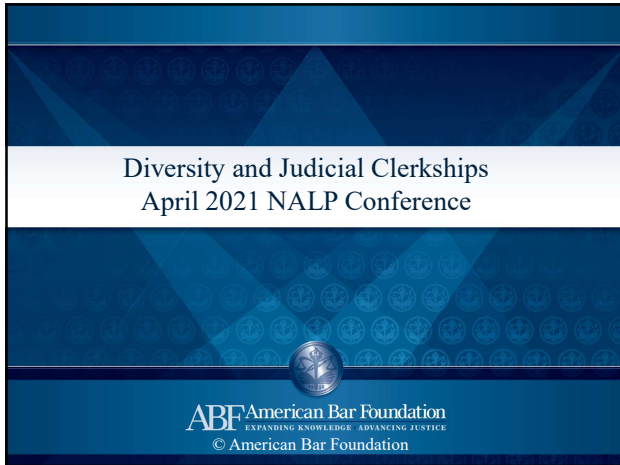
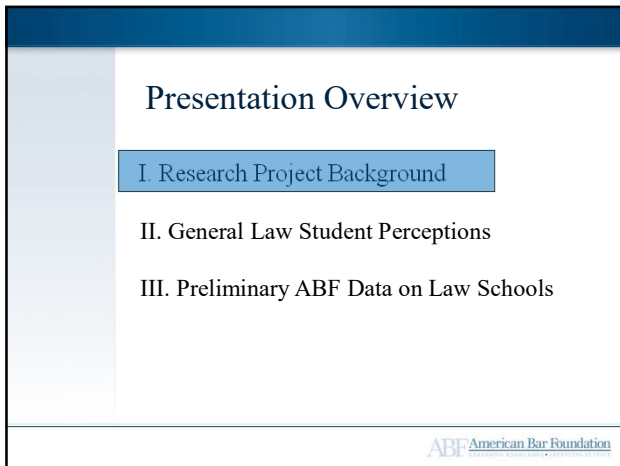








MAJOR THANKS TO

American Bar Foundation

Asian American Bar Association – Bay Area

Asian Pacific American Bar Association – Silicon Valley

National Asian Pacific American Bar Association

Northwestern Pritzker School of Law

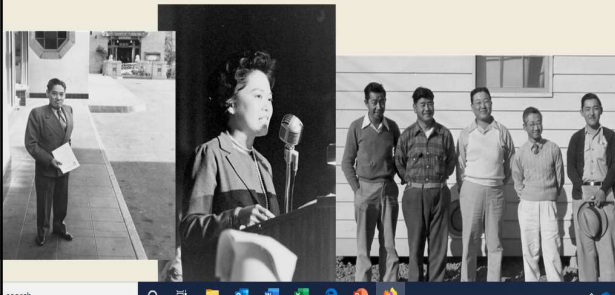
Yale Law School

Arnold & Porter; Davis Polk; Latham & Watkins

4

A Portrait of Asian Americans in the Law

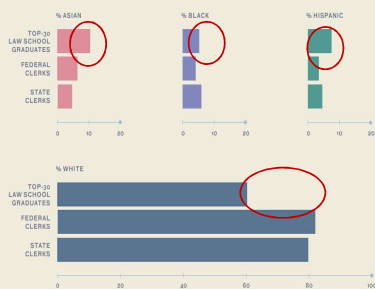
ERIC CHUNG · SAMUEL DONG · XIAONAN APRIL HU · CHRISTINE KWON · GOODWIN LIU



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

Source: Portrait Project Survey

6



Research & Statistics > Recent Graduates > Class of 2016 > A Demographic Profile of Judicial Clerks - 2006 to 2016

A Demographic Profile of Judicial Clerks - 2006 to 2016

NALP Bulletin, October 2017

In recent years, judicial clerkship jobs taken by law school graduates have been fairly evenly split between men and women. However, despite increased minority representation among judicial clerks in 2016 compared to 2006, the representation does not match their share among law school graduates, which is about 29% based on demographic information from the American Bar Association's Survey of the Legal Profession.



Research & Statistics > Diversity & Demographics > Race/Ethnicity & Gender > Racial/Ethnic Representation of Class of 2019 Judicial Clerks

Racial/Ethnic Representation of Class of 2019 Judicial Clerks

NALP Bulletin, February 2021

As noted in an October 2017 *Bulletin* column by NALP's Judy Collins, long-term trends in the racial composition of judicial clerks show that despite modest improvements over time, graduates of color have historically been underrepresented in clerkships. The latest data for the Class of 2019 reveal that these disparities continue to persist for new law graduates, according to NALP's *Jobs & JDs: Employment and Salaries of New Graduates, Class of 2019*.

