy summer course.

As noted above, each week the students participate in a formal, formative assessment, which builds students' retrieval capacities for the substantive law and skills and provides opportunities for professor and student feedback, again contributing to an optimal learning environment. The assessments grow in length and complexity across the summer, leading to a graded midterm at the end of week five and a final exam after week seven. The first week's assessment is essentially a performance test, assessing students' acquisition of the skills covered during the week: case reading, case briefing, statute parsing, legal synthesis, and legal argument. Students are provided with a statute, two edited cases, and a fact pattern, and asked to read and assimilate the materials and apply the law they derive to the fact pattern. Prior to the assessment, students write a set of goals for the assessment; when finished, they are asked to write about whether they accomplished their goals. Students then share their work product with at least one other student, offering the other student feedback on the work. The professor and an ARC assistant director review the students' work, using a checklist to standardize their feedback. Early the following week, each student meets with the professor or assistant director to discuss the student's response and how the student can improve their work for the next assessment. These coaching conversations also include discussion of the students' management of time, tasks, and outside of class obligations. Students meet with the same coach throughout the summer, establishing a mentor/mentee relationship between the students and the coach.

By the third week of classes, the assessment looks more like a traditional law school essay exam question. Students have acquired sufficient law to provide a thorough legal argument in response to the question. During the fourth week, multiple-choice questions are introduced. The questions are written in the same form as those on the Multistate Bar Exam. The fifth week's assessment is graded, accounting for 20% of the students' final grade. It includes essay and multiple-choice questions; its format is substantially similar to the final exam. Each week's assessment is timed; from the first week students learn that they must approach law school assessments in an efficient manner. The timed assessments often expose students' issues with exam anxiety, which they are invited to discuss with their academic coach. By experiencing the assessments each week, students develop coping mechanisms for the anxiety. Academic coaches refer students with significant issues to the University's counseling center.

As noted above, students meet at least twice weekly with the legal writing professor. The class covers the basics of legal research, reading, briefing, reasoning, writing and citation from a practitioner's perspective. To shore up students' writing style, a teaching assistant provides additional weekly instruction and practice on key writing skills. After researching a substantive criminal law topic and drafting a portion of a legal memo discussion section, students participate in a "Partner Meeting," during which they meet in small groups with the legal writing professor to discuss their findings. At the end of the course, students turn in the discussion section of a legal memo, which accounts for 10% of their final grade. Students also participate in an oral argument discussing the merits of the memo they have written. By the end of the summer the Access students have been exposed to the fundamental skills that will be covered during their legal writing course in the fall. They have cultivated a meaningful and productive relationship with a legal writing faculty member, and perhaps most importantly, they have developed the self-efficacy needed to be successful in Seattle University Law's top-ranked legal writing program.

The course teaching assistant attends each class, meets with students individually or in small groups, reviews student work product, and offers an upper-level Access Admission student's perspective on the academic and executive function skills covered in the class. The

assistant also serves as a liaison, for the class, sharing observations, concerns, and feedback from class discussion.

E. Connecting with the Broader Legal Community

The summer course further cultivates students' sense of belonging and internal motivators by connecting students with the legal community within Seattle University and in the Seattle metropolitan area. Seattle University is fortunate to house the Access to Justice Institute.²³⁹ The Institute partners the law school with organizations that provide legal services to underserved and marginalized communities and helps law students understand how to use the law and the legal system to create social change.²⁴⁰ Each summer, the Institute's staff introduce students to its activities and invites the students to consider engaging in pro bono work and becoming public interest law fellows while in law school. For the past two summers, the Institute has also organized full-day field trips for the class. The students visited courtrooms specializing in landlord/tenant and domestic violence matters. They toured organizations such as Real Change²⁴¹ and FareStart,²⁴² both of which are confronting poverty by providing services and training to the homeless and the poor. Along the way, students met local attorneys who work in the public interest sector. For those students who have never experienced first-hand the impact of the law and legal system on the needs of marginalized communities, the field trip is transformative. For those who have experience with the law and social justice, the trip confirms and, in some cases, broadens deepens their appreciation for the work of the public interest lawyer.

