



Justice-Impacted Individuals in the Pipeline: A National Exploration of Law School Policies and Practices

Elizabeth Bodamer and
Debra Langer (LSAC)

Introduction

The Law School Admission Council (LSAC), in collaboration with the National Justice Impact Bar Association (NJIBA), developed and administered the 2020 Justice Impact Law School Survey to explore policies and procedures that specifically affect law schools' justice-impacted candidates, applicants, and students. The survey is the first step in understanding how law schools across the United States are recruiting, admitting, and supporting justice-impacted individuals.

Approximately one in three adults in the United States has some form of a criminal record—similar to the ratio of adults with 4-year college degrees in the U.S. (Friedman, 2015).

The wide reach of the criminal justice system, including police contacts, arrests, and incarcerations, is heavily concentrated in poor communities and communities of color. Therefore, it is important to examine the use of criminal records in the law school admission process in order to ensure that admission and education policies and practices do not unintentionally serve as mechanisms of exclusion that disproportionately impact applicants of color and low-income applicants.

The results of this survey will provide an overview of current law school practices related to (a) recruitment and admission policies; (b) applicants, admission, and enrollment; (c) application review procedures; (d) student information and services, (e) employees and training; and (f) policies. Our goal in providing this overview is to initiate a conversation about justice-impacted individuals as part of LSAC's mission to promote equity in access to legal education and to support diversity, equity, and inclusion (DEI) efforts. This report is only the first step in beginning to examine the intersection of legal education and justice-impacted individuals; more research is needed to address inequity and to improve access to legal education and the legal profession.

Justice-impacted individuals include those who have been incarcerated or detained in a prison, immigration detention center, local jail, juvenile detention center, or any other carceral setting, those who have been convicted but not incarcerated, those who have been charged but not convicted, and those who have been arrested.

Background: Law School and Justice-Impacted Individuals

Standard 501(b) of the American Bar Association (ABA) *Standards and Rules of Procedure for Approval of Law Schools 2020-2021* states that, “A law school shall only admit applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar” (ABA, 2020). This standard positions law schools as gatekeepers to the legal profession. In this function as gatekeepers, law schools often point to the need for admission questions related to prior involvement with the criminal justice system as a means of ensuring that admitted students do not “disrupt a safe and healthy learning environment” (Fortney, 2004, p. 985), to identify students whose “admission and graduation might adversely harm the law school’s reputation” (Fortney, 2004, p. 985), to protect students from wasting time and money by identifying an issue that may prevent their bar admission, and to ensure that their school’s bar passage rates meet standards for ABA accreditation.

While the policies of law schools and the ABA are intended to protect the reputation of the legal profession and ensure the highest integrity of law students and legal practitioners, numerous studies have indicated that an individual’s prior involvement with the criminal justice system often has less to do with illegal activity and more to do with systemic issues. Weaver et al. (2019) call this “the great decoupling”—that is, “policing policies that have resulted in “decoupling” the relationship between arrests and illegal activity, as illustrated by, for example, New York City’s “Stop, Frisk, and Question” policy (Fagan & Davies, 2000; Fagan et al., 2010; Gelman et al., 2007). Therefore, using this information to make predictions about future behavior may not achieve the results intended and may, more likely, reinforce the discriminatory nature of the criminal justice system. In their 2018 report to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, The Sentencing Project highlighted the overwhelming disparities in the criminal justice system for racially and ethnically minoritized¹ populations, pointing out that these disparities are highest for African Americans. “African Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, they are more likely to experience lengthy prison sentences” (The Sentencing Project, 2018, p. 1).

¹ The use of “minoritized” is intended to refer to the “process [action vs. noun] of student minoritization” that reflects an understanding of “minority” status as that which is socially constructed in specific societal contexts (Benitez, 2010; Stewart, 2013). For example, women are not minorities in legal education today, but they are one of many minoritized groups. These are groups that face social, political, economic, and educational barriers that functionally limit their access to education. Minoritized groups include women, students of color, first-generation college students, students with disabilities, students from low socioeconomic status, LGBTQIA+, transgender, and gender nonconforming students, to name a few.

A recent study conducted by Weaver et al. (2019) explored the evolution of the disparities pointed out in The Sentencing Project report, challenging widely held assumptions that involvement with the criminal justice system is closely correlated with commission of a crime (i.e., “the great decoupling” referred to above). They used the National Longitudinal Study of Youth to compare cohorts of Black and non-Hispanic white youth, focusing on those who were just turning 18 in 1979 and 1997, to examine changes in criminal justice involvement over time. When comparing Black and white youth who had committed the same offenses, the probability of arrest for both groups in 1979 was 0.25. By 1997, the probability of arrest for white youth had grown to 0.6, while the probability for Black youth had grown to 0.8 (Weaver et al., 2019, pp. 109-110). The probability of arrest for nonoffenders also grew disproportionately. Whereas the probability of arrest for both Black and white youth who committed no crime was 0.05 in 1979, it rose to 0.25 for nonoffending Black youth in 1997 but only to 0.15 for white youth (Weaver et al., 2019, p. 111). While numerous researchers point to systemic issues as drivers of growing racial disparities in the criminal justice system, such as a higher likelihood of arrest concentrated in poorer neighborhoods with high proportions of people of color (Langton & Durose, 2013), the impact of individual discrimination cannot be overlooked. For example, Black adolescents who commit illegal acts are more likely to be deemed criminally liable when compared to their white counterparts, leading to harsher punishments (Graham & Lowery, 2004).

Adding to the very clearly demonstrated disparities in the U.S. criminal justice system, and important in the context of law school admission, is the problematic nature of using any type of offense to predict future behavior. Researchers have shown that only a very low proportion of juvenile offenders will go on to commit a crime as an adult (Piquero et al., 2003), and it is nearly impossible to predict who will later go on to offend (Laub & Sampson, 2001; Mulvey et al., 2014). Further, basing a determination of the risk a justice-impacted individual may pose in the future, and, in our context, using this understanding to determine who should be excluded from law school and the legal profession, is largely a function of how recidivism is measured (Klinge, 2019) and may rely more on policing patterns than on actual criminal activity (Epp et al., 2017; Hovda, 2011).