Chart 1 depicts the overall racial/ethnic representation of the Class of 2019 as it compares to the percentage of graduates employed in all judicial clerkships, federal clerkships, state clerkships, and local clerkships. Across all judicial clerkship types, graduates of color were underrepresented; however, these disparities were greatest at the federal clerkship level, where just 21% of clerks were graduates of color.

Background

2017 NALP Study Summary

- Even (50/50) gender balance for All clerkships matching enrollment 2006-16, though more men at federal level
- Slight increase in minority clerks, but not representative of enrollment
 - 2006: URM 16% of all clerks
 - 2016: URM 21% of all clerks
 - 2016: URM 30% of enrollment

Background

2017 NALP Study Summary

- African-American and Latinx men remain underrepresented:
 - African-American Men: 1.5% => 1.8%
 - 3% of 2016 law school graduates
 - Latino: 1.2% => 1.9%
 - 4% of 2016 law school graduates
 - API Men: 2.3% => 2.4%
 - 2.5% of 2016 law school graduates

Background

2017 NALP Study Summary

- Variation among URM women:
 - African-American: 3.7% => 3.5%
 - 5% of 2016 law school graduates
 - Latina: 1.9% => 3.1%
 - 7.3% of 2016 law school graduates
 - API Women: 3.2% => 3.8%
 - 4% of law school graduates

Background

NALP Studies Summary

- Stubborn persistence of limited diversity among judicial clerks
- Some gains among Latina and API women, especially in federal clerkships
- 2019: continued stagnation of African-American males in federal clerkships
- BUT still under representation – WHY?

Background

The Research Questions

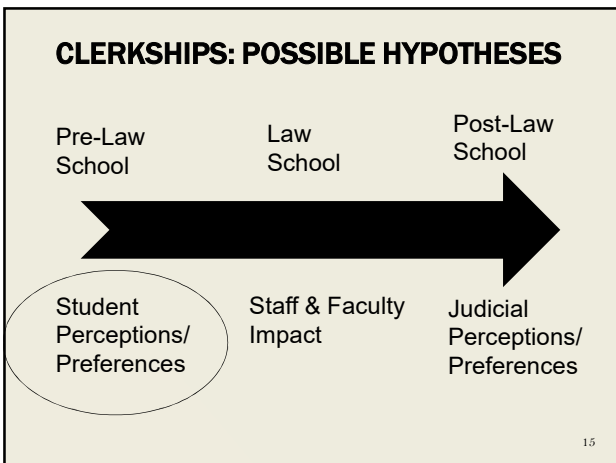
- Who is applying for and securing **federal appeals court** clerkships and in what numbers?
 - No current descriptive data set
 - Need to start with a **manageable** demographic snapshot
- How and why do success rates vary among different URM groups & women?

Background

The Clerkship Process

Three Key Inflection Points:

- Law Student Preferences/Perceptions**
 - family/cultural values, career goals, perception of clerkships, financial considerations, etc.
- Law School Influence**
 - Role of staff and faculty
- Judicial Preferences/Perceptions**
 - Criteria applied by judges



Presentation Overview

- I. Research Project Background
- II. General Law Student Perceptions
- III. Preliminary ABF Data on Law Schools

Student Perceptions

Law School Survey of Student Engagement (LSSSE)