F. Professional Development

Early in the summer, through orientation materials and alumni speakers, the program introduces students to the legal profession and the practice of law. Three additional experiences more fully flesh out

²³⁹ *Access to Justice Institute*, SEATTLE UNIV. SCH. OF L., <https://law.seattleu.edu/centers-and-institutes/access-to-justice-institute> (last visited Feb. 20, 2018).

²⁴⁰ *Id.*

²⁴¹ For information about Real Change, visit REAL CHANGE, <http://www.realchangenews.org/> (last visited Feb. 20, 2018).

²⁴² For information about FareStart, visit FARESTART, <https://www.farestart.org/> (last visited Feb. 20, 2018).

students' early notions of the profession. First, the Washington State Bar's Diversity Committee hosts a reception for the students. The reception includes time for the students to informally talk with local diverse lawyers and judges, some of whom are Access Admission program alumni. A keynote speaker welcomes the students to the profession, sharing about the speaker's own journey from lay person, to law student, to lawyer. Students, who are seated with the attorneys and judges at small tables, then engage in conversation with the members of the bar, practicing their networking and interviewing skills. Every few minutes the students rotate to a new table and begin the conversations again. By the end of the evening, each student has had multiple conversations with lawyers and judges who share their skin color and experience base. Each has a better developed concept of the legal profession, from its expectations to its rewards. Often the relationships evolve into professional mentorships, as students exchange contact information with the members of the bar with whom they connected.

The second event further advances students' professional skills: the law school's Center for Professional Development offers a session describing the services the office provides and introducing the students to the steps they should take to secure their first job. In keeping with National Association for Law Placement (NALP) guidelines, no individual advice is provided, but the session helps students understand, from a macro perspective, the process of moving from law student to paid legal professional. Students are introduced to the Center's website, which includes a wealth of resources for them to draw upon, from writing thank-you notes to cover letters and resumes. Perhaps most significantly, the session introduces the students to the Center's Team, establishing a rapport that the students can build upon when they later individually meet with the office and begin their professional development plan.

The last event takes place near the end of the summer: Access Admission alumni join the students for rounds of mock interviews. The students build upon the networking and communication skills they have cultivated during the summer to engage in what for many is their first professional interview. Each interview lasts thirty minutes. At the end, the interviewer provides feedback about the interview. Following the interviews, students and alumni attend a reception where the alumni offer additional general feedback about the interviews and suggestions

for success in law school, securing their first paid job, and finding success in practice.

As the summer program draws to a close, it focuses on transitioning students into their first fall semester. Unlike the summer course, which is exclusively composed of Access Admission students, in the fall, the students are divided across three day sections and one evening section. Class sizes move from twenty students to as many as eighty. Efforts are made to maintain a critical mass of diverse students in each section. Academic coaches, teaching assistants, and other upper-level Access Admission students speak with the group about the opportunities and demands of law study in a more traditional law school environment with a larger group of students and instruction that does not focus as directly on academic and executive function skill development. Students learn that with the start of the fall term, the campus will be flooded with new students and student and campus organizations will spring to life, offering the class many valuable personal and professional development experiences, but also the opportunity to become distracted from their studies. Students are invited to reflect on the vision they cast at the start of the summer for themselves as law students and to revise and sharpen that vision, in light of their summer experiences. Through a Closing Reception, students are inspired to continue their journey through law school, making the most of the resources and relationships available to them and investing their personal best in each task they undertake.