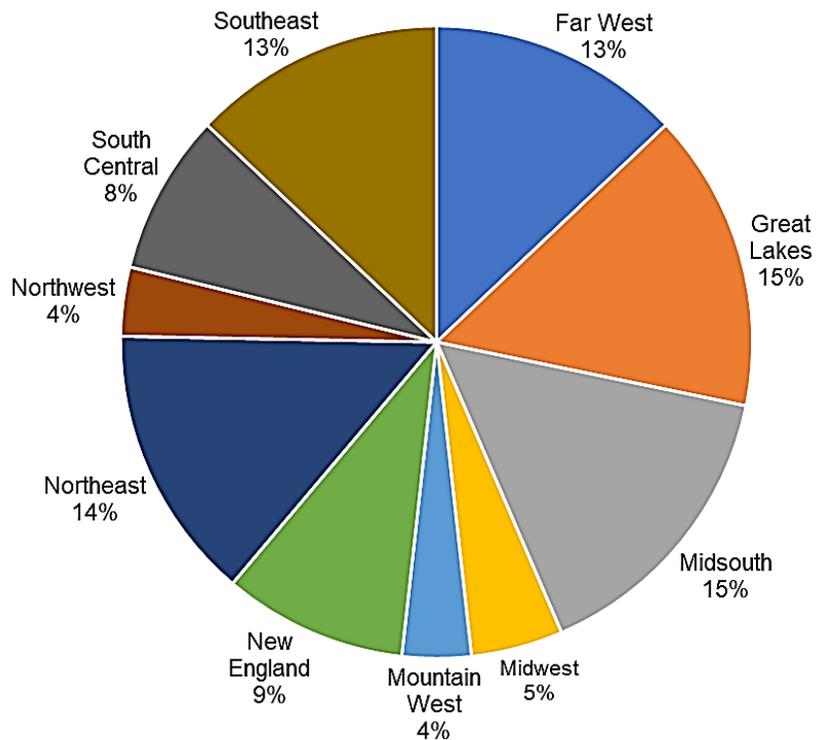
In terms of law school admission, it has also been argued that use of an individual’s criminal justice history as a basis on which to judge their character directly contradicts the Federal Rules of Evidence prohibiting use of prior offenses as evidence of current character (Lusk, 2018). This stance is supported by data showing that lawyer discipline is more closely related to the type of workplace in which a lawyer works than to any history of wrongdoing (Mather & Levin, 2012; Nelson & Trubek, 1992). While many of the studies related to the inequality of opportunity in legal education for those with a justice-impacted background are new (e.g., Cohn et al., 2019), and while the information presented here should not be viewed as justification for entirely disregarding

an individual’s history, at the very least these studies indicate that we need to better understand the full effect of such policies on achieving DEI in legal education. This report is a first step in the journey to ensure that admission policies best serve both law schools and their students, contribute to creating a profession that values equitable access to justice, and stop unintentionally perpetuating an inequitable system.

Survey Response

Figure 1. Responding Law Schools by Geographic Region

The Justice Impact Law School Survey was sent to all 202 LSAC members schools in the U.S. Forty-two percent ($n = 85$) of the schools provided responses that we used to form the basis of the first national-level overview outlining how law schools have engaged with justice-impacted candidates, applicants, and law students. The survey focused on policies and practices during the 2019-2020 academic year. Of the 85 responding schools, 47 completed the entire survey and 38 partially completed the survey. The results in this report come from schools across all geographic regions in the U.S.



(Figure 1).

Recruitment and Admission Policies

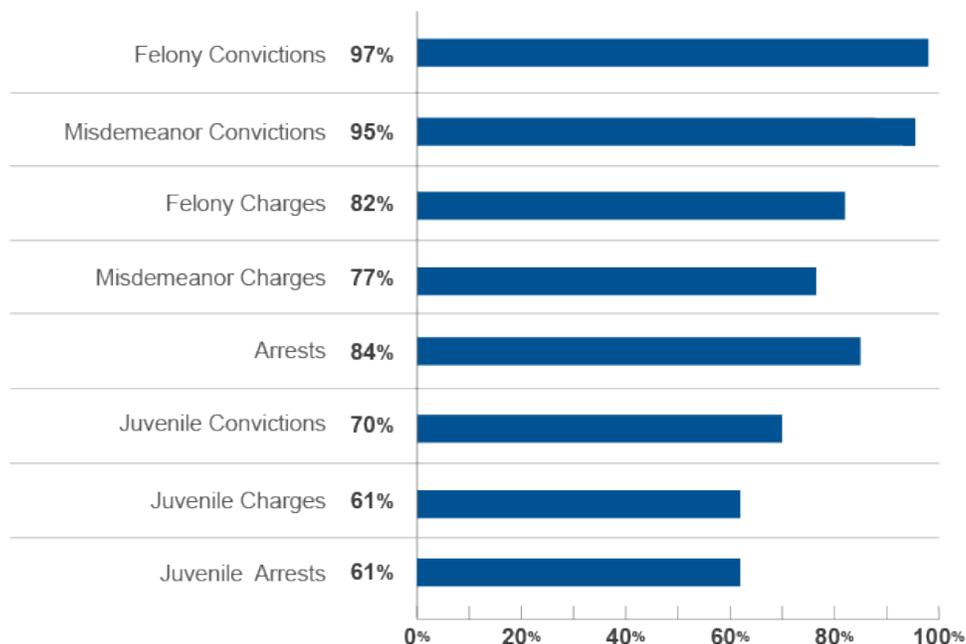
Recruitment

Given the many barriers that justice-impacted law school candidates and applicants face, it is not surprising that few schools intentionally recruit these students. Only 2 of the 85 schools reported intentionally recruiting students who were justice-impacted, with 1 of those schools further specifying that their recruitment strategies included panels and coordination with specific school programs that work with justice-impacted prospective candidates. Based on ABA Standard 501(b) (ABA, 2020) and recruitment practices that have to take into account university, bar, and state policies, it is understandable that schools may find it too overwhelming to navigate the many complex policies that affect justice-impacted individuals. This is a larger systemic issue, but efforts to change the way law schools think about justice-impacted candidates is a necessary first step toward comprehensive change.