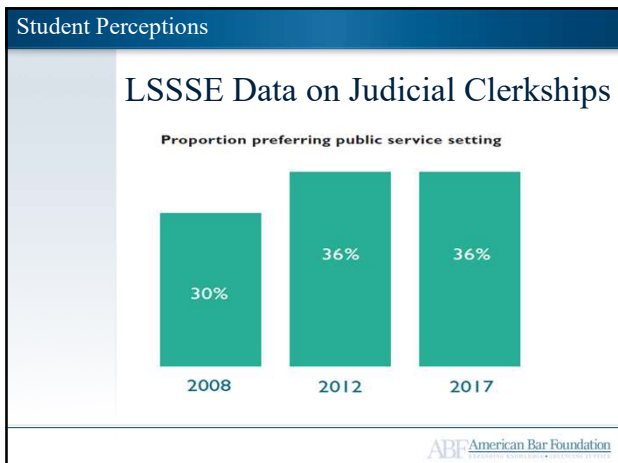
Data on Judicial Clerkships

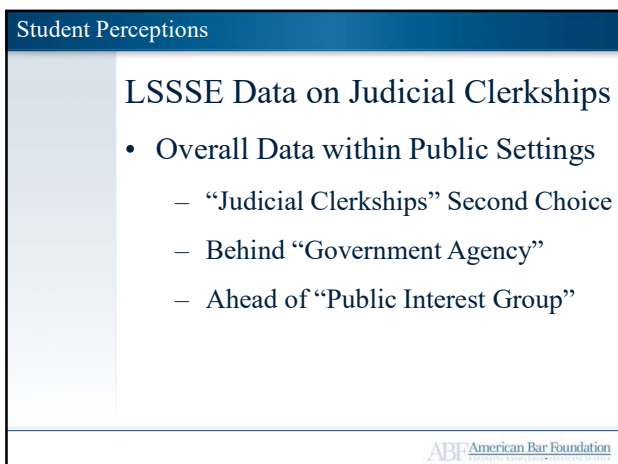
- Law Student Career Goals Study (2017)
- “Sociolegal Research, the Law School Survey of Student Engagement, and Studying Diversity in Judicial Clerkships” (with George Wang) Forthcoming in *Journal of Legal Education*

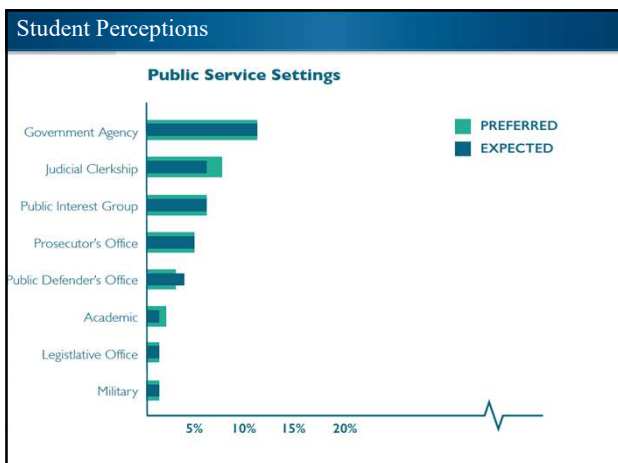
Student Perceptions

LSSSE Data on Judicial Clerkships

- Law Student Career Goals (2017)
 - (Ideal) Preferences v. Expectations (Reality)
 - 36% prefer public service setting
 - Unchanged since 2012
 - Increase of 6 % pts from 2008







Student Perceptions

LSSSE Data on Judicial Clerkships

- Race & Gender in Public Settings
 - Whites & Asians greater preference for clerkships than Blacks & Latinx
 - Men greater preference & **expectation** of clerkships than women

ABF Research

ABF Data on Judicial Clerkships

- Differing Gender Expectations

“Frequently, I have to encourage women to apply for federal circuit court clerkships who are clearly qualified. I rarely have to that for men.”

