

Judicial Clerkship Diversity Study: Federal Appeals Courts and Clerks of Color

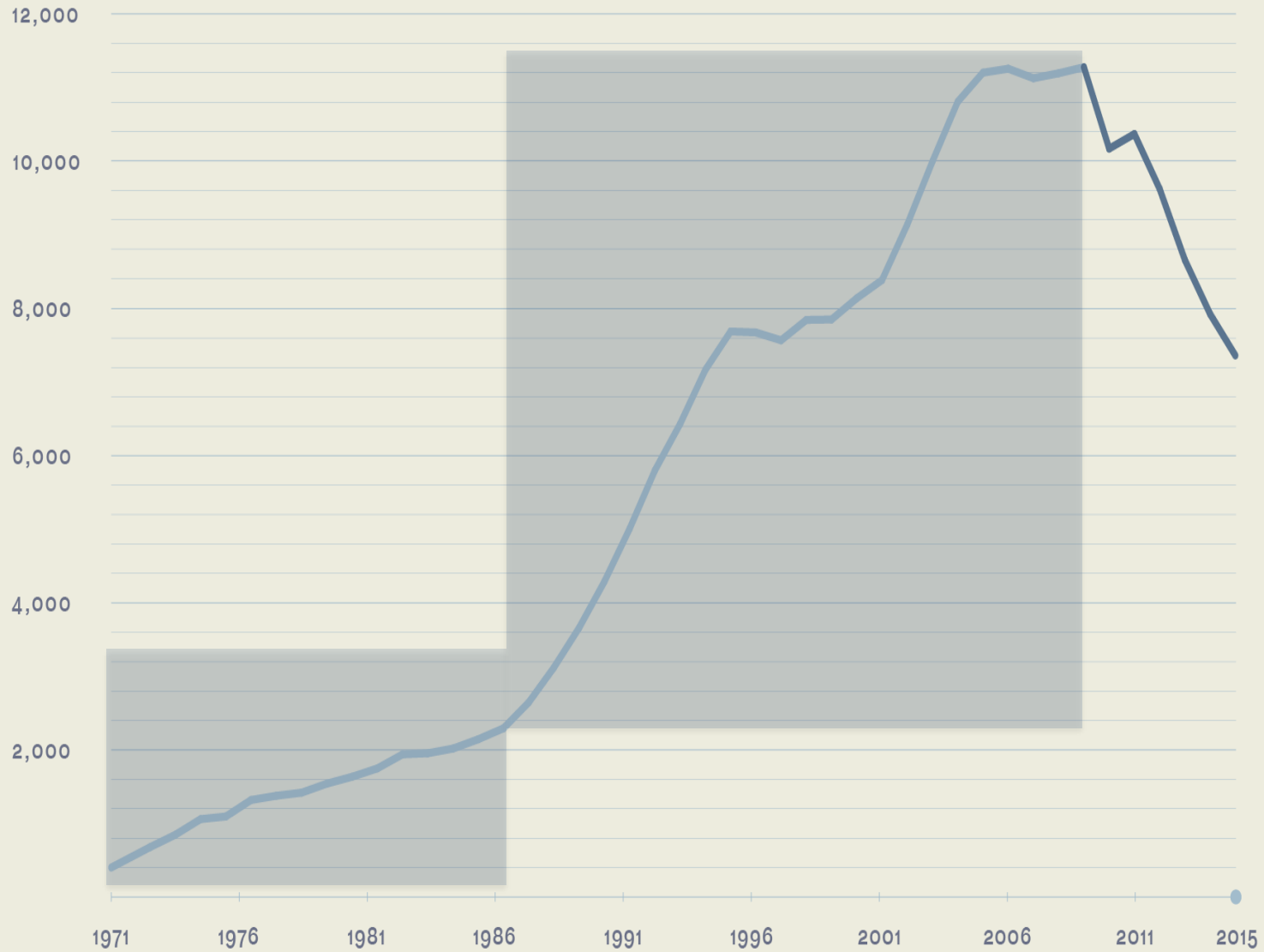


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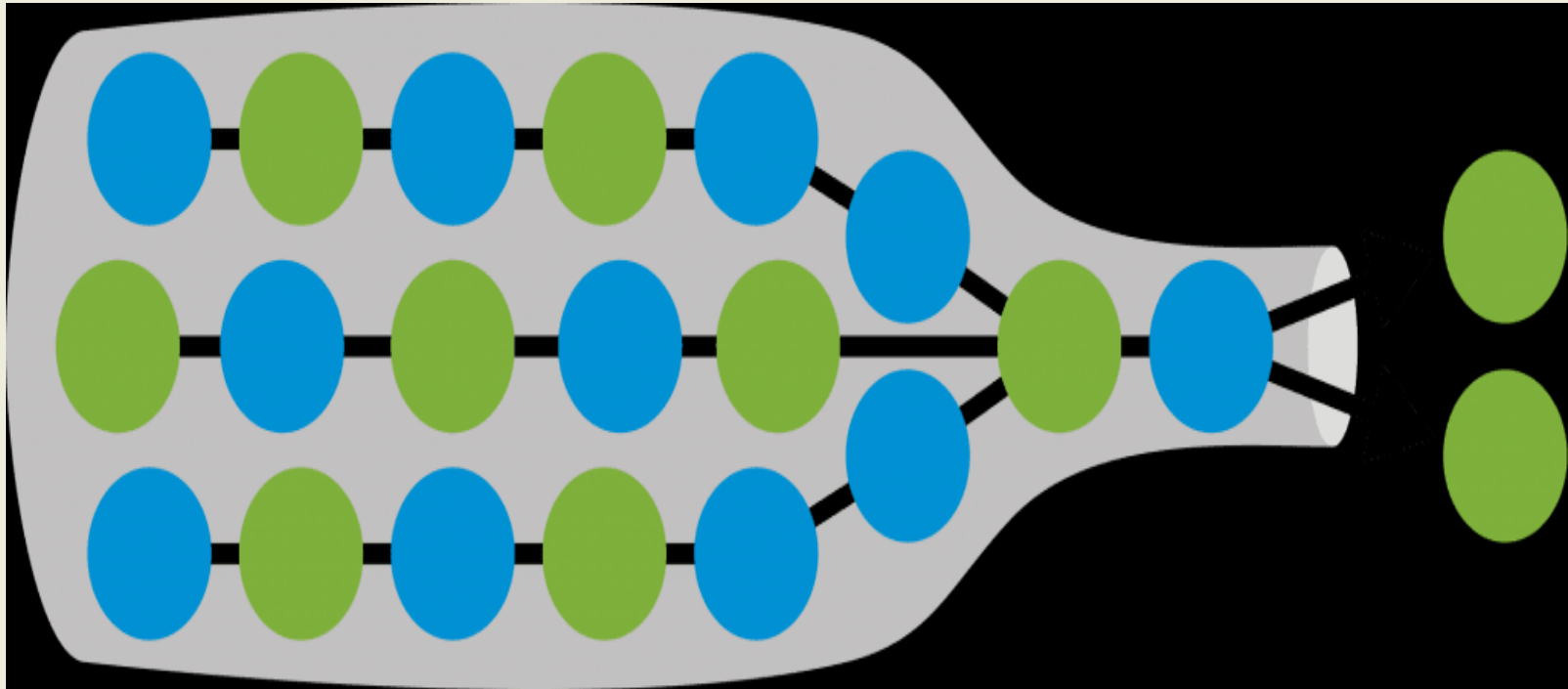
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ASIAN OR PACIFIC ISLANDER J.D. ENROLLMENT, 1971-2015

SOURCE: American Bar Association



The Professional Bottleneck





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Asian-Americans Facing Challenges In The Legal Industry

By **Goodwin Liu and Ajay Mehrotra**

Since the 1990s, Asian-Americans have been the fastest-growing minority group in the legal profession. Not only are they the largest minority group in big law, Asian-Americans also account for a significant portion of today's diverse law students, making up roughly seven percent of total law school enrollment.