Disclosures

Of the 85 law schools that responded, 80 required applicants to disclose at least some aspect of their justice-impacted background; the remaining 5 did not. The majority of schools required applicants to disclose felony convictions, misdemeanor convictions, felony charges, misdemeanor charges, arrests, juvenile convictions, juvenile charges, and juvenile arrests (Figure 2).

Figure 2: Disclosures Required by Schools for Justice-Impacted Applicants (N = 61)



Of the 80 schools requiring disclosure of applicants' justice-impacted backgrounds, 7 required additional disclosures, including speeding tickets, accidents involving liability, pending felony or misdemeanor charges, and grants of immunity in lieu of prosecution. Four schools specifically mentioned differing requirements for disclosing expunged or sealed offenses. Requiring disclosure of expunged or sealed offenses without further explanation to applicants may be confusing for those who believe that such offenses have been completely wiped from their records, many of whom have been told by lawyers that an expunged offense is no longer part of a record and does not have to be disclosed (Simon, 2014). It is important to note that the process of expungement favors white juveniles and those with higher incomes, who often have access to legal services and money to obtain expungement that low-income and juveniles of color do not typically have (Simon, 2014). Therefore, policies that require disclosing expunged or sealed offenses may have a disproportionately negative impact on applicants from minoritized backgrounds.

It is important to consider the literature when examining disclosure requirements. Research shows that the use of both juvenile and misdemeanor charges by many schools may be problematic. In addition to the fact that very few juveniles go on to offend as adults (Piquero et al., 2003), juvenile offenses should not be understood without considering how the developing brain affects behavior in adolescence (National Research Council, 2013, 2014). Decades of research indicate that adolescence is marked by "neurological and psychosocial immaturity" that leads to greater recklessness and susceptibility to involvement in criminal behavior (Monahan et al., 2015, p. 581). Considering when the brain matures and the average age at which individuals apply to law school, the internal developmental factors that likely drove criminal behavior in such applicants when they were juveniles are likely no longer relevant. When combined with the fact that youth of color are more likely to be charged or arrested due to their disparately high levels of contact with police from a young age (Geller & Fagan, 2019; Gray & Lewis, 2015), it may be both exclusionary and functionally useless for admissions purposes to ask about juvenile offenses.

Research also shows that the use of misdemeanor charges to evaluate the merits of a law school applicant is a troubling prospect. Due to systemic changes in policing in the 1990s with a focus on low-level crime (Weaver et al., 2019), misdemeanor charges and arrests increased, but the proportion of those convicted for misdemeanor crimes decreased (Kohler-Hausmann, 2014). This shows that due to systemic changes in policing strategies, those who were charged or arrested for misdemeanor crimes without being convicted were, over time, being increasingly victimized by a problematic system. Therefore, legal education and legal-profession stakeholders may benefit from understanding how specific changes in policing affect

different types of offenses, and how admission review procedures that rely on disclosure policies are likely to perpetuate unintentional bias.

Figure 3 and Table 1 illustrate that disclosure policies are not driven by university policies (see Figure 3); rather they are largely driven by ABA-required disclosures, with approximately 70% of schools requiring the same disclosures as are required by the state bar application.

Figure 3: Law School Required to Use University Disclosure Policy (N = 59)

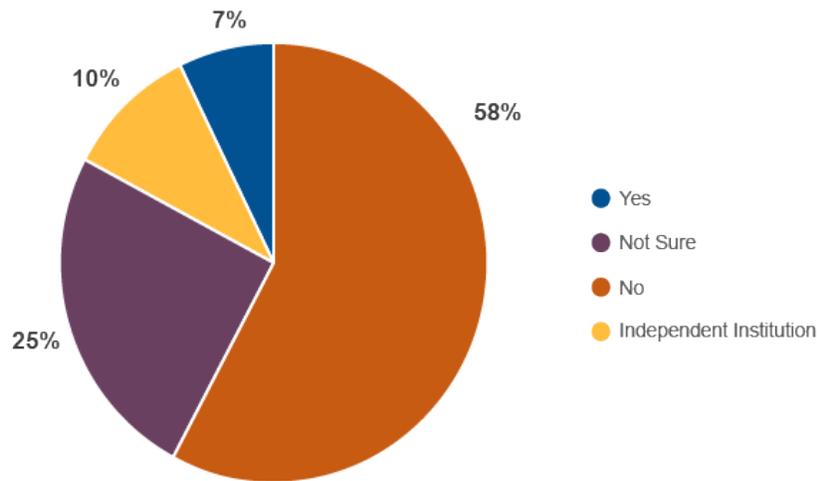


Table 1: Law School-Required Disclosures Compared to University and State Bar Application-Required Disclosures

<i>Disclosure Comparison</i>	<i>University Number</i>	<i>University Percentage</i>	<i>State Bar Application Number</i>	<i>State Bar Application Percentage</i>
Require less	1	2.3%	10	17.9%
Require more	35	79.5%	7	12.5%
Require the same	8	18.2%	39	69.6%
Total responses	44	100%	56	100%

The clear results showing how state bar policies drive required application disclosures underscores the need for multiple stakeholders at all points in the legal education pipeline to be involved in conversations about policies and practices that affect justice-impacted candidates.