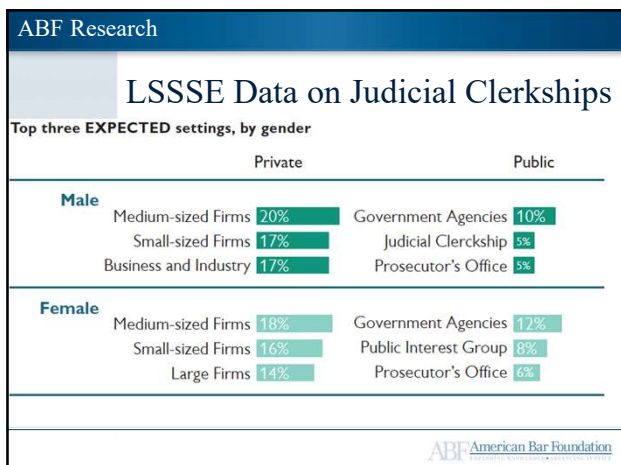
- Clerkship Director Respondent

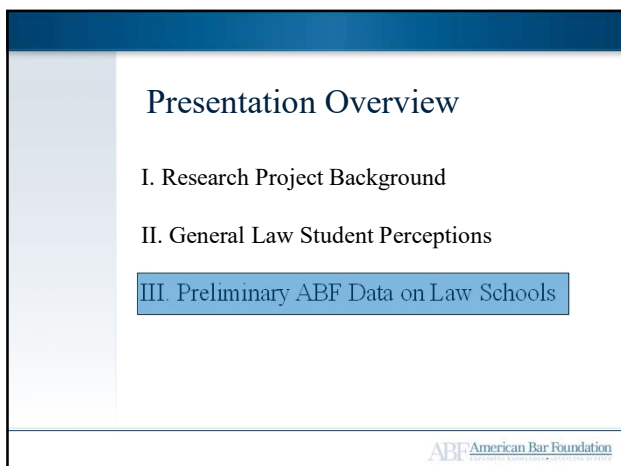
ABF Research

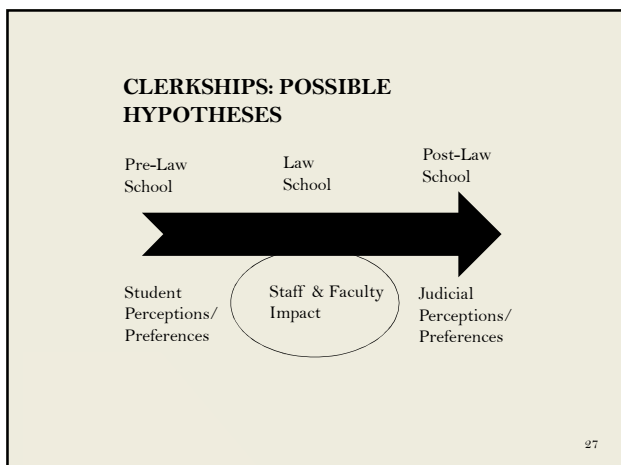
LSSSE Data on Judicial Clerkships

Top three **PREFERRED** settings, by gender

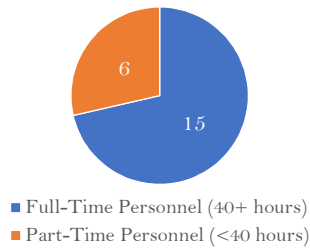
	Private	Public
Male		
Large Firms	19%	Government Agencies 9%
Medium-sized Firms	18%	Judicial Clerkship 6%
Business and Industry	13%	Prosecutor's Office 4%
Female		
Medium-sized Firms	17%	Government Agencies 12%
Large Firms	15%	Public Interest Group 8%
Business and Industry	11%	Judicial Clerkship 7%



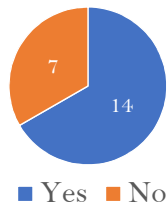




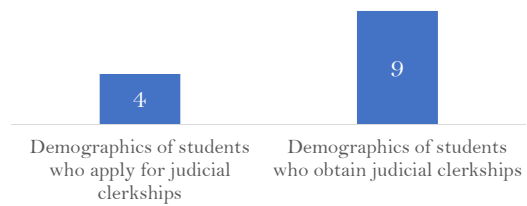
Judicial Clerkship Personnel



Dean playing an active role



Data Collection by Law Schools I: Demographic Background

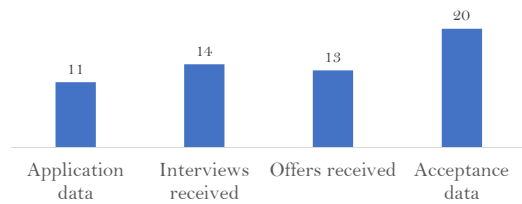


Schools tracking other demographic characteristics of clerkship applicants

	Yes	No
Gender	7	14
Race/ethnicity	5	16
Immigrant background	0	21
First-generation college or law school student	1	20
LGBTQI+	1	20
Veteran status	1	20

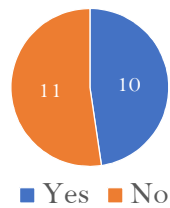
Data Collection by Law Schools II:

Names and number of students/alumni who have participated in the clerkship application process

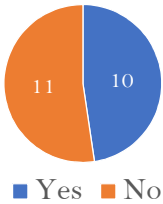


Data Collection by Law Schools III:

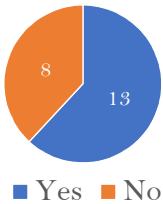
Schools tracking clerkship applicants by their class ranking, grades, or other academic measures



Encouraging students above a certain ranking or GPA to apply for judicial clerkships



Law School Supports I:
Financial assistance to students in connection with the clerkship application and interview process



Law School Supports II:
Loan forgiveness program that includes judicial clerkships