Despite these growing numbers, there is a conspicuous dearth of Asian-American leaders in the profession. A recent study funded by the National Asian Pacific American Bar Association and Yale Law School, entitled A Portrait of Asian Americans in the Law (Portrait Project), documents the



Portrait Project 2.0

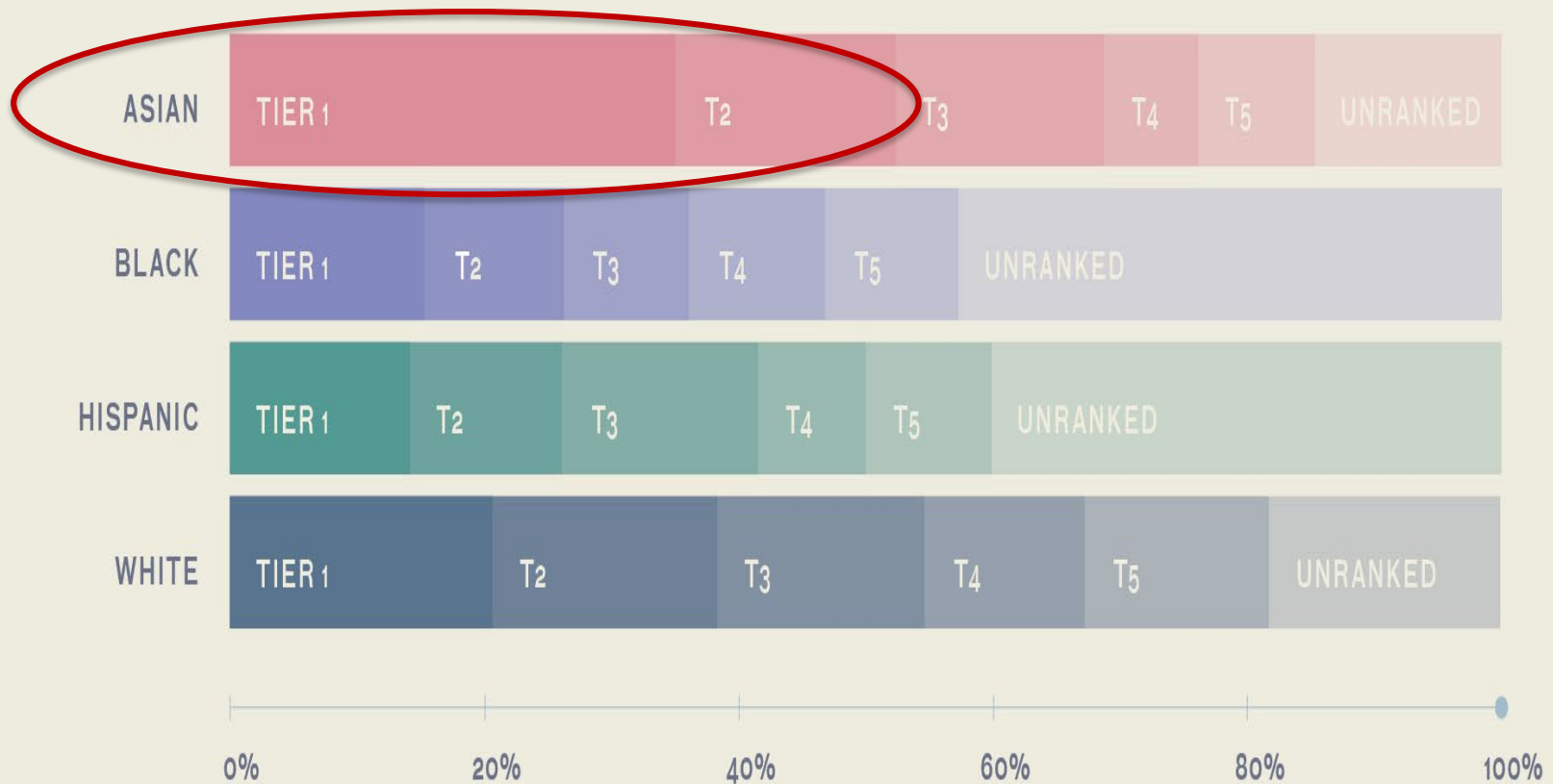
Research Questions

1. Judicial Clerkship Disparity
2. Law Firm Attrition/Mobility
3. Public Sector/Non-Profit
Leadership
4. Law School Enrollment Decline