Applicants, Admission, and Enrollment

The number of justice-impacted applicants as well as those who were subsequently admitted and enrolled in the last year varied dramatically across the reporting schools. In 2019, of the 24 schools that reported receiving at least one justice-impacted applicant, the average admission rate was 36% and the average enrollment rate was 39%.² It is important to keep in mind that these admission and enrollment rates are not necessarily representative of policies and practices at all schools, but they do provide a broader understanding than has been available based on any previous surveys. Some schools also clarified at the end of the survey that they do not track the number of justice-impacted applicants and enrollees. As the field of legal education works toward greater DEI, it will be important to educate schools about the need to track not only the number of justice-impacted applicants and enrollees but also who these individuals are. Without a broad baseline understanding of who justice-impacted applicants and students are, we will not be able to understand the full impact of exclusionary policies and the breadth of changes needed to break down existing barriers.

Application Review Procedures

Some schools ($n = 11$, or 19% of 58 schools responding to this question) reported that they evaluate justice-impacted applicants in a different way than other applicants, often on a case-by-case basis, with the intention of ensuring that an applicant's background is not automatically considered a barrier to admission. While there are no standardized review practices for law schools, the most commonly reported procedural differences include requiring additional documentation and an additional layer of review. A number of schools further specified who conducts the additional review and, in some cases, what they look for during this review. For example:

- An admission committee is tasked with determining whether a reasonable assumption can be made that applicants could move successfully through the licensing process. This also assumes they were already a good academic and community fit for the institution (those assessments would have occurred prior

² The average admission rate was calculated by adding the rate of each school and dividing the total by the number of schools ($n = 24$). The same was done for the average enrollment rates across the 24 responding schools.

to seeking input on the applicant's history of involvement with the criminal justice system).

- Student Affairs and academic deans conduct reviews.
- A designated committee member provides recommendations related to the underlying justice issue only.
- The associate dean of enrollment reviews applications first before applications head to the admission committee.
- The dean designated for character and fitness conducts reviews.
- The dean of students assesses a number of factors, such as potential issues with bar certification and safety of the student population.

While it is evident that many schools acknowledge the importance of thoroughly reviewing applications of justice-impacted applicants, actual practices may inject a prejudicial element into the admission process. For example, one school noted that justice-impacted applicants are not eligible for “presumptive admit”; the same school is one of the many schools that asks for disclosure of juvenile charges, arrests, and convictions. As noted earlier in this report, due to disparities in the criminal justice system, youth of color are much more likely to become involved in the juvenile justice system. Combining this with the fact that juvenile offenders are unlikely to go on to commit offenses as adults, it is clear that excluding well-qualified applicants from presumptive admit based on actions that occurred when they were a juvenile likely disproportionately impacts applicants of color.

Clearly more research is needed to examine how application reviewers understand and evaluate justice-impacted applicants, what factors are considered to demonstrate fitness, and whether “reasonable assumptions” held by reviewers accurately predict an applicant's success as a law student. Research noted previously indicates that these “reasonable assumptions” more likely serve to wrongly exclude justice-impacted applicants. Additionally, more research is needed to explore how an applicant's background (if they are admitted) may affect other students, how justice-impacted students experience law school, and what factors bar examiners consider when admitting justice-impacted law graduates to the bar. These are only some of the many questions that need to be examined to better inform policies and practices that affect justice-impacted people in the law school and legal profession pipeline.

Student Information and Services

Information About State Bar Application-Required Disclosures

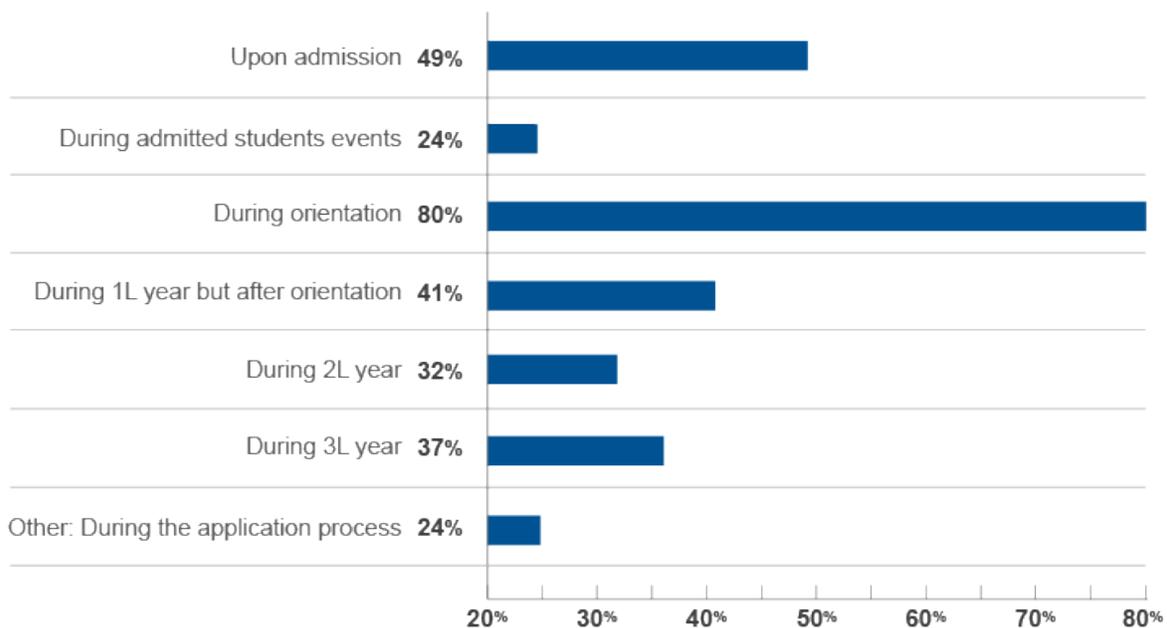
Schools vary in their policies regarding when they inform justice-impacted candidates, applicants, and students about how required disclosures may affect their admission to the bar (Figure 4).³ The timing of when law schools convey this information is important in understanding how required disclosures might discourage justice-impacted individuals from even applying to law school. The timing of information dissemination by most schools is largely driven by ABA Standard 504(b) (ABA, 2020) which states, “The law school shall, as soon after matriculation as is practicable, take additional steps to apprise entering students of the importance of determining the applicable character, fitness, and other requirements for admission to the bar in each jurisdiction in which they intend to seek admission to the bar.” Since schools are required (i.e., by the inclusion of “shall”) to convey this information to students upon matriculation, it is not surprising that most schools provide information about how disclosures can affect students’ ability to sit for the bar exam once they are admitted, usually during orientation (80%). However, Standard 504(b) also states that schools shall take “additional steps” to convey this information to students. This implies that the information provided “as soon after matriculation as is practicable” should not be the first time the information is conveyed. Yet, only a minority of schools (10 of the 41 respondents) reported that they informed justice-impacted candidates about state bar application-required disclosures in their application materials or during the application process.⁴ More research is needed to understand what information is provided at what time and whether providing this information before matriculation, the places in which the information is offered (e.g., posted on the web versus part of application material) as well as the way disclosure is explained during the application process, helps or hinders justice-impacted individuals aspiring to attend law school.