G. Beyond the First Summer: First-Year Access Admission Program

Programming during the Access Admission students' first fall semester is more supportive than substantive. As noted above, the Access Admission students are distributed across three day sections and one evening section. Students individually meet at least twice monthly with their academic coaches. Early in the term, students review their performance on the two summer summative assessments, the criminal law final exam and the legal writing memo. They work with their coach to set goals for improving their work during the fall semester. The coaches regularly review and critique the students' work product, which include the case briefs, outlines, study tools, and essay-question responses they generate for their courses. The individual meetings also

cover executive function skills, especially time management. Students are invited to participate in socials with upper-level Access Admission students. During the Fall 2017 semester, the students were assigned an upper-level mentor to provide support to the students as they moved through their first fall semester.

Access Admission programming during the students' first spring semester is tailored to students' interests and needs. Early in the semester, the students meet with their coaches and discuss the students' semester goals and the level of support the students are likely to need to accomplish them. Law School policies require that any student in the bottom third of the class after the first fall semester participate in an Academic Enrichment program that requires the student to meet with the ARC Team to formulate and execute an academic action plan. Some Access Admission students rank within this group and just as any other student in the bottom third, they execute an academic action plan in consultation with the ARC Team. The difference is that the students already have a rapport with the Team, and the Team is sensitive to the diverse students' unique learning and motivational needs.

H. Beyond the First Year: Upper-Level Access Admission Program

Access Admission programming further varies as the students move into their second and third years. The students are welcome, but not required to continue regularly meeting with their academic coaches. Most choose to meet only as needed for course selection or academic skill development. Some are asked to serve as teaching or research assistants for the program. Others serve as mentors to new students. Informally, the students generally remain in relationship with one another, supporting one another throughout the law school experience. Students who rank in the bottom third of their class after they have completed their first thirty semester hours are required to complete the Law School's Prescribed Bar Success Curriculum. In addition to Evidence and Professional Responsibility, which all students must take prior to graduation, the Curriculum requires that the students take academic skill infused versions of Trusts and Estates and Remedies, Business Entities, Bar Exam Strategies and Skills, and at least two other courses from a list of courses approved by the school's Bar Success Committee.

During students' last year of school, the Bar Studies Director personally contacts the students and invites them to consult with the Director about the students' level of preparedness for the bar exam. The ARC Team also partners with student groups, such as the Black Law Student Association and Latinx, to provide workshops on bar exam readiness skills.

Participation in the Access Admission program has not stigmatized the students. Because roughly half of the Seattle University entering 1L class starts law school in summer with Criminal Law, the Access Admission students are in the law school building with other new law students, all of whom are studying the same material. While most of the Access Admission class is racially or ethnically diverse, they are not the only source of diversity at the School of Law. Over the last several years, 35-39% of the total entering class has been diverse (many racially or ethnically diverse) and the Access Admission program accounts for only 10% of that number. Nothing on the law school's academic calendar or information from the Registrar's office calls attention to the fact that the Access Admission criminal law class is an Access Admission criminal law class. Instead, the class is simply listed as one of the three sessions offered during the summer. The law school holds a welcome barbeque for all students and a diverse student reception for all entering diverse students. The Access Admission students fully participate in these events. The ARC Team provides academic success programming for the non-Access Admission students during the summer, including individual appointments, so the Access Admission students are not the only students in the ARC Team members' offices. The only way a non-Access Admission student learns that the student is in the Access Admission criminal law class is if the Access Admission student tells others the student is in the class. And some do, because they take pride in the Law School's commitment to them. Others prefer to keep their participation in the program quiet. Many form relationships with non-Access Admission students, move through law school with the students, and graduate with the students without ever disclosing that they began law school in the Access Admission program.

As noted above, faculty of color get acquainted with the students during the summer. That the faculty members know which students

have entered the law school through the Access Admission program has not been a source of concern for the students or the faculty. The students generally enjoy getting to know the faculty in an informal setting during the summer, and having established that rapport, are more comfortable participating in the professors' classes in the fall. The faculty of color are sufficiently wise and experienced with teaching law students not to make assumptions or draw inferences or conclusions from students' participation in the program.