JUDICIAL CLERKSHIPS

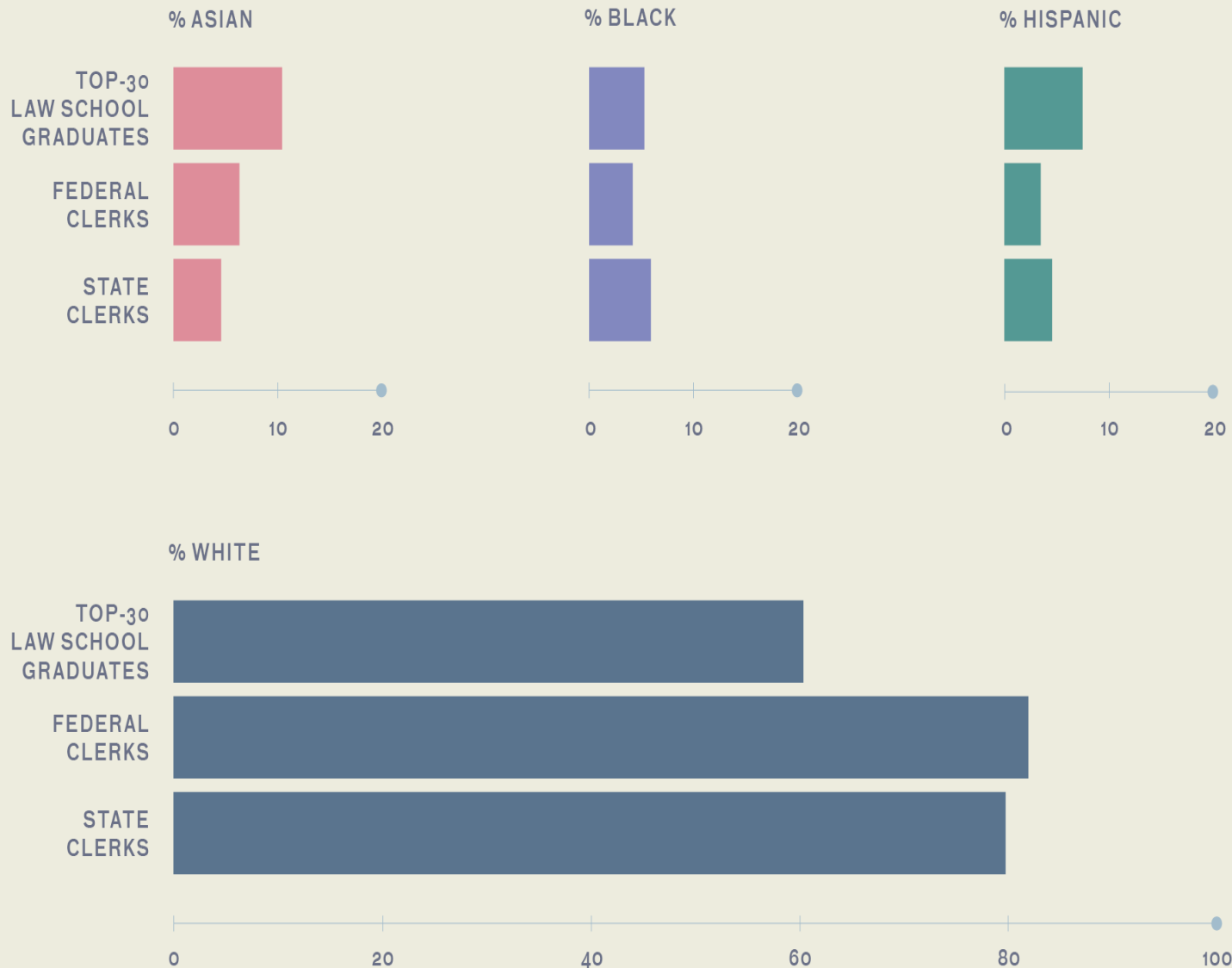
DISTRIBUTION OF EACH RACIAL OR ETHNIC GROUP ACROSS TIERS, 2015