³ The National Conference of Bar Examiners (NCBE) annually publishes the *Comprehensive Guide to Bar Admission Requirements a Bar Admission Guide*, which includes an overview of character and fitness determinations for each state bar and a directory of state bar admission agencies so that students can stay current on bar admission such requirements. At the time of this report, the most recent *Guide* was available for viewing at https://www.ncbex.org/assets/BarAdmissionGuide/CompGuide2020_021820_Online_Final.pdf.

⁴ These results do not imply that any of the schools who did not mention offering information about the state bar application requirements during the application process are not in compliance with ABA standards. The specific survey question did not include answer choices for any specific timing before “upon admission.” The schools that are cited as providing the information during the application process wrote in their own answer to the question. This is another topic that will need to be explored in more detail in subsequent research.

Some schools (15 of the 41 respondents) reported that they inform students multiple times during their law school experience. Since students may be overwhelmed at orientation, it is important to better understand the functional difference between providing this information once during orientation or upon admission versus at multiple points throughout a student’s law school tenure. Given the reported trends in timing, those driving DEI efforts at law schools would likely benefit from more education about the impact that the timing of information delivery may have on prospective justice-impacted candidates and the possible benefits of modifying existing practices.

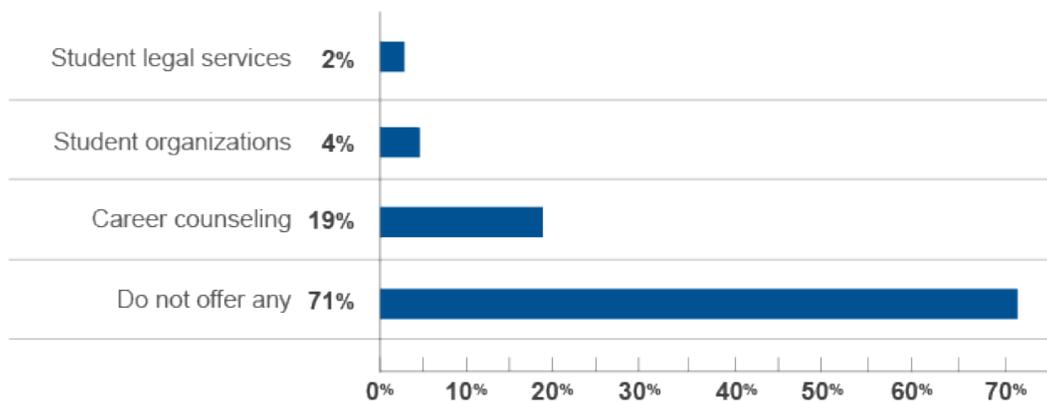
Figure 4: When Law School Candidates, Applicants, and Students Receive Information About Disclosure Requirements for State Bar Admission (N = 41) Student Services



Encouragingly, 69% of the 52 responding schools indicated that they do provide some type of student services or support for justice-impacted students, typically on a case-by-case basis to ensure their unique needs are addressed. All of the schools reported providing justice-impacted students with resources and/or assistance to navigate the state bar application and licensing procedure. Justice-impacted students receive these resources and forms of support from different offices and personnel in their schools, including the Office of Student Affairs, the dean of students, the director of academic success, the Office of Academic Affairs, and the Office of Academic Success & Bar Prep. Many schools also refer justice-impacted law students to attorneys specializing in character and fitness issues, to the Board of Law Examiners, and to state-specific lawyer assistance programs. Some schools reported taking an additional step to assist students by bringing state bar representatives to campus to answer questions.