I. Access Admission Students' Academic Performance Statistics

The ARC Team has monitored the Access Admission students' academic performance. Their class ranks after their first fall and first year reveal weaknesses in the traditional predictors of law school success, UGPA and LSAT, and emphasize the importance of Access Admission Programs. Table 3 provides class rank information for the previous three years' entering classes after their first fall semesters. Based on their UGPAs and LSATs, all of the Access Admission students were predicted to perform in the bottom 10% of their class. Over the past three years, after their first fall semester, 88% of the students outscored the traditional predictors. Moreover, 75% of the students ranked above the bottom quartile, and 14% ranked in the top quartile. Thus far, the numbers have held after the students finished their first year of law school. Table 4 shows that 17% of the students were in the bottom 10%; 48% were in the bottom quartile, and 13% were in the top half of their classes. Both first fall and first year class ranks have generally improved over the last three years. Bar passage data for these classes is not yet available but will certainly be tracked and analyzed.

Table 3: Access Admission Students' Class Rank after First Fall Semester²⁴³

Entering Class	Total Number of Students	Bottom 10%	Bottom 11-25%	Third Quartile	Second Quartile	First Quartile
Summer 2015	20	15%	35%	30%	10%	10%
Summer 2016	19	11%	21%	37%	16%	16%
Summer 2017	18	11%	27%	44%	5%	22%
Total	57	12%	25%	37%	10%	16%

Table 4: Access Admission Students' Class Rank after First Year²⁴⁴

Entering Class	Total Number of Students	Bottom 10%	Bottom 11-25%	Third Quartile	Second Quartile	First Quartile
Summer 2015	17 ²⁴⁵	24%	29%	35%	12%	0.00%
Summer 2016	19	11%	32%	42%	5%	11%
Summer 2017	n/a	n/a	n/a	n/a	n/a	n/a
Total	36	17%	31%	39%	8%	5%

CONCLUSION

Given our current social and political climate, the need for lawyers from underrepresented populations is acute. Inclusive admission practices that include Access Admission Programs admit individuals from diverse populations to law schools and equip them with the knowledge and skills they need to graduate, pass the bar exam, and advocate on behalf of the oppressed, disadvantaged, and disenfranchised. This article has provided a theoretical framework for such programs and has described the program at Seattle University School of Law in an effort to demonstrate one approach in implementing the framework.

²⁴³ Data on file with author.

²⁴⁴ Data on file with author.

²⁴⁵ Based on the strength of their academic record, several students transferred from the Law School; their class rank information is not included here.

While Seattle University has provided a fertile environment to grow a successful Access Admission program, significant components of the framework are scalable to other law schools. To the extent a law school seeks to address the needs of its students from underrepresented populations, it can incorporate the learning, motivational, and teaching strategies discussed above. The cognitive learning domain and SRLC can be taught in orientation, during first-year courses, and Academic Support workshops throughout the first year. Schools can provide students with autonomy support in their approach to course design and school policy implementation. Law schools can cultivate diverse students' sense of belonging through programming targeted at the students during their first year. Schools can encourage faculty to create optimal learning environments in the classroom. Law school faculty and staff can work collaboratively to cultivate relationships with school alumni and friends that will yield endowed scholarships for students from diverse populations.

Of course, taking any of the steps above requires a significant first step: the law school must commit itself to educating students from underrepresented populations. The commitment must begin with the school's mission, vision, and strategic plan, and the commitment must include each of its stakeholders, from its deans, faculty, staff, and students to its alumni. The rewards for such commitment are significant and unquantifiable. In addition to equipping diverse students for law practice and the impact the graduates will have on their communities, the process of meaningfully educating diverse students requires that the legal community form genuine, authentic relationships with diverse students. While I have only had the opportunity to work in the Access Admission Program at Seattle University for three years, I have found those relationships to be the most rewarding of my career. The individuals I am privileged to work with each day inspire me with their stories, their resilience, their passion, their vision, their tenacity, their ambition, and their humor. I am a better teacher and a better person for having known them. And I am certain that Seattle University is a better place for having admitted them.