SOURCE: American Bar Association; U.S News & World Report



TOP-30 LAW SCHOOL GRADUATES AND JUDICIAL CLERKSHIPS, 2015

SOURCE: American Bar Association; National Association for Law Placement; U.S. News & World Report



RACIAL/ETHNIC DISPARITIES IN CLERKSHIPS

TOP-30 LAW SCHOOL GRADUATES AND JUDICIAL CLERKSHIPS, 2015

SOURCE: American Bar Association; National Association for Law Placement; U.S. News & World Report



Minority law students get **disproportionately fewer clerkships** relative to their numbers in top 30 law schools

Meanwhile, white law students get **disproportionately more clerkships** relative to their numbers

CLERKSHIPS: KEY RESEARCH QUESTIONS

- **How and why do success rates vary among different racial or ethnic groups?**
 - Possible factors: lack of mentorship, law school performance (grades, law review), family/cultural values, career goals, perception of clerkships
 - Possible factors: law school performance, differences in number, timing, and range of applications, level of faculty support, criteria applied by judges

CLERKSHIPS: POSSIBLE HYPOTHESES

- **Three possible inflection points:**
 1. Law Student Preferences/Perceptions
 - family/cultural values, career goals, perception of clerkships, financial considerations, etc.
 2. Law School Influence
 - Level of faculty and staff support and guidance
 3. Judicial Preferences
 - Criteria applied by judges

CLERKSHIPS: LITERATURE REVIEW

- **NALP Judicial Clerkship Study (2000)**

NALP JUDICIAL CLERKSHIPS STUDY (2000)

1

173/181 ABA-accredited schools provided student employment data

2

147/181 schools responded to NALP survey sent to administrators

3

Survey sent to 3Ls (1,651 respondents)

4

Survey sent to alumni law clerks (931 respondents)

NALP STUDY: 3L STUDENT SURVEY FINDINGS

Application Rates and Success Rates

	Total #	% Applying	% Applying and Receiving Offer	Success Rate
Overall	1,651	48.2	33.5	69.5
Gender				
Women	914	48.2	31.8	66.0
Men	736	48.1	35.4	73.7
Race/Ethnicity				
American Indian/Alaskan	9	11.1	11.1	100.0
Asian/Pacific Islander	110	46.4	37.3	80.4
Black/African American	77	46.8	31.2	66.7
Caucasian	1,309	49.4	34.0	68.9
Hispanic/Latino	49	40.8	32.6	80.0

CLERKSHIPS: LITERATURE REVIEW

- **NALP Judicial Clerkship Study (2000)**
- **Other Existing Literature:**
- **Mentoring relationships are more likely to form among those with similar values, attitudes, or backgrounds**
 - Racial/ethnic homogeneity of law school faculty and the bench entails a lower likelihood of minority students establishing such relationships
 - Political ideology is also a factor here for the bench
- **Changes in the clerkship selection process**

CLERKSHIPS: NEXT RESEARCH STEPS

1

Use NALP and ABA student employment data

To craft testable hypotheses regarding the underrepresentation of minority students in the judicial clerkship population

2

Conduct focus groups with 3Ls and alumni clerks

To better understand the empirical results arising from the surveys and to explore potentially overlooked dynamics

3

Send surveys to administrators, 3L students, and alumni in clusters of comparable schools

To understand the roles that administration, faculty, and the overall law school experience play in the student clerkship application process

CLERKSHIPS: NEW PARTNERSHIPS

- American Association of Law Schools (AALS)
 - *Before the JD* Study (2018)
- National Association of Law Placement (NALP)
 - Raw Data from 2010 Study & Survey Instrument
- ABA Section on Legal Education
 - Form 509 Data
- UC-Berkeley Judicial Institute/Federal Judicial Center
 - Hon. Jeremy Fogel (focus on judges)

Thank You

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