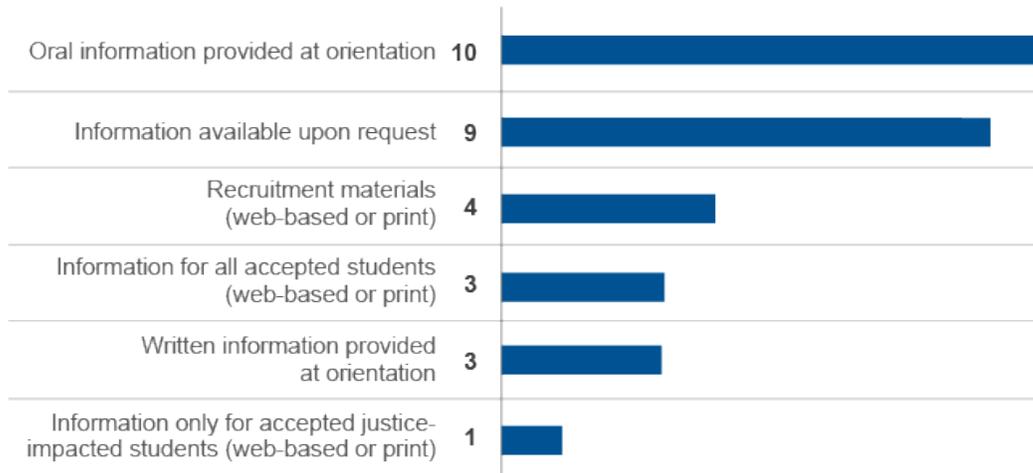
In addition to providing assistance and resources to help justice-impacted students navigate the bar application process, a small number of schools ($n = 13$) reported providing student services including career counseling, student organizations, and student legal services specifically for justice-impacted students (Figure 5). However, a majority (71%) of schools ($n = 37$) indicated that they do not offer any student services specifically for justice-impacted students, and none of the responding schools reported offering financial aid specifically for justice-impacted students. Because justice-impacted students are often ineligible for federal financial aid, and because of the well-known burdensome cost of legal education, lack of funding may be a larger barrier to legal education for these students than for others. Therefore, more research is needed to understand how the lack of scholarships and grants impacts the enrollment rates of justice-impacted applicants who are admitted.

Figure 5: Services Offered Specifically for Justice-Impacted Students (N = 52)



While offering resources and services is an important step in supporting justice-impacted students, such offerings are useless if students are not aware of them. Of the schools that indicated that they provided resources and services for justice-impacted students, the most common ways that students were informed were oral information at orientation ($n = 10$) and information upon request ($n = 9$; Figure 6). The ways in which schools provide information about resources and services have implications for strategies around recruiting and supporting justice-impacted students. Knowing what resources and supports are available in law school is important for justice-impacted candidates and applicants during their law school search and enrollment journey.

Figure 6: Methods Used to Provide Information About Resources for Justice-Impacted Students (N = 13)

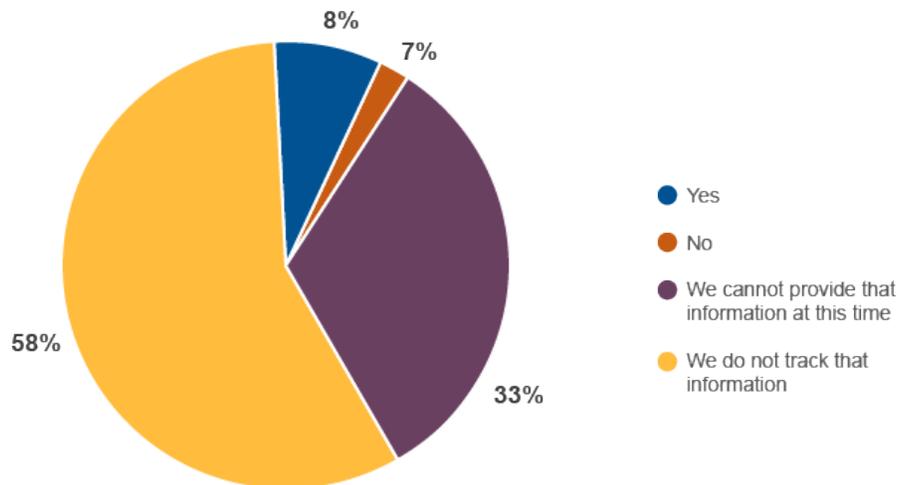


Employees and Training

While justice-impacted status can be, understandably, a sensitive topic for schools and individuals, and while disclosure often carries long-term legal ramifications despite growing efforts (e.g., Ban the Box initiatives in higher education) to destigmatize justice system involvement (Bressler & Von Bergen, 2018; Le, 2016; Mosley, 2013), the literature indicates that for any minoritized and/or stigmatized population of students, seeing people in positions of power who look like and/or have similar experiences can be essential to their academic success. With this understanding, the survey also included questions about faculty and staff, addressing both personal experiences and institutional practices.

The majority of responding schools reported that they do not track justice-impacted status for faculty or staff (Figure 7). Only four schools indicated that they employ justice-impacted faculty and/or staff. Most schools reported that they either do not track the information (58%) or were unable to provide the information to us at this time (33%).

Figure 7: Employ Justice-Impacted Faculty or Staff (N = 52)



Even if schools do not track or disclose the justice-impacted status of faculty or staff, they still can create a supportive environment for justice-impacted students through training and professional development. Since the legal education field is just beginning to grapple with how to break down the application, admission, and enrollment barriers for justice-impacted students, it is not surprising that only 5 of the 52 responding schools (9.6%) reported that they offer training specifically addressing equitable treatment of justice-impacted students: Three of those schools reported that such training is offered annually but it is only mandatory for all employees at 1 of the schools; one school reported that they offer quarterly training, which is only mandatory for some employees; and the fifth school reported that the training was mandatory for all upon employment.

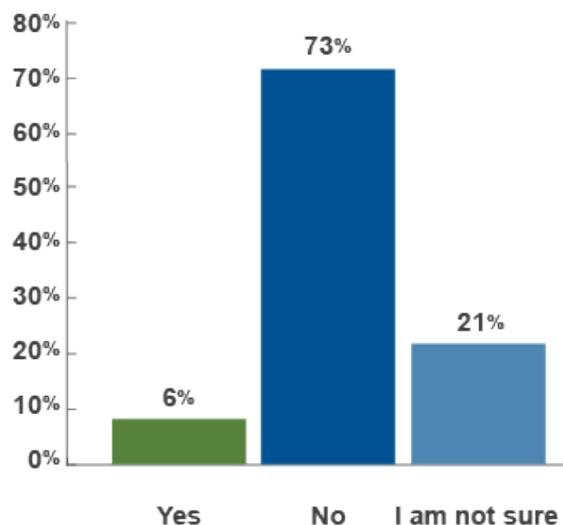
The fact that so few schools include justice-impacted individuals as a specific group in training indicates there is a great need for more education and consciousness-raising about justice-impacted students, lawyers, and professionals. A comment in the survey reiterated the lack of knowledge about justice-impacted individuals and the importance of understanding the justice-impacted experience in the enrollment journey, in legal education, and in the legal professional. As one school commented, “we have learned from our graduates that people with personal justice system experience have the potential to add uniquely to the profession's problem solvers who dedicate their careers to promoting inclusive and effective positive legal change.” This reinforces the idea that DEI efforts in legal education must include the experiences of candidates who are justice-impacted.

Policies

Schools' commitment to diversity, equity, and inclusion is reflected in their policies, and central to that commitment are their nondiscrimination policies. Close to three quarters ($n = 35$) of the schools that responded to these series of questions said that their school's nondiscrimination policy does not specifically name justice-impacted people as a protected class (Figure 8). The few schools who reported specifically naming justice-impacted people as a protected class did so by including language such as "ex-offender status," "prior record of arrest or conviction," and "arrest and court record" in their policies.

Law schools were asked to compare their nondiscrimination policies with their university's nondiscrimination policies. All responding schools reported that they followed their university's policies. This indicates that higher education institutions, not just law schools, need to be included in the conversation about the impact of current policies and how to eliminate unintentional discrimination in order to be more inclusive. As with most of the topics explored in the survey, more research is needed to understand the impact that higher education policies have on law school application and admission practices and procedures, and how these policies are driven by the legal profession gatekeeping policies and practices set by bodies such as the Board of Law Examiners and state laws regulating the legal profession.

Figure 8: Law School Nondiscrimination Policies Specifically Naming Justice-Impacted People as a Protected Class ($N = 48$)



Conclusion

Given the established literature about racial disparities in the criminal justice system and the disproportionate impact of prior criminal justice involvement on the lives of minoritized group members, a greater understanding of the justice-impacted population associated with law schools is essential for a well-developed foundation to guide us in moving forward as a field in an equitable way. The results of this survey provide the first national picture of current law school recruitment practices, admission policies, and support services specifically for justice-impacted candidates, applicants, and students. While it is encouraging that some schools are making concerted efforts to be inclusive and supportive of justice-impacted individuals at multiple points in the legal pipeline, more research and education are needed in order for schools and stakeholders to truly understand the experiences of justice-impacted individuals who aspire to become law students: As one school noted, justice-impacted students have a unique perspective to offer, and we need to be attentive to that perspective.

Recent research as cited throughout the report and future research about the criminal justice system and justice-impacted individuals are crucial for evaluating law schools' current practices, policies, and services and how those can be built on to expand DEI efforts. The results of our survey support the need for more robust national-level research about justice-impacted individuals interested in legal education. This will require a collective effort involving the multiple legal education and legal profession stakeholders that influence the policies and practices that, although well-meaning, have created sometimes insurmountable barriers to justice-impacted law school applicants, perpetuating a system that disproportionately disadvantages law school applicants of color.

Although more holistic research is needed, the results of our survey also indicate that law schools could benefit from more information and a concerted educational effort to break down the stigma surrounding justice-impacted individuals. The results signal the need to examine reliance on sometimes incorrect assumptions about the importance of an individual's background to success in law school, and point to the importance of having a better understanding of how law schools can take part in addressing the systemic issues that have created our currently unequal system.

It is important to educate and train law school administrators, faculty, and legal profession stakeholders about what justice-impacted people have to offer to the profession and how they can help expand access to justice. Given how the profession is regulated through the standard set by the vaguely defined ideas of moral character and fitness (Valerio, 2017), law schools may be hesitant to adjust their recruitment efforts to include justice-impacted people without having a better understanding of complex criminal justice issues and their intersection with legal education. Many justice-impacted candidates are hesitant about applying to law school, and yet much of that hesitancy could be addressed if stakeholders in legal education engaged in a meaningful

conversation about being justice-impacted and the contributions justice-impacted people can have in society as legal professionals and then use the information from these conversations to inform recruitment and admission practices.

Along with a better understanding of justice-impacted people in general, including justice-impacted prospective law students and future legal professionals, comes the need to raise awareness about the importance of intentional tracking and data collection about justice-impacted people's experiences. Considering the long-standing issues many legal educators and practitioners have raised concerning required disclosures for both law school and bar admission as well as the results from this survey, a next step must include a more thorough exploration of how disclosure requirements are a barrier for justice-impacted applicants and their impact on minoritized applicants—especially racially and ethnically minoritized applicants. Due to systems of inequality compounding financial inequality, subsequent research should also examine how the lack of financial aid and resources affects enrollment decisions for admitted justice-impacted applicants and their ability to successfully sit for the bar exam.

This survey is the first step in understanding how law schools across the United States are recruiting, admitting, and supporting justice-impacted students. Addressing inequity in the law school enrollment journey, in legal education, and in the legal profession requires consciousness-raising, collaborative advocacy, policy change, adoption of empirically driven best practices, and more. With this report, we seek to begin a national conversation to inform diversity, equity, and inclusion efforts with the intention of increasing access to law school and beyond.

References

- American Bar Association. (2020). *Standards and rules of procedure for approval of law schools 2020-2021*.
http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2020-2021/2020-21-aba-standards-and-rules-chapter5.pdf
- Benitez, Jr., M. (2010). Resituating culture centers within a social justice framework: Is there room for examining whiteness? In Lori D. Patton (Ed.), *Culture centers in higher education: Perspectives on identity, theory, and practice* (pp. 119-134). Stylus Publishing.
- Bressler, M. S., & Von Bergen, C. W. (2018). Moving beyond the box: Improving educational opportunities for ex-offenders. *Tennessee Journal of Race, Gender, & Social Justice*, 7, 81.

- Cohn, C., Mukamal, D. A., & Weisberg, R. (2019, July). *Unlocking the bar: Expanding access to the legal profession for people with criminal records in California*. Stanford Law School, Stanford Center on the Legal Profession & Stanford Criminal Justice Center. <http://www-cdn.law.stanford.edu/wp-content/uploads/2019/07/Unlocking-the-Bar-July-2019.pdf>
- Epp, C. R., Maynard-Moody, S., & Haider-Markel, D. (2017). Beyond profiling: The institutional sources of racial disparities in policing. *Public Administration Review*, 77(2), 168-178.
- Fagan, J., & Davies, G. (2000). Street stops and broken windows: Terry, race, and disorder in New York City. *Fordham Urban Law Journal*, 28, 457.
- Fagan, J., Geller, A., Davies, G., & West, V. (2010). Street stops and broken windows revisited: The demography logic of proactive policing in a safe and changing city. In S. Rice & M. D. White (Eds.), *Race, ethnicity, and policing: New and essential readings* (pp. 309-348). New York University Press.
- Fortney, S. (2004). Law student admissions and ethics—Rethinking character and fitness inquiries. *South Texas Law Review*, 45(4), 983-996.
- Friedman, M. (2015, November 17). *Just facts: As many Americans have criminal records as college diplomas*. Brennan Center for Justice. <http://www.brennancenter.org/our-work/analysis-opinion/just-facts-many-americans-have-criminal-records-college-diplomas>
- Geller, A., & Fagan, J. (2019). Police contact and the legal socialization of urban teens. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 5(1), 26-49.
- Gelman, A., Fagan, J., & Kiss, A. (2007). An analysis of the New York City police department's "stop-and-frisk" policy in the context of claims of racial bias. *Journal of the American Statistical Association*, 102(479), 813-823.
- Graham, S., & Lowery, B. S. (2004). Priming unconscious racial stereotypes about adolescent offenders. *Law and Human Behavior*, 28(5), 483-504.
- Gray, L., & Lewis, L. (2015). *Public school safety and discipline: 2013-14. First look*. NCES 2015-051. National Center for Education Statistics.
- Hovda, J. (2011). The efficacy of Idaho's domestic violence courts: An opportunity for the court system to effect social change. *Idaho Law Review*, 48, i.
- Klinge, C. (2019). Measuring change. *The Journal of Criminal Law and Criminology* (1973-), 109(4), 769-817.

- Kohler-Hausmann, I. (2014). Managerial justice and mass misdemeanors. *Stanford Law Review*, 66, 611.
- Langton, L., & Durose, M. R. (2013). *Police behavior during traffic and street stops, 2011*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. <http://www.bjs.gov/content/pub/pdf/pbtss11.pdf>
- Laub, J. H., & Sampson, R. J. (2001). Understanding desistance from crime. *Crime and Justice*, 28, 1-69.
- Le, A. (2016). Serving the sentence: Supporting formerly incarcerated students in higher education. *Journal of Student Affairs at New York University*, 12, 56.
- Lusk, L. R. (2018). The poison of propensity: How character and fitness sacrifices the “others” in the name of “protection.” *University of Illinois Law Review*, 2018(1), 345.
- Mather, L., & Levin, L. C. (2012). Why context matters. In L. C. Levin & L. Mather (Eds.), *Lawyers in Practice: Ethical Decision Making in Context* (pp. 3-24). University of Chicago Press.
- Monahan, K., Steinberg, L., & Piquero, A. R. (2015). Juvenile justice policy and practice: A developmental perspective. *Crime and Justice*, 44(1), 577-619.
- Mosley, B. (2013). Removing the stigma of past incarceration: "Ban the Box" laws. *New Politics*, 14(3), 60.
- Mulvey, E. P. (2014). Using developmental science to reorient our thinking about criminal offending in adolescence. *Journal of Research in Crime and Delinquency*, 51(4), 467-479.
- National Research Council. (2013). *Reforming juvenile justice: A developmental approach*. Committee on Assessing Juvenile Justice Reform, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. National Academies Press.
- National Research Council. (2014). *Implementing juvenile justice reform: The federal role*. Committee on a Prioritized Plan to Implement a Developmental Approach in Juvenile Justice Reform, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. National Academies Press.
- Nelson, R. L., & Trubek, D. M. (1992). Arenas of professionalism: The professional ideologies of lawyers in collective and workplace contexts. In R. L. Nelson, D. M. Trubek, & R. L. Solomon (Eds.), *Lawyers' ideals/lawyers' practices*:

Transformations in the American legal profession (pp. 177-214). Cornell University Press.

Piquero, A. R., Farrington, D. P., & Blumstein, A. (2003). Criminal career paradigm: Background, recent developments, and the way forward. *International Annals of Criminology*, 41, 243.

The Sentencing Project. (2018, March). *Report of The Sentencing Project to the United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance: Regarding racial disparities in the United States criminal justice system*. The Sentencing Project. <http://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

Simon, M. M. (2014). Limiting the use of expunged offenses in bar and law school admission processes: A case for not creating unnecessary problems. *Notre Dame Journal of Law, Ethics & Public Policy*, 28(1), 79-124.

Stewart, D.-L. (2013). Racially minoritized students at US four-year institutions. *The Journal of Negro Education*, 82(2), 184-197.

Valerio, J. A. (2017). The impact of the character fitness honesty and financial responsibility requirements on underprivileged groups. *Georgetown Journal of Legal Ethics*, 30, 1093.

Weaver, V. M., Papachristos, A., & Zanger-Tishler, M. (2019). The great decoupling: The disconnection between criminal offending and experience of arrest across two cohorts. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 5(1), 89-123.